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Re: Appeal Justification for Olympic Tower Project (813-815 W. Olympic Blvd. and 947-951 S. Figueroa St.); Case Nos. CPC-2015-4557, ENV-2015-4558, VTT-73966; CPC Approval Made Effective by May 26, 2020 Letter of Determination

On behalf of UNITE HERE Local 11 ("Local 11" or "Appellant"), this Office respectfully appeals (the "Appeal") the City Planning Commission ("CPC") approval of the above-referenced hotel development ("Project") proposed by Olymfig26, LLC ("Applicant"), located at 813-815 W. Olympic Blvd. ("Site"). Under the Los Angeles Municipal Code ("LAMC" or "Code") and the California Environmental Quality Act ("CEQA"), this Appeal challenges the Project's various land use entitlements processed under Case No. CPC-2015-4557 ("Entitlements"). So too, this Appeal supplements Appellant's pending appeal over the Project's Vesting Tentative Tract Map under Case No. VTT-73966 ("VTT") and CEQA Environmental Impact Report (SCH No. 2016061048) under Case No. ENV-2015-4558 ("EIR"), which is currently pending review by the City Council's Planning and Land Use Management Committee. The May 26, 2020 Letter of Determination for the Entitlements is attached hereto as "**Exhibit A**," which states that June 10, 2020 is the last day to file an appeal.

To be clear, Appellant now has timely appealed to the City Council the Project's Entitlements, VTT and the CEQA EIR (collectively "Project Approvals").

REASON FOR THE APPEAL: ERROR AND ABUSE OF DISCRETION BECAUSE ENTITLEMENTS FINDINGS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE: Appellant is pleased its commenting and appeal efforts on this Project have to date resulted in CPC identifying and then curing a \$1.14 million deficit regarding the Project's Transfer of Floor Area Rights ("TFAR") Public Benefit Payment. This is a tremendous outcome for the City and its residents.

However, as identified in our prior CEQA and VTT appeals, Appellant is still concerned with the Project's EIR that the Entitlements rely on, which fails to comply with CEQA. Thus, the findings made by CPC on the Entitlements are not supported by substantial evidence. In particular, the EIR fails to adequately analyze and implement all feasible mitigation measures to reduce the Project's environmental impacts, particularly as they relate to air quality, greenhouse gas ("GHG") emissions, land use consistency, and transportation impacts. The Entitlements are not by right, and the required land use findings for the Entitlements—such as the Project "will enhance the built environment" (LAMC § 12.24.E.1), "will not adversely affect" surrounding neighborhood or public health (id., subd. E.2), "will not adversely affect the welfare of the pertinent community" (id., subds. W.1.a.1)—cannot be made without an adequate CEQA review. Thus, the findings made for the Entitlements relying on faulty CEQA are not supported by substantial evidence.

SPECIFIC POINTS IN ISSUE: The specific points at issue were fully outlined in the comment letters attached to Appellant's pending VTT/EIR appeals, and this Appeal incorporates by this reference all previous comments submitted by any commenting party or agency, including written comments from Appellant dated October 7, 2019 (attached hereto as "**Exhibit B**") and environmental expert Greg Gilbert dated October 8, 2019 (attached hereto as "**Exhibit C**"). The comments raised therein have never been adequately addressed and, thus, Appellant renews its request that the City deny the Project Approvals for the reasons stated in these documents.



HOW ARE YOU AGGRIEVED BY THE DECISION: Local 11 represents more than 30,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Arizona. Its members, including hundreds who live or work in the City of Los Angeles at or directly adjacent to the Project Site such that breathe the air, suffer traffic congestions, and will suffer the other negative environmental impacts of the Project unless it is properly analyzed and mitigated. So too, Appellant's members have a direct interest in seeing that the State's environmental laws and the City's land-use laws are being followed. Additionally, Appellant is committed to ensuring responsible development in Los Angeles and informed decision-making by public officials regarding projects that may cause significant impacts to the environment in the City of Los Angeles. Hence, the granting of this Appeal will confer substantial benefit not only to Appellant, but also the public, including citizens, residents, businesses and taxpayers affected by the Project, and will result in the enforcement of important public rights.

THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: CPC approved the Entitlements even though there is substantial evidence demonstrating that the EIR fails to comply with CEQA. Without curing this defect, the various Code-required land use findings cannot be made with substantial evidence, such as the findings required under LAMC §§ 17.03, 17.15 and Gov. Code §§ 66473.1 and 66474 subds. .60, .61, .63. These include improper findings that the Project will enhance the built environment, will not adversely affect public health, and will not adversely affect the welfare of the pertinent community (see LAMC § 12.24 subds. E.1, E.2, W.1.a.1).

Appellant reserves the right to supplement this Appeal at future proceedings for this Project.

Attachments:

- Exhibit A: CPC Letter of Determination (05/26/20)
- Exhibit B: Local 11 CPC Comments (10/7/19)
- Exhibit C: Autumn Wind Associates Air Quality & GHG Comments (10/8/19)