

Communication from Public

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Council File No: 20-0813-S1

Comments for Public Posting: Please see attached letter for submission into the record on behalf of UNITE HERE Local 11, National Resources Defense Council (NRDC), and Sunrise Movement LA Chapter regarding CEQA Appeal of Olympic Tower (Council file nos. 20-0813 & 20-8013-S1).



September 29, 2021

VIA EMAIL & ONLINE PORTAL: <https://cityclerk.lacity.org/publiccomment>

City Council, City of Los Angeles
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Hon. Kevin De Leon, Council District 14
City of Los Angeles
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RE: CEQA APPEAL OF OLYMPIC TOWER PROJECT (COUNCIL FILE NOS. 20-0813 & 20-0813-S1)

Dear Honorable Councilmembers and Council District 14:

On behalf of Natural Resources Defense Council ("NRDC"), Sunrise Movement LA Chapter ("Sunrise"), and Unite Here Local 11 ("Local 11") (collectively "Commenters"), we write to you regarding the California Environmental Quality Act ("CEQA") appeal of the Olympic Tower mixed-use hotel development ("Project") located at 813-815 West Olympic Blvd., located in the City of Los Angeles ("City"). Specifically, this letter responds to the City Clerk's Corrected Memorandum dated May 20, 2021 ("Memo") claiming Local 11's CEQA appeal was "deemed denied" due to the City Council's failure to act on Local 11's CEQA appeal before November 25, 2019.¹ With all due respect, the Clerk's Memo is meritless and utterly inconsistent with CEQA and the Los Angeles Municipal Code ("LAMC" or "Code").

Contrary to the Memo's claims, the City Council has not lost jurisdiction on any of the Project's discretionary approvals, including the Project's: (i) Vesting Tentative Tract Map ("VTT") under Department of City Planning ("DCP") Case No. VTT-73966; (ii) various land use entitlements ("Entitlements"),² including the Transfer of Floor Area ("TFAR"), under DCP Case No. CPC-2015-4577; and (iii) certification of an Environmental Impact Report ("EIR") and associated environmental findings under DCP Case No. ENV-2015-4558 (collectively "Project Approvals").

¹ Memo (5/20/21) https://clkrep.lacity.org/online/docs/2020/20-0813_misc_MTF_05-20-21.pdf. The Memo which (if not revoked) torpedoes Local 11's three CEQA appeals years after they were first filed and accepted by City officials was never served on Local 11 or its representative. And nobody picked up the phone either. This runs afoul of basic noticing requirements under zoning, CEQA, municipal, and administrative law. Why, and with all due respect to their offices and public service, are the Clerk and DCP acting this way?

² Including Transfer of Floor Area Rights to transfer approximately 557,000 square feet of floor area to the Site ("TFAR"), Master Conditional Use Permit for alcohol sales ("MCUP"), Conditional Use Permit to allow dancing ("CUP"), Director's Decision to provide less trees and relocation of bicycle parking ("DD"), and Site Plan Review for a project resulting in an increase of 50 or more dwelling units ("SPR").

As detailed herein, Local 11 has timely appealed the Project three times and the City has repeatedly stated in writing that Local 11's VTT/EIR appeal would be heard by Planning & Land Use Management ("PLUM") Committee. The Memo's new, surprise claim that the VTT/EIR appeals were denied almost two years ago despite new appeals being filed and accepted since then with numerous subsequent oral and written promises from the Department of City Planning ("DCP") that the appeals would be heard by Council borders on outrageous.

Commenters trust the City Council and Council District 14 will take appropriate steps to ensure PLUM will hear Local 11's VTT/EIR appeal and consider the CEQA environmental determinations. Section I below highlights the relevant sequence of events at issue here, which clearly shows any delay by PLUM or City Council to act on the VTT/EIR appeal was due to the applicant's consent to continue its TFAR approval. Section II below provides numerous reasons why the City Council has never lost jurisdiction on any of the Project Approvals.

The Clerk's Memo, from what we can deduce, seems to claim that the City Council lost jurisdiction over Local 11's VTT/EIR appeal (filed October 31, 2019) under LAMC § 17.06.A.4 because Council failed to act within 30 days of Hotel Figueroa's separate VTT/EIR appeal filed October 25, 2019). This out-of-the-blue claim is wrong. The Memo's claim that the Council lost jurisdiction over the Project's VTT and EIR approvals relies on wrong assumptions that, among other things:

- 1) Ignore DCP's numerous written and oral promises that the VTT/EIR appeals for this Project were to be heard by Council;
- 2) Ignore state CEQA law that mandates that a CEQA appeal of a decision by a non-elected body is to be heard by the elected City Council;
- 3) Ignores that neither state CEQA law nor City Code contain any 'deemed denied' provision for CEQA appeals;
- 4) Ignores that Local 11's VTT/EIR appeals trigger the City's own CEQA Procedures Ordinance that stays all underlying project approvals and which contains no deemed denial provision;
- 5) Ignores that extensions of timelines here were agreed to by the applicant; and
- 6) Ignores Local 11's VTT/EIR appeal was independently filed six days after unrelated third-party Hotel Figueroa filed its own VTT/EIR appeal—each with different and distinct 30-day time periods.

The Clerk's Memo is unlawful if even one of these many assumptions is wrong or false, and there are other problems with the Clerk's Memo—factual, legal, and logical—as explained below.

As such, we respectfully request the City Clerk issue an immediate corrected memo to reflect that City Council has not lost jurisdiction on any of the Project Approvals, including but not limited to Local 11's VTT/EIR appeal. This must occur before the Project's pending PLUM hearing currently scheduled for October 5, 2021.

I. BACKGROUND ON PROJECT APPROVALS

Table 1 below identifies key dates of the public votes and written Letter of Determination ("LOD") on the Project Approvals (the latter triggering deadlines to appeal):

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Table 1: Timeline of Project Approvals

09/06/19	Advisory Agency issues LOD approving VTT and EIR. ³
09/16/19	Local 11's first timely appeal of VTT/EIR approval to City Planning Commission ("CPC"). ⁴
10/10/19	CPC votes to approve all Project Approvals, ⁵ except for the TFAR that was "continued" (with the applicant's consent) to reassess the public benefit payment. ⁶
10/21/19	CPC issues LOD approving VTT and EIR but takes no action on any Entitlements. ⁷
10/31/19	Local 11's second timely appeal of VTT/EIR approval to City Council. ⁸
04/23/20	CPC votes to recommend the City Council to approve the TFAR and "certify" the EIR, ⁹ <i>where it is confirmed that the TFAR was continued and that PLUM would hear the VTT/EIR appeal after CPC's final action.</i> ¹⁰
05/26/20	CPC issues LOD approving Entitlements and recommending City Council certify EIR and approve TFAR, ¹¹ <i>and confirms EIR was "reopened" upon the second VTT/EIR appeal that awaits future public hearing at City Council.</i> ¹²
06/10/20	Local 11's third timely appeal of Entitlements to City Council. ¹³
07/24/20	City issues first memo (never served on Local 11 or its representative) claiming Council purportedly lost jurisdiction over VTT/EIR appeal on November 15, 2019 (citing LAMC § 17.06.A.4). ¹⁴
05/20/21	City issues superseding memo (never served on Local 11 or its representative) claiming Council purportedly lost jurisdiction over VTT/EIR Appeal on November 25, 2019 (also citing LAMC § 17.06.A.4). ¹⁵

³ Attached to CPC's subsequent issued LOD. (See CPC (10/21/19) LOD, PDF p. 3, <https://planning.lacity.org/pdiscaseinfo/document/MjE5MjE50/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>.)

⁴ Local 11 (9/16/19) Appeal Package, https://www.dropbox.com/s/5q0daehjgaadutd/2019.09.16_Appeal%20to%20CPC%20%28VTT%20%26%20ENV%29.pdf?dl=0.

⁵ See CPC (10/10/19) Agenda, pp. 4-5 (Items 6 and 7), <https://planning.lacity.org/dcpapi/meetings/document/65009>; CPC (10/10/19) Minutes, PDF pp. 2-4, <https://planning.lacity.org/dcpapi/meetings/document/65451>; CPC (10/10/19) Audio for Item 6/7, hh:mm:ss 0:0:0-0:0:30, 1:35:00-1:38:25 (Items 6 and 7 heard together with vote at the end), <https://planning.lacity.org/StaffRpt/Audios/CPC/2019/10-10-2019/6%20VTT-73966.MP3>.

⁶ Ibid., CPC Audio at hh:mm:ss 0:19:05-0:19:55, 0:55:20-0:56:30, 1:17:25-1:19:15, 1:35:00-1:35:20, 1:37:55-1:38:15.

⁷ Supra fn. 3 (CPC (10/21/19) LOD).

⁸ Local 11 (10/31/19) Appeal Justification Cover Letter, https://clkrep.lacity.org/online/docs/2020/20-0813_misc_06-18-2020.pdf.

⁹ CPC (4/23/20) Agenda, pp. 3-4 (Item 6), <https://planning.lacity.org/dcpapi/meetings/document/69303>; DCP (4/23/20) Supplemental Recommendation Report, p. 2 (see requested actions on EIR), [https://planning.lacity.org/odocument/032acb5d-ed67-49dd-9f23-3da567087365/CPC-2015-4557_\(4\).pdf](https://planning.lacity.org/odocument/032acb5d-ed67-49dd-9f23-3da567087365/CPC-2015-4557_(4).pdf); CPC (4/23/20) Minutes, PDF p. 4-6 (Item 6), <https://planning.lacity.org/dcpapi/meetings/document/69305>; CPC (4/23/20) Audio for Item 6, hh:mm:ss 0:6:00-0:6:30, <https://planning.lacity.org/StaffRpt/Audios/CPC/2020/04-23-2020/6%20CPC-2015-4557.mp3>.

¹⁰ Ibid., DCP Supplemental Recommendation Report at pp. A-5 – A-6, P-1; see also Ibid., CPC Audio for Item 6 at hh:mm:ss 0:4:40-0:5:40, 0:7:50-0:9:30, 0:45:50-0:46:00 (CEQA appeals are going to be before City Council).

¹¹ CPC (5/26/20) LOD, p. 2-3, https://clkrep.lacity.org/online/docs/2020/20-0813-s1_rpt_CPC_06-18-2020.pdf.

¹² Ibid., at p. 1 (fn. 1 & 2).

¹³ Local 11 (6/10/20) Appeal Form, p. 2, https://clkrep.lacity.org/online/docs/2020/20-0813-s1_misc_06-18-2020.pdf; Local 11 (6/10/20) Appeal Justification, https://clkrep.lacity.org/online/docs/2020/20-0813-s1_misc_1_06-18-2020.pdf.

¹⁴ City (7/24/20) Memorandum to File, https://clkrep.lacity.org/online/docs/2020/20-0813_misc_7-24-20.pdf.

¹⁵ Supra fn. 1 (Memo (5/20/21)).

II. THE CITY COUNCIL HAS NOT LOST JURISDICTION ON ANY OF THE PROJECT APPROVALS

First, the Clerk's Memo incredibly insists Council cannot hear the VTT or EIR appeal, notwithstanding the fact that Local 11 has filed three appeals—all of which were accepted by City Planning—and the City's repeated written and verbal confirmation that the CEQA EIR was "reopened" upon the second VTT/EIR appeal and awaited a future public hearing at City Council after CPC's final action on the TFAR. (See Fig. 1-3 below [highlighted for your convenience]):

Figure 1: DCP (4/23/20) Supplemental Recommendation Report, pp. A-5 - A-6, P-1.¹⁶

On October 10, 2019, the City Planning Commission approved the remaining entitlement requests, with the exception of the Transfer of Floor Area request, which was continued to a subsequent date. The City Planning Commission also denied the previously filed Appeal of the Vesting Tentative Tract Map and certified the EIR. Subsequent to that action, second level

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appeals of the Tract Map and Environmental Impact Report were filed on October 25th and October 31st, 2019, to be scheduled and heard at the City Council's Planning and Land Use Management Committee following the CPC's action of this TFAR request.

* * *

Since the October 10, 2019 City Planning Commission meeting, a representative of the owner of the adjacent Hotel Figueroa located at 939 S. Figueroa Street filed an appeal of the City Planning Commission's associated Vesting Tentative Tract Map Denial (VTT-73966-1A) and the certification of the Environmental Impact Report. The appeal will be heard at City Council at a date uncertain.

Figure 2: CPC (4/23/20) Item 6 Audio.¹⁷

"Just to clarify that the CEQA appeals are advancing up to the City Council. So, what's before the City Planning Commission today will not involve deliberation of the CEQA appeals. That will be for the City Council to make a determination on."

-- Lisa M. Webber, Deputy Director (hh:mm:ss 0:9:00-0:9:26)

"Regarding the EIR, we already recommended certification of the EIR. We reviewed it quite extensively at our last hearing when we were reviewing the other entitlements, and it's really not before use today. That has been appealed to Council and they will have to grapple with those issues."

--Commissioner President Samantha Millman (hh:mm:ss 45:45-45:60)

¹⁶ Supra fn. 9 (DCP (4/23/20) Supplemental Recommendation Report).

¹⁷ Supra fn. 9 (CPC (4/23/20) Item 6 Audio).

Figure 3: CPC (5/26/20) Letter of Determination, p. 1.¹⁸

¹ On October 10, 2019, the City Planning Commission also considered an Appeal to the Vesting Tentative Tract Map (VTT-73966-CN-1A). The CPC denied the Appeal and Certified the Environmental Impact Report. The denial of the Appeal was subsequently appealed to City Council and is awaiting a date uncertain for a public hearing.

² On April 23, 2020, the City Planning Commission recommended that City Council certify the EIR. Given that the EIR was previously certified by the Commission and subsequently appealed, the Environmental Impact Report was reopened.

Second, this Project was always going to be heard by the City Council after CPC's final action—which was clear when the applicant's land use counsel consented to continue its TFAR hearing on October 10, 2019 to a future date.¹⁹ Under the Code, the TFAR must be recommended by CPC before being approved by City Council. (See LAMC § 14.5.6.A.) City Council has appellate jurisdiction on all of the other Project Approvals, including the other Entitlements (Id., § 12.36.C.1), the VTT (§ 17.06.A subds. 3 & 4), and the CEQA EIR (§ 11.5.13.C; see also Pub. Res. Code § 21151(c); CEQA Guidelines §15090(b)). So too, state CEQA law requires the Council to hear the CEQA appeal (and contains no deemed denial provision). (Pub. Res. Code § 21151(c).) Thus, all of the Project Approvals were subject to City Council review on appeal (Local 11 filed three appeals)—with TFAR required to be heard even without an appeal. In fact, City Planning has admitted verbally and in writing, as noted above, that Council will hear the VTT and EIR appeals—first on April 23 and then again on May 26, 2020. (See Fig. 1-3 above.) How then can the Memo claim that the VTT/EIR appeals were deemed denied on November 25, 2019?

Third, the City Council could not lose jurisdiction on the VTT because timelines were extended by the applicant's consent—explicitly and implicitly. As relevant here, LAMC § 17.06.A subds 4 & 5 states (emphasis added): “[T]he City Council shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection ... Any of the time limits specified in this section may be extended by mutual consent of the subdivider and the Advisory Agency, the Appeal Board or the City Council, as the case may be.” As discussed above, the applicant explicitly agreed to continue the TFAR hearing, which automatically extended the time when the City Council could act on the other Project Approvals. Applicant's failure to object to the repeated references that the VTT/EIR appeal would be subject to City Council review also serves as implicit consent. Furthermore, it should be noted that the Code does not require the applicant's consent in writing. (See e.g., LAMC § 17.06.A.4 (VTT), § 12.36.F (multiple Entitlements), § 11.5.13. E (EIR).) Under the circumstances, it is clear that the applicant consented to extend the time City Council could act on the VTT/EIR appeal. It begs the question, and with all due respect, why is the City Clerk taking an unsolicited position that strips the City Council of its proper jurisdiction and hamstring the City's discretion? And why would Council accept this precedent that undermines its authority?

Fourth, by operation of law, the VTT was stayed under the City's CEQA Procedures ordinance, which was in effect by November 27, 2019. (See LAMC § 11.5.13 [“Added by Ord. No. 186,338, Eff. 11/27/19”].)²⁰ Upon filing a CEQA appeal, “there shall be a stay on the Project approvals and any discretionary or ministerial permits issued in reliance upon the Project approvals. Notwithstanding any contrary language in this Code, the time to act on any related Project approval shall be tolled until the appeal is decided by the City Council.” (Id., subd. D [emphasis added].) Thus, all Project Approvals,

¹⁸ Supra fn. 11 (CPC (5/26/20) LOD).

¹⁹ Supra fn. 6 (CPC (10/10/19) Audio for Item 6/7, hh:mm:ss 0:19:30-0:19:55).

²⁰ See also Ordinance 186338, https://clkrep.lacity.org/online/docs/2018/18-0066_ORD_186338_11-27-2019.pdf.

including the VTT, were stayed upon Local 11's timely filing of appeals, including those appeals filed on October 31, 2019 and on June 10, 2020.²¹

Fifth, CEQA appeals cannot be 'deem denied.' Under the Code, only some appeals may be considered "deemed denied" by the City's unconsented delay. (See e.g., LAMC § 17.06.4 [VTT appeals], § 17.54.A [preliminary Parcel Map appeals], § 11.5.7 subds., C.6(c) & F.7 [Project Permit Compliance Review appeal].) Here, neither the City CEQA Procedures nor state law contains a 'deemed denied' or similar provision. (See LAMC § 11.5.13; see also Pub. Res. Code § 21151(c); CEQA Guidelines §15090(b).) If the City wanted CEQA appeals to be subject to a 'deemed denied' proviso, it would have codified such language (as it has done in other circumstances cited above). (See *Preven v. City of Los Angeles* (2019) 32 Cal.App.5th 925 at 935 [where Legislature uses language in other laws but not law at issue it shows "it knew how to say so clearly" and "fact that the Legislature chose not to do so is evidence of its intent not to"].)

Sixth, Local 11's VTT/EIR appeals and timelines are distinct from those filed earlier by Hotel Figueroa. There is no support in the Code or logic for the idea that Local 11's VTT/EIR appeal (filed October 31, 2019) is governed by the same 30-day 'deemed denied' timeline applicable to a different VTT/EIR appeal filed by unrelated party Hotel Figueroa (filed October 25, 2019). Even under the Clerk's Memo (flawed) logic that Council lost jurisdiction over Hotel Figueroa's VTT/EIR appeal on November 25, 2019 when 30 days passed after it was filed, this is not controlling as to Local 11's separate VTT/EIR appeal filed six days later on October 31, 2019. (See Fig. 1 above.) The City Council could not have lost jurisdiction under LAMC § 17.06.A.4 on Local 11's appeal before December 2, 2019 because "30 days after it [was] filed" was a weekend with the next business day being December 2. By this time, the City's CEQA Procedures were in effect on November 27, 2019 (LAMC § 11.5.13),²² which stayed all project approvals—including the VTT—until Council heard the CEQA appeal. The Clerk's Memo disregards the fact that Local 11 filed its own VTT/EIR appeal and that the CEQA Procedure Ordinance staying all project approvals became effective while that appeal was still pending. The timing is tight, but these are the facts—the CEQA Procedures staying the VTT applied to Local 11's October 31, 2019 appeal.

Seventh, as the final decisionmaking body on the Project Approvals, the City Council cannot delegate its authority to consider the EIR. CEQA is clear that the final decisionmaking body must have the authority to consider the project approvals and its environmental review under CEQA.²³ As discussed above (i.e., first point), the City Council is the final arbiter on the Project Approvals, yet, the Clerk's Memo attempts to strip that decisionmaking body from considering the environmental review. This is utterly inconsistent with standing CEQA case law, including the recent Supreme Court ruling on bifurcated appeals, which reaffirmed that "CEQA requires the person or persons responsible for approving a project (the 'decisionmaking body' in CEQA parlance) also be responsible for complying with CEQA's environmental review" (*Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th

²¹ Independent of Hotel Figueroa's appeal (filed on October 25, 2019), Local 11 filed its VTT/EIR appeal on October 31, 2019 (see Fig. 1 above); "30 days after it [was] filed" was a weekend with the next business day being December 2, 2019 (LAMC § 17.06.A.4 [emph. added]), when LAMC § 11.5.13 was effective.

²² Supra 20 (Ordinance 186338).

²³ See e.g., Pub. Res. Code § 21151(c); CEQA Guidelines §15090(b); *Citizens for the Restoration of L St. v. City of Fresno* (2014) 229 Cal.App.4th 340, 354 ("A decisionmaking body's responsibilities include more than just approving the project. It also must consider and adopt the environmental review document"); *California Clean Energy Committee v. City of San Jose* (2013) 220 Cal.App.4th 1325, 1340-1341 (decisionmaker body cannot segregate environmental review from decision); *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 731; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.

161, 187.) Thus, here, Council must consider the Project's environmental and nonenvironmental project approvals. (Id.) The Clerk's Memo is wrong.

Eighth, the Memo's interpretation of the Code compels wasteful, duplicative public hearings and lawsuits. The Clerk's Memo suggests the City Council was required to hold a public hearing to act on Local 11's VTT/EIR appeal, then hold another mandatory public hearing to act on at least the TFAR (and Entitlements if appealed, such as the case here). This is an absurd waste of time. The Memo also would have compelled a lawsuit on the VTT approval and EIR document before the other Entitlements and TFAR were even finalized. This is foolish.

Finally, equitable estoppel prevents the City from deeming Local 11's VTT/EIR appeal denied. Here, affirmative steps were taken by the City and applicant to induce Local 11's justifiable reliance that its VTT/EIR appeal would be heard and considered by the City Council before taking final action. Twice, the City admitted in writing that Council would hear the VTT/EIR appeals. On April 23, 2020, the City admitted that the appeals would be "heard at the City Council's [PLUM] Committee following the CPC's action on [the] TFAR request ... at a date uncertain" (see Fig. 1 above)—a promise expressed during the time a CEQA lawsuit could still have been filed.²⁴ On May 26, 2020, the City stated the EIR was "reopened" by the VTT/EIR appeal to City Council and "is awaiting a date uncertain for a public hearing" (see Figs. 3 above). Throughout all this, neither the applicant nor the City objected to the City Council's future consideration of the VTT/EIR appeal. Yet, the Clerk's Memo now claims Council purportedly lost jurisdiction over the VTT/EIR appeal in November 2019 (approximately six months earlier). These are precisely the type of actions where courts step in and estop arbitrary procedural barriers imposed by government.²⁵ Moreover, Local 11 comes to the situation with clean hands, having exhausted its administrative remedies—not once, not twice, but three times.

III. CONCLUSION

In sum, and with all due respect, the City Clerk's Memo limiting the City Council's authority here to consider the VTT/EIR defies the Code, CEQA, the interest of justice, and common sense. The City Clerk cannot divest this honorable body of its proper jurisdiction on all of the Project Approvals. Nor can the City Clerk divest Local 11 of its right to have its appeal heard and considered, which is required under state and local law.

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²⁴ On April 23, 2020, instead of telling the public the VTT/EIR was deemed denied giving Local 11 a month to file a lawsuit (under CEQA's Pub. Res. Code § 21167(a) 180 days deadline where, as here, no notice of determination is filed after the purported deemed denial date of November 25, 2019), the City DCP explicitly stated the CEQA appeals would be heard by Council after CPC's final action. How is DCP not accountable to this now? This is a textbook case of estoppel against the Government that misled parties to not sue. The Clerk please must reconsider its Memo.

²⁵ See e.g., *Shuer v. County of San Diego* (2004) 117 Cal.App.4th 476, 487 ("We find, however, that the sum total of county's actions ... negligently led [the plaintiff] to conclude that she had no administrative recourse. That being the case, county is estopped from asserting in its demurrer that [the plaintiff] failed to exhaust her administrative remedies."); *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346, 1372 ("[C]ourts will not hesitate to estop the government from asserting a procedural barrier, such as the statute of limitations or a failure to exhaust remedies, as a defense to claims against it, where the government's affirmative conduct caused the claimant's failure to comply with the procedural requirement."); *J.H. McKnight Ranch, Inc. v. Franchise Tax Bd.* (2003) 110 Cal.App.4th 978, 991.

Commenters respectfully request that this honorable body take appropriate action, including but not limited to having the City Clerk issue an immediate corrected memo to reflect that City Council has not lost jurisdiction on any of the Project Approvals, including but not limited to Local 11's VTT/EIR appeal. This must occur before the Project's pending PLUM hearing currently scheduled for October 5, 2021.

Local 11 also reserves all rights and remedies to cure the substantive and procedural errors involving the City's processing of this Project, including but not limited to judicial remedies to have its VTT/EIR appeal heard and decided by the City Council—as required under state and local law.

Sincerely,

NATURAL RESOURCES DEFENSE
COUNCIL

SUNRISE MOVEMENT LA
CHAPTER

UNITE HERE LOCAL 11

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