



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: _____

Project Address: _____

Final Date to Appeal: _____

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: _____

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: _____

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



“Protecting the Integrity of our Community”

W.H.H.O.



Woodland Hills Homeowners Organization

P.O. Box 6368, Woodland Hills, CA 91365

www.whho.com

August 1, 2019

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TO:

**THE HONORABLE CITY PLANNING COMMISSION
OF THE CITY OF LOS ANGELES**
Valley Office
Marvin Braude Building
6262 Van Nuys
Boulevard, Suite 251
Van Nuys, CA 91401

RE: Attachment: Item 4:

**JUSTIFICATION/REASONS FOR APPEAL
APPEAL TO THE CITY PLANNING COMMISSION
Case No. ZA-2016-3908-MCUP-DI-SPP
Conditional Use, Director’s
Interpretation, Project Permit
Compliance
Promenade 2035**

Honorable Commission Members:

The Board of the Woodland Hills Homeowners Organization (WHHO) hereby submits this document as an appeal of the of the Zoning Administrator’s Determination Letter of findings and facts dated July 17, 2019 covering the proposals for the Promenade 2035 project (Case ZA-2016-3908-MCUP-SPP) from Westfield Promenade, LLC.

While the WHHO appreciates and agrees with a majority of the decisions and determinations made by the Zoning Administrator concerning this major community project, we are asking the Zoning Administrator, the Los Angeles City Department of Planning and the District-3 City Council member to reconsider, re-evaluate and rewrite a number of determinations and decisions that the homeowners of Woodland Hills believe will have substantial negative impacts on their lifestyles, their community and their families.

The reasons for each element in this appeal, the specific points at issue, and our belief that the decision-maker has either erred, overlooked, abused his discretion, or has been

arbitrary and capricious are enumerated in the sections dealing with each specific item of the Determination we are challenging.

The WHHO understands that the City of Los Angeles must maintain a level of fairness to both the Applicant and to the community. That is why in many sections we are also offering possible solutions, alternatives and rationals which we hope will be given due consideration and evaluation when evaluating this Appeal. The goal for everyone for a development of this size and scope should be the creation of a project that provides both the developer and the community with major plusses and the absolute minimum of negatives.

The Woodland Hills Homeowners Organization is appealing:

- I. **ZA Approval with conditions** of the Entertainment and Sports Center (ESC) Alternative (Option 2—7,500 seats) for a reduced ESC from an initially
- II. **Stadium:** proposed 15,000 seats to 7,500 seats, with a maximum 7,500 attendees with no standing room allowed.

The Woodland Hills Homeowners Organization recognizes that the Zoning Administration has made a significant reduction in the Applicant's proposal, and we are grateful for that consideration. However, the WHHO believes that the size of the ESC project is still too large a venue for the location, the existing streets and freeways and the surrounding neighborhoods.

- **We are requesting that the maximum capacity for attendees to any and all events taking place in entire structure be capped at 5,000 persons, not including players/entertainers, and support staff (restaurant workers, security, janitors, etc.)**

- Even at that further reduced number, the Promenade ESC would still rank as one of the five largest entertainment and sports venues within the boundaries of the City of Los Angeles, as well as one the largest venues in Southern California.
 - Staples Center: 19,000+
 - Hollywood Bowl: 17,500+
 - Inglewood Forum: 17,000
 - Nokia Theater: 7,100
 - Greek Theater: 5,800
 - **Promenade: 5,000**
 - Dorothy Chandler Pavilion: 3,156
 - Segerstrom Center: 3,000
 - Disney Concert Hall: 2,200
 - Thousand Oaks Theater: 1,800
- Because the major City, State and Federal thoroughfares are currently at or near maximum capacity, and no major expansion of those roadways have been publically announced, a further reduction of 2,500 persons from the ZA's determined 7,500 would allow the Applicant to still hold significant events in their building, but would lessen the impacts on surrounding neighborhoods, existing roadways and other entities doing business in Warner Center.

- **We are requesting that the Zoning Administrator make a specific determination that whatever concurrent attendance figure is finalized for the ESC, that it be inclusive of the entire ESC structure, and not for just the largest area within the structure.**
 - The ZA's Determination Letter of July 17, 2019 places a limit of the number of attendees who can be at an event in the ESC. However, even though the attendance number has been specified for an event, the ZA Determination does not reduce the overall size of the structure, nor does it specify or limit the number and sizes of any additional event rooms, halls or areas that may be outside of the main event area but still within the confines of the ESC structure. Specifying that the absolute concurrent attendance number is for any and all events concurrently held within the ESC structure will limit the Applicant to an attendance number (minus support staff, entertainers or athletes) that the community can realistically expect.

- **We are requesting that configuration plans for the interior of the ESC be presented to the Department of Planning, the CD-3 City Council Office and aired in a public meeting before approval is given for the ESC complex.**
 - There have been no specific configuration uses for the ESC that have been submitted to the ZA before drafting his Determination Letter, and no configurations have been presented to the public.
 - The Applicant must file plans for use configurations within the ESC before the City of Los Angeles grants approval of the ESC complex. The use of the extra space within the structure caused by the ZA's reduction in seats/attendance will be evident to the community and to the City before the Applicant spends any money on building the venue, and can be fairly judged by the City.
 - All restaurant, retail and office/commercial space should be accounted for in the ESC configurations so that staffing numbers and parking figures can be adequately integrated into the proposed attendance and parking totals for the venue.

- **We are requesting that the Applicant provide signed covenants with proposed off-site parking providers before ground is broken for the ESC structure. And, that those covenants are made public.**
 - Based on his approval for a 7,500 seat/attendee limitation on the proposed ESC venue, the ZA has specified that a total of 5,610 total parking spaces would be necessary for the venue. He has noted that the on-site total is approximately 1,700 spaces. That means that approximately 3,000 additional off-site spaces under signed covenants will be necessary. Those covenants must be presented to the City before construction begins for this venue.

- **We are requesting that the City of Los Angeles hold final approval of the ESC and prevent commencement of development of the structure until CalTrans finishes making improvements to the entry and exit ramps and interchanges for the 101 Freeway on both Topanga Canyon Blvd. and DeSoto Avenue.**
 - Access to events being held at the proposed ESC site will be strongly influenced by needed improvements to the entry/exit ramps and interchanges at both Topanga Canyon and DeSoto.

Currently, traffic at both Freeway junctions is frequently snarled during key hours that events at the ESC would be preparing to begin and also when they might be ending. Those Freeway problems must be solved before the ESC is constructed and in operation and the City, Westfield and CalTrans need to provide the community with plans to solve the anticipated traffic problems.

- All of the eastbound (South) and westbound (North) Fwy. 101 on and off ramps between Winnetka and Valley Circle will be significantly negatively impacted by ESC event attendance and require widening, and special traffic flow improvements. The Applicant as well as Planning, DOT and other City departments involved in traffic management must begin coordinating with the State and CalTrans immediately.
- **We are requesting that Westfield begin construction on the commercial office buildings (including the tower) in the final Phase of the Promenade 2035 project before the City issues a Certificate of Occupancy for the use of the Entertainment and Sports Complex.**
 - Because the Promenade 2035 project plans call for all of the proposed residential units to be constructed in its earliest phases, and because the majority of retail and hotel space will also have been constructed and filled before the ECS complex starts construction, the Woodland Hill community and WHHO believes that the Applicant has a responsibility to fully fulfill the residential / commercial requirements of the WC 2035 Specific Plan. By mandating that the Applicant must complete at least 30% of the project's planned construction of the commercial/office space before the ESC is allowed to begin operations, the entire project will be completed in the Applicant's proposed time frame and Warner Center will finally be allowed to meet its promise of having a balance of Live/Work/Play for the community.
- **We are requesting that the ZA remove the Project Design Features appearing on page 137 and Off-Site and On-Site measures appearing on pages 139 of the Letter of Determination that refer to roofing options and seating capacities that do not specifically align with the defined scope of the Entertainment and Sports Complex that is ultimately approved.**
 - Project design feature H-5 states "If the roof of the Entertainment and Sports Center is a partial roof". This needs to be eliminated as it implies a partial roof is an option if a line array speaker system is used. This could be used by the Applicant or their representatives to state that the partial roof option was included in the Letter of Determination.
 - On Page 139 the Off-site and On-Site measures refer to what would need to be done if the ESC has ranges of attendees over and above what is proposed by the ZA and what is being requested by WHHO. The reference to these ranges needs to be eliminated as the implication is that if the measures are implemented then the capacities shown would be allowed.

III. **LEED Gold and LEED Silver requirements, and special bonuses based on achieving LEED Gold:**

- **The City allows special bonuses for developers who create projects that meet the more stringent LEED Gold Standards. The WHHO adamantly holds that all LEED Gold level requirements must be fully achieved before any bonuses are granted.**

- The majority of projects with the Promenade 2035 plan are currently evaluated at LEED Silver level. However there are special incentives and bonuses for developers that make their projects LEED Gold. The WHHO believes that if this Applicant seeks the LEED Gold Level incentives and bonuses, then the entire Promenade 2035 project must completely fulfill the LEED Gold requirements, not just individual buildings within the project.

IV. **The WC 2035 Specific Plan requirement for “mixed income housing” is *NOT BEING MET*, and there are significant portions of the public who are being omitted in the Promenade 2035 Plan.**

- **Objective 2.2 in the Specific Plan to “Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit” is not adequately being met or even addressed by the Promenade 2035 plan.**
 - The Applicant claims that “the project allows for a variety of unit types, and to meet the needs of Warner Center’s workforce.” However, the housing that has been presented is virtually all Market Rate and Higher Income Level type residential, and there is virtually no housing proposed for Affordable Housing or levels lower than that designation.
 - The majority of the individuals currently working for stores located in Westfield’s two major malls cannot financially afford to populate the proposed residential housing in the Promenade 2035 project unless they take drastic actions that negatively impact their lifestyle. Once the retail stores in the first four phases of the Promenade project are in operation, the vast majority of those individuals will be unable to “live/work/play” in Warner Center.
 - **The WHHO is asking that the Applicant provide some units of housing that can accommodate individuals who can qualify for the State’s definition of “Affordable Housing.” The WHHO is also requesting that affordable housing be included *without compromises to any current requirement of the WC 2035 Plan*.**
- **Objective 2.4 in the WC 2035 Specific Plan to create “livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the city” is not being met in the residential areas of the Promenade 2035 master plan.**
 - No specific architectural elevations or perspectives of the actual intended residential apartment buildings have been tendered to the Department of Planning, not presented to the Woodland Hills-Warner Center Neighborhood Council, the WHHO or to the public as of this filing. Only a rough artist’s conception of the entire Promenade project including “placeholder” examples of apartment buildings has been offered. Yet, the Applicant is claiming to have fulfilled this aspect of the WC 2035 requirements without having submitted specific plans and architectural details, and the ZA Letter of Determination has accepted this claim without including specific requirements for the Applicant to provide elevations and architectural drawings to support those claims at a public meeting at a future date.
 - Additionally, while in its earliest stages of formulation the Promenade 2035 project included a mix of residential options (both apartments and condominiums options were presented to the public) the submitted Promenade 2035 project plans have made all residential dwelling spaces apartments, which is NOT what Objective 2.4 stresses.

- **The WHHO is asking that the ZA amend his Letter of Determination and subsequent findings to withhold approval of each of the submitted phases of the plan that include residential structures until actual architectural elevations and plans are submitted to Planning, and presented to the public for comments and possible refinements. Only after that has been done should the Zoning Administrator or Planning be allowed to approve any residential structures to insure that Objective 2.4 of the WC 2035 Specific Plan is being fulfilled.**

V. **References to Senate Bills and other statutes throughout the Letter of Determination must be more specific.** Quotes and /or specific Articles need to be referenced to allow the public better access to the information a decision is being based upon.

- For an example, on page 149 of the Determination Letter, payment of school fees refers to SB 50 which requires clarification since there is an SB 50 proposal that is currently being considered at the committee level in Sacramento but is not yet law.
- **The WHHO requests that a new Letter of Determination from Zoning Administrator be drafted that references, clarifies and annotates the specific law(s) or article(s) being cited so that the public can verify that reference and challenge or correct it if it is in error. Failing to include that specific correct information places an extreme burden on the public who may be impacted by these decisions.**

VI. **The ZA's Letter of Determination fails to hold the Applicant to a specific timetable to construct the final phase of the Promenade 2035 project which contains the majority of the office/commercial space required by the Warner Center 2035 master plan.** That jeopardizes the overall balance of the residential / commercial balance required by the Warner Center 2035 Specific Plan, and causes an increase of trips out of Warner Center due to residents having to commute to jobs outside the project.

- This is a key issue that has surfaced with a number of "Phased Projects" approved for development throughout Warner Center under the 2035 Warner Center Specific Plan. The community has made considerable efforts to make the Planning Department aware of this growing imbalance, and the because the Zoning Administrator is a key executive within Planning, he should have been aware of the need to assure that the Promenade project fulfills its obligation by a specific date—at least to have started construction of the office/commercial space before the ESC is allowed to receive its Certificate of Occupancy when its construction is completed.
- By the Applicant waiting for a Date to Be Determined to initiate construction of the major portion of the required office/commercial space component of the Promenade master plan, and allowing the project's residential, retail and entertainment/sports section to operate with an open-ended date for the commercial, undermines the integrity and goals of the WC 2035 Plan.
- Not have an established date to begin construction on the main office tower, the Promenade project has the potential to remain an "Unfinished project" for decades into the future—thwarting the project balance of residential/commercial that is a key element to the success of the WC 2035 Specific Plan.

- **The WHHO is requesting that the Zoning Administrator amend his Letter of Determination for the Promenade 2035 project to include either a specific date for construction of the office tower, or to specify that construction of the office tower and other remaining commercial projects commence at a date PRIOR to the completion of the ESC facility.**

VI **Specific pet areas that can be accessed and utilized by the general public visiting the Promenade 2035 project have not been designated for the PAOS areas including the central Promenade Park at the center of the project.** That can lead to possible sanitation problems and a potential health crisis for both residents and visitors.

- In the plans evaluated by the Zoning Administrator, the Applicant has failed to designate specific dog/pet relief areas that can be accessed by the general public who may choose to visit the central PAOS park area, or who walk along the streets within the project. Failure to make those pet areas available to the general public could cause the project's streets and sidewalks and PAOS paths to become befouled by pet waste and create health issues for others using those byways. *(We are only highlighting the need for publically accessible pet areas since the Applicant has indicated that the residential building will all have access to designated pet areas on their sites.)*
- **The WHHO is asking the Zoning Administrator to correct this oversight by mandating that a number of publically accessible pet areas/relief stations be incorporated into the PAOS areas of the Promenade 2035 master plan.**

VII. **Signage content on the outdoor electronic and stationary outdoor signs being requested for the Entertainment / Sports Center requires greater clarification as to messaging and usage than the current WC 2035 Specific Plan Sign code specifies.**

- When the WC 2035 Sign Code was created, the concept of having a very large sports or entertainment venue occupying a prominent corner of Warner Center was never envisioned. However, a large entertainment/sports venue is now proposed and the existing WC 2035 sign code fails to address a number of issues. The most significant issue is the need to confine messaging on the largest, most visible outdoor sites for use to advertise / promote events for the venue, for dates and times of upcoming events, and for directional/traffic information for drivers entering the venue. These outdoor sign sites should not be used for the purpose of advertising specific products, services (banks, investment houses, etc.) or other retail establishments either within the Promenade project or in other locations.
- In drafting the Determination Letter for the Promenade 2035 project, the ZA overlooked or failed to consider unintended messaging uses that might be leveraged for a giant entertainment/sports venue.
- **The WHHO requests that the Zoning Administrator amend his Letter of Determination covering the signage requirements for the ESC, and specify that none of the major outdoor boards (either animated, illuminated or stationary) be used for any messaging other than that specifically related to the events for the ESC.**

Additional consideration(s) the WHHO is asking the Zoning Administrator to consider including a revision of the Promenade 2035 Letter of Determination:

A. Schools / LAUSD: (Pages 149-150 of Determination)

The Warner Center 2035 Plan contains a section that addresses either the need for setting aside land for construction of a school to serve an influx of new families into the area, or for developers to mitigate the generation of new students from construction of new family housing by paying into a fund earmarked for use by the LAUSD.

Unfortunately, in the past, funds paid by developers have been redirected by LAUSD away from the areas where the new students are entering due to residential construction, and do not solve the problems of the need for addition schools or more classrooms.

The WHHO is requesting that the Zoning Administrator create a codicil that will charge the Promenade Applicant to work with the LAUSD Superintendent and Board to help accommodate the educational needs of hundreds of children expected to take up residence in their new apartment projects by creating a written agreement between LAUSD and Westfield wherein:

1. LAUSD would commit to build a new K-8 school on the former Oso Elementary school site owned by LAUSD using already approved bond funds for new school construction; and,
2. LAUSD would redirect the fees paid to LAUSD by the Promenade 2035 developer for the educational support of the new students residing in their new residences. These fees could be used to provide the funds for the non-construction costs of the new Oso School.

The result of this agreement is the establishment of a new K-8 school facility that would serve the new students moving into the Promenade project, create no additional costs to the Promenade developer, and prevent the construction costs for a new K-8 school from being taken out of the LAUSD's annual budget.

VIII: SEVERABILITY:

The WHHO is submitting this Appeal with the expectation that the Zoning Administrator and the Planning Department will reconsider the Zoning Administrator's Determination Letter of July, 17, 2019, and consider, change and address all of the valid points we have raised in this Appeal.

It is important to understand that the provisions of this Appeal are severable. If any provision of this Appeal is held to be invalid or otherwise unenforceable, in whole or in part, the remaining provisions or enforceable parts thereof will not be affected thereby and will be enforced to the fullest extent permitted by law.

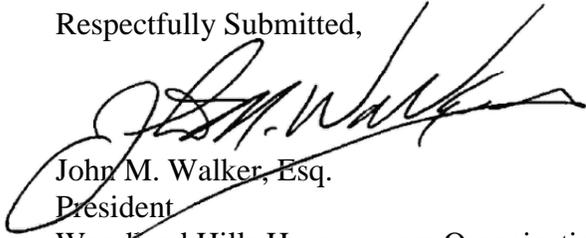
In addition, should any provision or any portion thereof ever be adjudicated by a court of competent jurisdiction to exceed the time or other limitation permitted by applicable law as determined by such court in such action, then such provisions will be decreased, performed to the maximum time or other limitations prescribed by applicable law, the parties acknowledging their desire that in such event such action be taken.

IX. CONCLUSION:

The Woodland Hills Homeowners Organization (WHHO) has filed this Appeal of the Zoning Administrator's Determination Letter for the Promenade 2035 project (Case ZA-2016-3908-MCUP-DI-SPP) because we believe that the Zoning Administrator has failed to consider many critical errors in the submitted plan, overlooked several key issues concerning his decision to choose the 7,500 seat Option 2 alternative for the Entertainment/Sports Complex (ECS) and failed to make required findings based on the current Warner Center 2035 Specific Plan requirements.

While the WHHO and the community appreciate the efforts and many of the decisions reached by the Zoning Administrator, we believe that to ignore or dismiss the points we have raised in this Appeal will harm the neighbors of the Promenade project, the community as a whole and in some instances, the City of Los Angeles.

Respectfully Submitted,



John M. Walker, Esq.
President
Woodland Hills Homeowners Organization

[Note: WHHO Board Member, Armen Hovanessian, did not participate in this Appeal]