

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 7 10, 2013

Planning Staff Use Only

Amount <u>\$106.80</u>	Reviewed and Accepted by <u>[Signature]</u>	Date <u>7/10/2013</u>
Receipt No. <u>12172</u>	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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Goldsmith & Delvac LLP
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Los Angeles, CA 90049

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.

5. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
6. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

“Q” CLARIFICATION FINDINGS

Pursuant to Section 12.32 H of the Municipal Code and City Planning Commission Guidelines, I hereby find the following:

1. The request is consistent with the City Planning Commission’s Guidelines.

The City Planning Commission’s guidelines provide that an Amendment of the T Classification and Clarifications of the Q Classification or D Limitation may take place under certain circumstances, including:

“g. Clarification of any word or term used in a condition, when such term is not defined in the Municipal Code or the clarification of the intent of any condition that is ambiguous.”

Q Conditions No. A4 and No. A5 require clarifications of intent because they were written to apply to the development of the previously Approved Project, which consisted of condominium units, not the Revised Project which consists of apartment units in lieu of condominium units.

2. The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation.

With regard to the clarification of Q Conditions No. A4 and A5, the intent of the City Council is to impose conditions that the Council finds appropriate in consideration of a proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan and to prevent or mitigate the potential adverse environmental effects of the subject recommended action. By adopting the Q Conditions, the Council intended to impose conditions which it found appropriate for the specifically Approved Project of 95 condominium units, however those Q Conditions are no longer appropriate for the Revised Project of 116 apartment units.

3. The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.

The clarification of Q Conditions No. A4 and A5 would not have an effect on adjacent property and would not result in a significant or substantial deprivation on the property rights of other property owners. The Revised Project is a decrease in overall square footage, a decrease in height, and a decrease in commercial floor area which will not cause any new effects on adjacent property or property owners.

4. ENVIRONMENTAL FINDINGS

Pursuant to Section 15163 of the CEQA Guidelines and City Planning Commission Guidelines, I hereby find the following:

Section 15164 of the CEQA Guidelines provides the authority for preparing an addendum to a previously certified Environmental Impact report or adopted negative declaration. In addition, Public Resources Code section 21166 prohibits subsequent CEQA review unless one of the conditions set forth in section 21166 are met. Those conditions include: (a) substantial changes are proposed in the project which will require major revisions of the environmental impact report; (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or (c) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

In this matter, the City's CEQA consultant, CAJA Environmental Services, has prepared an Addendum to the Final Environmental Impact Report, dated March 2013 (the "Addendum"). The Addendum considers the proposed Revised Project and any potential impacts from the proposed revised project that are new or more significant than the environmental impacts analyzed in the Certified EIR that was prepared for the previously Approved Project. The environmental analysis presented in Section IV of the Addendum evaluates the potential impacts of the proposed Revised Project's changes in relation to the current environmental conditions and in consideration of the environmental findings for the previously approved project. Therefore, an Addendum to the Certified EIR serves as the appropriate form of documentation to meet the statutory requirements of CEQA.

Public Resources Code section 15162 of the State CEQA Guidelines implements Public Resources Code section 21166 by prohibiting the preparation of a Subsequent EIR or Negative Declaration unless substantial evidence shows that certain triggering thresholds have been crossed. In compliance with CEQA Guidelines section 15164, I hereby find that a subsequent EIR is not required to analyze the impacts of the proposed Revised Project, because none of the criteria in the Public Resources Code section 15162 apply to the proposed Revised Project. With respect to each subsection of Public Resources Code section 15162, I hereby find as follows:

- (1) *Substantial changes are proposed in the project which will require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

The proposed Revised Project does not include any major revisions that result in either (a) new significant environmental effect or (b) a substantial increase in the severity of previously identified significant effects. Each of the environmental impact issues considered in the Certified EIR is analyzed in the Addendum at Tables III-1, which state that the proposed Revised Project does not result in any new impacts and does not result in any increases in previously analyzed impacts. Moreover, Section IV of the Addendum analyzes each of the environmental impact issues considered in the Certified EIR in detail and concludes that the proposed Revised Project would result in no new impacts and no increases in existing impacts. Accordingly, no subsequent EIR is required by CEQA with respect to the proposed Revised Project.

- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase*

in the severity of previously identified significant effects; or

The Addendum concludes that the circumstances under which the proposed Revised Project will be developed have not changed since the City Council certified the EIR. The proposed Revised Project has a reduced overall height, reduced overall square footage, and reduced commercial floor area, due to the change from condominium units to apartment units. Accordingly, there would not be a substantial increase in the severity of any significant effects previously identified in the Certified EIR. The Environmental Setting set forth in the Certified EIR remains substantially unchanged, as confirmed in the Addendum. No new sensitive uses have been identified that were not identified in the Certified EIR. Consequently, no substantial changes have occurred with respect to the circumstances under which the proposed Revised Project would be undertaken that require major revisions to the Certified EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects. Accordingly, no Subsequent EIR is required by CEQA with respect to the proposed Revised Project.

- (3) New information of substantial importance, which was not known and could not have been known within the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

The analysis contained in the Addendum does not contain any new information of substantial importance that could be considered to meet the requirements for preparation of a Subsequent EIR under CEQA Guidelines section 15162(a)(3)(A-D).

CEQA Guidelines section 15162(a)(3)(A) requires preparation of a Subsequent EIR only if new significant effects are identified that were not identified in the Certified EIR. No new significant environmental impacts from the proposed Revised Project are identified in the analysis in the Addendum, as summarized in Tables III-1 of the Addendum and as set forth in more detail in Section IV of the Addendum. In particular, Fehr & Peers prepared an updated traffic analysis for the proposed Revised Project, dated June 14, 2012 that concludes that no new significant traffic impacts would be expected that have not already been identified in the Certified EIR.

In addition, DouglasKim+Associates, LLC prepared an air quality and GHG report, dated November 13, 2012, that evaluated the potential air quality and GHG impacts for the change in floor area, land uses, and height of the proposed Revised Project compared to the previously approved project. The analysis concludes that the Revised Project would not result in significant construction or operational impacts to regional or localized air quality and it would not result in substantial impacts on global climate change.

CEQA Guidelines section 15162(3)(C) and (D) require preparation of a Subsequent EIR only if

new or different mitigation measures would substantially reduce one or more of the significant impacts of the previously approved projects, but the Applicant declines to adopt them. In this matter, the previously approved project has no significant impacts that have not been mitigated to a level that is less than significant. Also, the proposed Revised Project does not create any new or increased impacts that might require additional or new mitigation. The Applicant has not refused to implement any feasible mitigation measures or reasonable alternatives that would reduce the severity of any significant impacts from the proposed Revised Project. Accordingly, preparation of a Subsequent EIR pursuant to CEQA Guideline Sections 15162(3)(C) and (D) is not required.

Accordingly, for all of the reasons stated above, no Subsequent EIR is required by CEQA with respect to the proposed Revised Project.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.lacity.org/pln.

Planning Department public offices are located at:

Downtown Office
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

Valley Office
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Michael J. LoGrande
Director of Planning

Approved by:



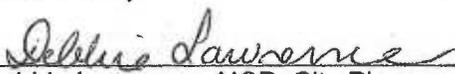
Daniel Scott, Principal City Planner

Reviewed by:



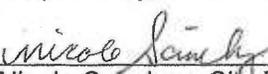
Shana Bonstin, Senior City Planner

Reviewed by:



Debbie Lawrence, AICP, City Planner

Prepared by:



Nicole Sanchez, City Planning Assistant
Nicole.Sanchez@lacity.org