

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: Central Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: DIR-2012-2767-CLQ

PROJECT ADDRESS: 6230 West Yucca Street

FINAL DATE TO APPEAL: July 11, 2013

- TYPE OF APPEAL:**
1. Appeal by Applicant
 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

*Filed
incorrectly
to
CPC*

APPELLANT INFORMATION – Please print clearly

Name: Argyle Civic Association

- Are you filing for yourself or on behalf of another party, organization or company?

Self Other: _____

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

- Are you filing to support the original applicant's position?

Yes No

REPRESENTATIVE INFORMATION

Name: George Abrahams

Address: 3150 Durand Drive

Los Angeles, CA Zip: 90068

Telephone: 323 463 9209 E-mail: ggg@copper.net

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

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

Entire

Part

Your justification/reason must state:

- The reasons 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

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
 --CA Public Resources Code § 21151 (c)*

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

Appellant Signature: _____



Date: _____

JUL 10, 2013

Planning Staff Use Only

Amount <i>\$106.80</i>	Reviewed and Accepted by <i>[Signature]</i>	Date <i>7/10/2013</i>
Receipt No. <i>12172</i>	Deemed Complete by _____	Date _____

Determination Authority Notified

by telephone

Original Receipt and BTC Receipt (if original applicant)

July 10, 2013

Los Angeles Central Area Planning Commission
c/o City of Los Angeles Planning Department
Department's Public Offices, Figueroa Plaza
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

RE: Case No.: DIR-2012-2767-CLQ
CEQA No.: ENV-2006-6941-EIR
Project Location: 6230 W. Yucca Street

Argyle Civic Association respectfully appeals the June 21, 2013 Determination of the Director of Planning related to Clarification of Q Conditions.

Appellant is aggrieved because the Director of Planning erred in finding that the previously certified Environmental Impact Report ENV-2006-6941-EIR, together with the Addendum to the Final Impact Report, dated March 2013, is adequate environmental clearance and complies with the California Environmental Quality Act.

Supplemental EIR review is necessary when substantial changes to a project's circumstances require major revisions to a project EIR due to new significant unstudied environmental impacts. § 21166(a); Guideline § 15162(a)(1); *Concerned Citizens of Costa Mesa v. 32 M Dist. Agricultural Assn.* (1986) 42 Cal.3d 929; *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App3d 1538; Cf., *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 14D7, *Eller Media Company v. Community Redevelopment Agency* (2003) 108 Cal.AppAth 25. When major new mitigation is required, a Supplemental EIR must be prepared. *Mira Monte Homeowners' Association v. County of Ventura* (1985) 165 Cal.App.3d 357.

New information triggers a Supplemental EIR to inform an agency's new discretionary project approval if it (1) was not known and could not have been known at the time the initial EIR was certified as complete, (2) the information shows new or substantially more severe significant impacts, and (3) the new information is of substantial importance to the project. Public Resources Code § 21166(c); Guideline § 15162(a)(3).

Appellant adopts and incorporates into this appeal by reference the administrative appeal of Communities United for Reasonable Development in case VTTM-71837-CN-1A and CPC-2008-3440-VZC-CUB-CU-ZV-HD; ENV-2011-0675-EIR placed into the administrative record by the city clerk here:

http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_z_6-18-13.pdf

including all exhibits referenced therein. (Millennium Appeal)

The Environmental Impact Report must be re-circulated to include a review of new geological data collected since the completion of the EIR which contradicts the conclusions of the geology report in the EIR

Geological data collected from test borings conducted on the adjacent Millennium Project site in 2012 and analysis by a certified geologist of the data, following the completion of this project's EIR in 2006 (Langan Report May, 2012 in the Millennium EIR and Langan Report Nov, 2012 as Exhibit A of Millennium Appeal – Exhibit 19) is new information within the meaning of Guideline § 15162(a)(3) that requires supplemental review in a re-circulated EIR.

The geology report of the applicant previously claimed that the nearest earthquake fault to the project site is .3 miles away. The analysis by a certified geologist of the data collected in 2012 concludes that there is evidence of an earthquake fault that runs in an east-west direction and which projects onto the southern portion of the project site and contradicts the conclusions in the geology report in the EIR. The conclusion of that analysis also confirms the findings of other studies of the Hollywood Fault not considered and not cited in the geology report in the EIR that identifies the project site as being within the Hollywood Fault zone, including Crook and Procter (1992), Dolan and others (1997) (Exhibit B of Millennium Appeal – Exhibit 19) and the California Geological Survey 2010 Fault Activity Map (Exhibit D of Millennium Appeal – Exhibit 19). The substantial importance of that information and the significant effect that it will have on the proposed development is that the proposed development would be within 50 feet of an active earthquake fault and therefore be in violation of state law which prohibits any structure for human habitation within 50 feet of an active earthquake fault. The data from the test borings on the project site were inadequate to establish if there was an earthquake fault anywhere within 50 feet of the project site. The tests and analysis conducted were solely for liquefaction. Given the new information that there is evidence of an earthquake fault 500 feet west of the project site that projects onto the southern portion of the project site, the project as proposed cannot be allowed to be built until supplemental data on and around the project site is collected and analyzed to determine if there is an earthquake fault anywhere within 50 feet of the project site.

The Environmental Impact Report must be re-circulated to include a review of new traffic data using protocols established by Caltrans.

The scope and size and the traffic impact of the adjacent Millennium Project was not known at the time the traffic study of this project's EIR in 2006 for this project was conducted. The traffic impact study of the Millennium Project in the Millennium Project EIR is new information within the meaning of Guideline § 15162(a)(3) that requires supplemental review in a re-circulated EIR.

The amount of growth in traffic from the Hollywood Community Plan Update passed in June 2012 was not known at the time the traffic study of this project's EIR in 2006 for this project

was conducted. The traffic impact of the growth in traffic from the Hollywood Community Plan Update passed in June 2012 is new information within the meaning of Guideline § 15162(a)(3) that requires supplemental review in a re-circulated EIR.

In a May 18, 2011 letter to Srimal P. Hewawitharana, Caltrans declared:

“Because of the size and land uses of the project, this project may have regional traffic impact on State facilities. To assist in our efforts to evaluate the impacts of this project on State transportation facilities, a traffic study should be prepared prior to preparing the Draft Environmental Impact Report (DEIR). Please refer the project’s traffic consultant to the Department’s traffic study guide Website:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>”

In a December 10, 2012 letter to Srimal P. Hewawitharana, Caltrans declared:

“1. Caltrans submitted a comment letter dated May 18, 2011, on the Notice of Preparation (NOP) and met with developer’s consultant on September 15, 2011, to discuss Caltrans’ concerns about the project’s impact on the US-101 freeway and on/off ramps within the 5 mile radius of the project site. The traffic consultant acknowledged Caltrans’ concerns and it was understood by both parties that the traffic procedures for analyzing impacts to the state highway system would follow standard statewide procedures outlined in Caltrans Traffic Study Guide. However, the June 2012 Traffic Impact Study (TIS), which is the basis for the traffic impact discussion in the DEIR, did not follow those procedures and does not analyze the impacts to the state highway system.

2. There was no analysis performed for any of the freeway elements. The TIS only used the Los Angeles County Congestion Management Program (CMP) criteria. However, the CMP fails to provide adequate information as to direct and cumulative impacts to the freeway mainline and ramps, per CEQA.

3. Currently, the Level of Service (LOS) for US-101 is operating at LOS F. Any additional trips will worsen the existing freeway conditions. The [Traffic Impact Study] did not include a cumulative traffic analysis for US-101, which would consider the trips generated from the 58 related projects that are referred to in the DEIR, the proposed NBC Universal Project, and growth from the Hollywood Community Plan.”

In a May 7, 2013 letter to Councilman (now Mayor) Garcetti, Caltrans declared:

“We are writing this letter to reiterate Caltrans’ concerns that the Environmental Impact Report (EIR), Final Environmental Impact Report (FEIR), and traffic study for this project did not fulfill the requirements of the California Environmental Quality Act (CEQA).”

The EIR for this project is deficient for the same reason. It did not follow standard statewide procedures outlined in Caltrans Traffic Study Guide, does not analyze the impacts to the state

highway system, and did not include a cumulative traffic analysis for US-101, which would consider the trips generated from the 58 related projects that are referred to in the Millennium DEIR, the proposed NBC Universal Project, and growth from the Hollywood Community Plan.

The traffic study must be redone using the new information from the traffic impact study in the Millennium Project EIR, must use the protocol established by Caltrans which analyzes the impacts to the state highway system, and must meet the Caltrans requirement that it be a cumulative traffic analysis for US-101 which would consider the trips generated from the 58 related projects that are referred to in the Millennium DEIR, the proposed NBC Universal Project, and growth from the Hollywood Community Plan.

We reserve the right to submit additional comments and objections regarding the Director's Approval and environmental Findings through the close of the administrative proceedings related to the project.

Thank you for your time and consideration of this matter.

A handwritten signature in black ink, appearing to read 'George Abrahams', with a long horizontal flourish extending to the right.

George Abrahams, President
Argyle Civic Association

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INFORMATION
www.planning.lacity.org

CLARIFICATION OF Q CONDITIONS

June 21, 2013

Applicant

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Representative

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Case No. DIR-2012-2767-CLQ

CEQA: ENV-2006-6941-EIR

Location: 6230 W. Yucca Street

Council District: 13 – Eric Garcetti

Neighborhood Council: Hollywood United

Community Plan Area: Hollywood

Land Use Designation: Regional Center Commercial

Zone: (T)(Q)C4-2D-SN

Legal Description: Lot 1 Tract: 18237

Last Day to File an Appeal: July 11, 2013

DETERMINATION

Pursuant to Los Angeles Municipal Code Section 12.32 H, as the designee of the Director of Planning, I hereby:

Approve the requested Clarification of "Q" Condition A4 and "Q" Condition A5 of Ordinance No. 180,082.

Find that the previously certified Environmental Impact Report ENV-2006-6941-EIR, together with the Addendum to the Final Impact Report, dated March 2013, is adequate environmental clearance and complies with the California Environmental Quality Act.

Adopt the attached findings.

Project Description

Clarification that two "Q" Conditions contained in Ordinance No. 180082 requiring parking per the City's Deputy Advisory Agency's Condo Parking Policy for the Approved Project consisting of condominium units no longer applies to this Revised Project which proposes to construct apartment units in lieu of condominium units.

Clarifications:

The Clarification of (Q) Condition No. A4 is that the phrase, "Prior to the issuance of any building permit, detailed development plans, including a complete landscape plan and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated December 13, 2007, attached to the administrative file. The plans shall comply with the applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization," shall now read as follows:

"Prior to the issuance of any building permit, detailed development plans, including a complete landscape plan and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated January 17, 2013, attached to the administrative file. The plans shall comply with the applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization."

The Clarification of (Q) Condition No. A5 is that the phrase, "A minimum of 242 parking spaces shall be provided. The number of spaces provided, their location and access shall be in substantial conformance with the project plans marked Exhibit B1-5 and attached to the administrative file. Parking designated for office use shall be made available after-hours to support reductions in "over-flow" parking into residential areas," shall now read as follows:

"A minimum of 208 parking spaces shall be provided. The number of spaces provided, their location and access shall be in substantial conformance with the project plans marked Exhibit A2.01-A2.04 and attached to the administrative file. Parking designated for office use shall be made available after-hours to support reductions in "over-flow" parking into residential areas."

ADMINISTRATIVE CONDITIONS

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
2. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
3. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
4. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.