

Application:

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: AA-2015-0777-PMLA-SL-1A ENVIRONMENTAL CASE ENV-2015-0778-MND IN RELATION TO 7D

Project Address: 1324 QUINTERO ST

Final Date to Appeal: 02/03/2016

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

2. APPELLANT INFORMATION

Appellant's name (print): PATRICK N. SHERMAN

Company:

Mailing Address: 7500 Devista Dr

City: Los Angeles State: CA Zip: 90046

Telephone: (310) 963-7966 E-mail: shermanator100@gmail.com

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

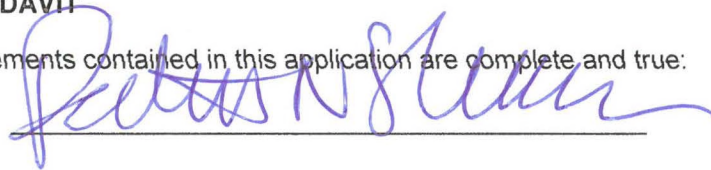
If Yes, list the condition number(s) here: SEE ATTACHED APPEAL LETTER

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: 2/1/16

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).
- Original Applicants must pay mailing fees to BTC and submit a copy of 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.
- 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)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>106.80</u>	Reviewed & Accepted by (DSC Planner): <u>Steve Kim</u>	Date: <u>2/1/16</u>
Receipt No: <u>27953</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

Patrick N. Sherman
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310-963-7966
shermanator100@gmail.com

**PLEASE INCLUDE IN THE
ADMINISTRATIVE RECORD**

1-29-2015

Department Of City Planning
201 N. Figueroa St.
Los Angeles, CA 90012

RE: 1324 QUINTERO ST. / ENV-2015-0778-MND / AA-2015-777-PMLA

INTRODUCTION

Section 21151(c) of the Public Resources Code permits an aggrieved party to appeal a determination by a non-elected, decision-making body, that a project is subject to the California Environmental Quality Act ("CEQA"). The aggrieved party is allowed under CEQA to appeal the non-elected body's decision to the agency's elected, decision-making body.

In this case, the East Los Angeles Area Planning Commission (a non-elected, decision making body) on January 22, 2016, sustained the decision of the Deputy Advisory Agency for the proposed (4) small lots in conjunction with the development of (4) small lot homes on 1324 Quintero St and adopted the Mitigated Negative Declaration No. ENV-2015-0778-MND.

As the aggrieved party, the owner of the adjoining 4-unit apartment on 1330 Quintero St, and on behalf of my tenants, and the Quintero St. residents, I am appealing the decision based on an inappropriate and inapplicable CEQA Mitigated Negative Declaration (MND).

The Mitigated Negative Declaration (MND) is inappropriate.

This Project will cause significant, permanent and unmitigatable impacts to the environment and the surrounding neighborhood. The fair argument test is a "low threshold" test for requiring the preparation of an EIR. If a project may cause a significant effect on the environment, then the lead agency must prepare an EIR. Pub. Res. Code §§ 21100, 21151. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles*, supra, 13 Cal.3d at 83 n. 16. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1).

UNMITIGABLE IMPACTS:

- The Project includes a proposed zone change or variance that would increase density, height, and bulk in areas where there is a consistent theme, style, or building height and setbacks. The Massing, setbacks and character of the project conflict with the community plan.
- The Project would "substantially degrade the existing visual character or quality of the site and its surroundings."
- The Project puts additional stress on public infrastructure that is already at its maximum capacity

MITIGABLE IMPACTS:

- Traffic impacts exist by residents reversing out of a narrow, 10ft open to the sky, driveway. This does not appropriately provide for the safety of the residents and the motorists on Quintero St. The design provides a 16 ft. wide driveway, with 10 feet open to the sky. This is insufficient in width. The

requirement is 20 feet. The units do not have adequate vehicle turnaround space to exit the property without backing out into their neighbor's property or street.

- Shadow, noise and air quality impacts will arise with this project.
- The applicant has not provided any modeling studies for public review.
- The project, by the Department of Planning's own admission, does not have a stable and finite project description.
- The map does not comply with the 15ft front yard setback
- The Roof structures of 1324 Quintero St. do not conform to the provisions of Section 12.21.1B as they exceed the allowable height and square footage limits.
- The project obstructs, interrupt, or diminish valued focal and/or panoramic views.
- The project proposes standards for height and bulk of structures and other elements that inadequately protect existing visual resources and/or views.
- The Project, during the grading, construction and afterwards, could cause substantial damage to structures or infrastructure and exposure of people to substantial risk of injury is related to the probable frequency of potential geologic hazards (i.e., likely number of events per year or decade) and the probable severity of the consequences to people, property, or infrastructure that may result (i.e., injuries to people and the valuation of property damage).
- The design of the subdivision is likely to create substantial environmental impacts and affect public health.
- Storm water pollution may occur during the demolition and construction phase of the project. In addition, because of the terrain of the site, storm water pollution may result from the paved driveway" There is inadequate mitigation provided for this impact.
- Excessive noise (and groundborne vibration) may be generated during the construction phase of the project"
- The project increases hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses. And the project will result in inadequate emergency access.
- Project is inconsistent with Goals, Policies & Objectives of the Community Plan

The Initial Study identified potentially significant environmental effects resulting from the project. It clearly contains aspects of "The Initial Study Checklist Questions" as well as all four of the CEQA Aesthetics "Screening Criteria" (L.A. CEQA THRESHOLDS GUIDE, Aesthetics and Visual Resources A 1-1). A "yes" answer to any of the Questions and/or Screening Criteria requires that an EIR MUST BE PREPARED. The EIR will identify the significant environmental effects this project is likely to have; as well as identify feasible alternatives to the proposed project; and will indicate the ways in which significant effects on the environment can be mitigated or avoided.

The Project Description is Inadequate and Inaccurate.

A MND is inappropriate "where the agency has failed either to provide an accurate project description or to gather information and undertake an adequate environmental analysis. An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impact of the agency's action." City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398, 406. "Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages

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of terminating the proposal and properly weigh other alternatives.” City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1454.

The applicant has failed to present a clear project description in part due to deferred review and pending approvals dependent upon the analyses of City staff outside of the Planning Department. The determination letter makes numerous references to the pending approvals of the Los Angeles Fire Department, DOT, Building and Safety, etc. If those agencies have not considered the map or the related elevations at this time then it is quite possible that the project, when it finally is considered by those agencies, will have some potential impact yet unknown. . . *“The absence of information from the environmental impact report is a prejudicial abuse of discretion if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”* Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (App. 1 Dist. 2001).

The CEQA Guidelines at 14 Cal. Code Regs. § 15384(a) define “substantial evidence” as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached...” Under Pub. Res. Code §§ 21080(e), 21082.2(c), and CEQA Guidelines §§ 15064(f)(5) and 15384, facts, reasonable assumptions predicated on facts, and expert opinions supported by facts can constitute substantial evidence.

“Under the fair argument approach, *any* substantial evidence supporting a fair argument that a project may have a significant environment effect would trigger the preparation of an EIR.” Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 113 (italics in original).

Communities for a Better Environment is also significant because it clarifies that agency “thresholds of significance” are not necessarily the threshold that may be used in determining the existence of a “significant” impact. A significant impact may occur even if the particular impact does not trigger or exceed an agency’s arbitrarily set threshold of significance. *Id.* at 114.

Substantial arguments have been made that traffic impacts do exist and will be further complicated by the project’s residents reversing out of the narrow, 10-ft open to the sky, driveway. This is not enough to appropriately provide for the safety of future residents and motorists travelling on Quintero.

In the graphic presentation below, it is clearly demonstrated that shadow, noise and air quality impacts will arise with this project. In violation of CEQA, the project will cast shade impacts onto adjacent properties and deprive them of light and airflow. The balconies that tower over the adjacent homes will produce echos and sound reverberation that disturbs sleep patterns and amplifies common sounds, such as trash cans clanging or car doors slamming shut.

Arbitrary thresholds of significance set by the City have no bearing, as proven in Communities for a Better Environment. The Los Angeles CEQA Thresholds Guide is a fantastic resource. However, the jurisprudence shows that CEQA does not mandate municipalities to adopt “thresholds”. Thresholds may be a well-intended solution created with the idea of “streamlining” the approvals process for developers. They are not binding, nor are they law. All impacts are to be accounted for under CEQA, regardless of any thresholds promulgated by the City. In other words; if an impact is real, then it is an impact.

Furthermore, the applicant has not provided any modeling studies for public review. This is problematic. The MND states there will be no impacts to adjacent homes, but without the benefit of modeling studies, there is no way to determine this

The MND is seriously deficient and does not comply with CEQA. Meaningful environmental concerns are papered over or ignored; vague and general mitigation measures are assumed, without facts or real analysis, to sufficiently overcome significant negative environmental effects; “facts” are repeatedly asserted for which the record contains no evidence; and numerous obligations imposed by CEQA are not met.

The City must be asked to recirculate the MND or perform an EIR to address the multiple problems present within the environmental document. The project, by the Department of Planning’s own admission, does not have a stable and finite project description. The Department has conditioned the approval of the Map upon future unknown revisions that will be added by members of other City agencies that are out of the Department of Planning’s control. Therefore, the project that will be approved in the future is guaranteed to NOT be the same

as the project in front of you today. The jurisprudence couldn't be clearer on this issue; CEQA requires a consistent project for the duration of the environmental analysis. The Project cannot change mid-way.

The Advisory Agency is required under the California Subdivision Map Act to make its determination to approve or reject a proposed development based upon a clearly defined project. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. A development that "*is subject to a revised map*" is not a definitive project description.

Furthermore, the Advisory Agency's approval of the Parcel Map circumvents the Agency's restrictions under the California Subdivision Map Act. Rather than approving a clearly defined project, as required under Section 66418.1 of the Map Act, and by implication under Sections 66474.61 (a) and (b), the Advisory Agency improperly grants the Map by bootstrapping any future revised project into its approval based upon unknown revisions that may or may not be granted by the Advisory Agency.

Based in part on the information presented here, we contend that this Project, the applicant and their consultants are deliberately engaging in PIECEMEAL project approvals to avoid proper CEQA analysis of the project's impacts on nearby residents, the frail and failing infrastructure and

I. AESTHETICS

The CEQA Threshold Guide provides a screening criteria (A.1. AESTHETICS AND VISUAL RESOURCES IC). Based on this criteria, (The Project) clearly indicates that further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration or EIR is required. The following (4) Screening Criteria for (The Project) applies:

SCREENING CRITERIA #1. The Project includes a proposed zone change or variance that would increase density, height, and bulk in areas where there is a consistent theme, style, or building height and setbacks.

SETBACKS – The determination letter of the (Project) states that "The map does NOT comply with the 15ft front yard setback requirement." Setbacks have not been calculated in compliance with the LAMC zoning regulations. The small lot ordinance does not exempt small lot projects from basic zoning requirements of the RD1.5 zone with regard to front yards. The small lot ordinance allows for no setbacks "between lots" but is silent on the front yard setback, which then defaults to the RD1.5 zoning. If the intention was to allow small lots to violate the front yard requirement, the small lot ordinance would have stated that clearly, but it did not. However, this Deputy Advisory Agency has determined, in his sole discretion, that this project is allowed to deviate from those requirements. Therefore, this project requires a variance if it wishes to build further to the front than the underlying zoning allows. Currently, an amendment to the Small Lot Ordinance is being proposed by the city to enforce the prevailing minimum front and rear yard requirements. The Advisory agency should take the spirit of this amendment into consideration and require a 15 foot front setback to the (Project).

The existing, adjoining properties have front setbacks that range between 15ft-21ft. and minimum rear setbacks of at least 20ft (see Figure A). (The Project) has obtained a variance for a 10ft front yard setback and a 5ft rear yard setback. This does not conform with the prevailing codes, the visual characteristics of the neighborhood and will cause the building to protrude in an unsightly way past its adjoining neighbors.

IT IS CONTRARY TO THE PROGRAMS AND GOALS ADVANCED IN THE SILVERLAKE-ECHO PARK-ELYSIAN VALLEY COMMUNITY PLAN, WHICH STATES:

"Objective: Develop the overall form and relationship of the buildings by focusing on neighborhood compatibility and high-quality design of the following elements: entry, height and massing, building facade, rooflines, and materials".

THE MASSING, SETBACKS AND CHARACTER OF THE PROJECT CONFLICT WITH THE COMMUNITY PLAN, A DOCUMENT THAT UNDERWENT FOUR YEARS OF COMMUNITY FEEDBACK AND GOAL SETTING TO ENSURE THAT INFILL PROJECTS ARE HARMONIOUS WITH EXISTING COMMUNITIES AND BUILT ENVIRONMENT. THIS PROJECT THWARTS THOSE GOALS

IN ALL ASPECTS OUTLINED HERE AND THEREFORE SHOULD BE ALTERED TO CONFORM TO THE VISION THAT BOTH PLANNERS AND THE COMMUNITY AGREED UPON DURING THE YEARS-LONG INPUT PROCESS THAT SHAPED THE COMMUNITY PLAN.

FIGURE A (FROM ADVISORY AGENCY SMALL LOT SUBDIVISION GUIDELINES 2014)

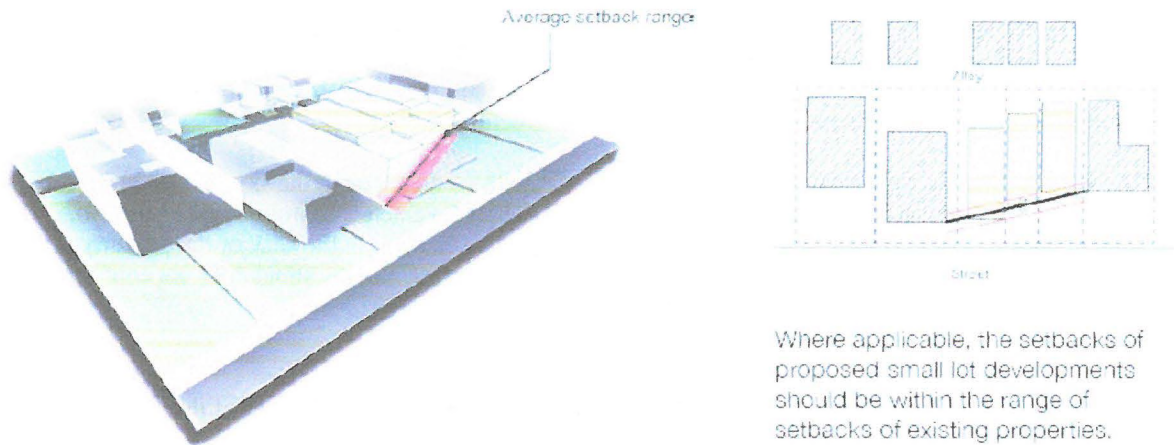
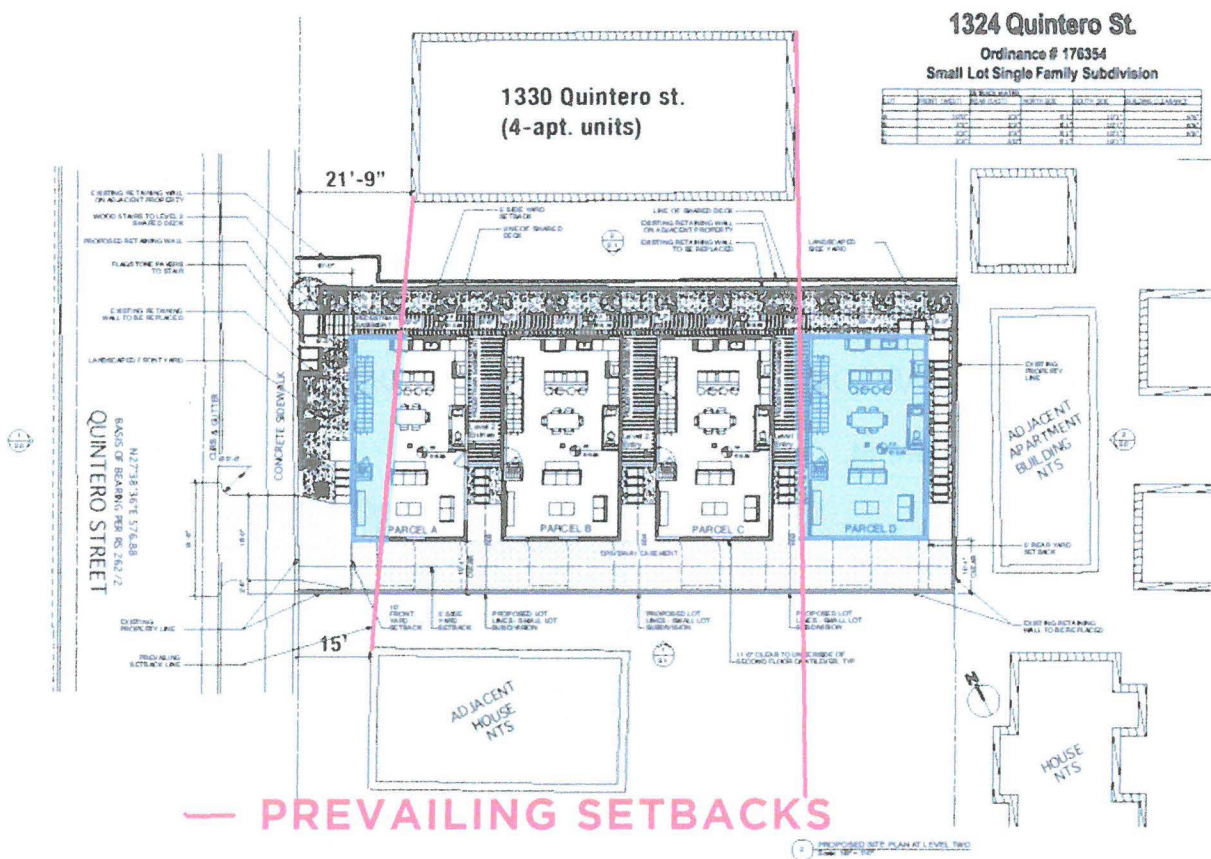


FIGURE B (EXISTING PREVAILING SETBACKS)



HIEGHTS – The Project proposes to build (4) 45ft tall, 4-story homes in a neighborhood that has adhered to 36ft maximum building heights. (The Project) would be substantially taller than it’s adjoining properties and the

neighborhood as a whole (see Figure C & D)

ROOF PROJECTIONS – The Roof structures of 1324 Quintero St. do not conform to the provisions of Section 12.21.1B as they exceed the allowable height and square footage limits. The roof structures on these homes have 20'-2" X 11'-2" (240sf.) additional livable units on the roofs with wet bar/kitchens and bathrooms. Per Section 12.21.1B, roof structures housing stairways are limited to 5 feet in height and 26 square feet in area.

The (project) has additional livable units on the roofs, with wet bar/kitchens and bathrooms. This comprises of a 4th floor, which is not allowable. They are designed as “Party Hubs” where the surrounding neighbors would be subjected to loud ambient noise. These roof decks are out of context with their surrounding neighbors. There are no other buildings on the street with these types of roof structures.

PARKING - The design provides a 16 ft. wide driveway, with 10 feet open to the sky. This is insufficient in width. The requirement is 20 feet. The units do not have adequate vehicle turnaround space to exit the property without backing out into their neighbor’s property or street. The last unit in the back of the property is the most restricted. Quintero St. is the third steepest street in the area. Backing into the street does not conform to the zoning codes and is particularly dangerous on such a steep street.

FIGURE C (FROM ADVISORY AGENCY SMALL LOT SUBDIVISION GUIDELINES 2014)

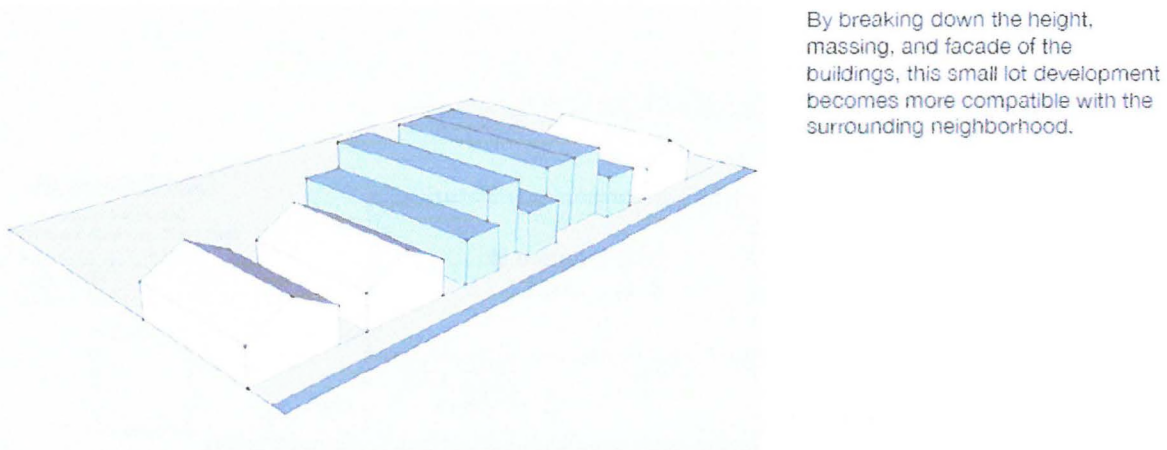
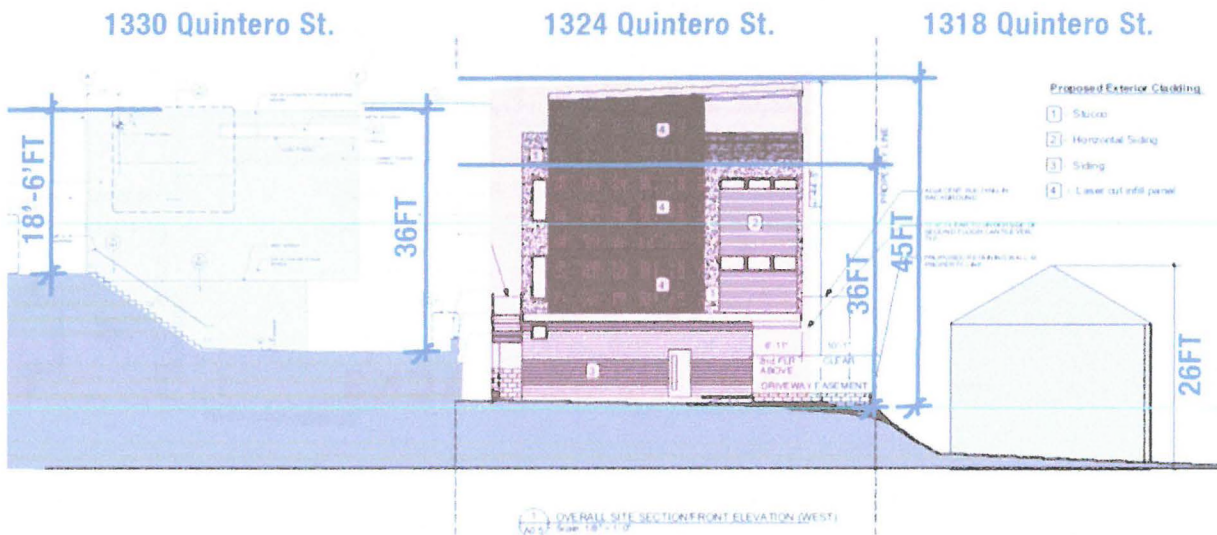


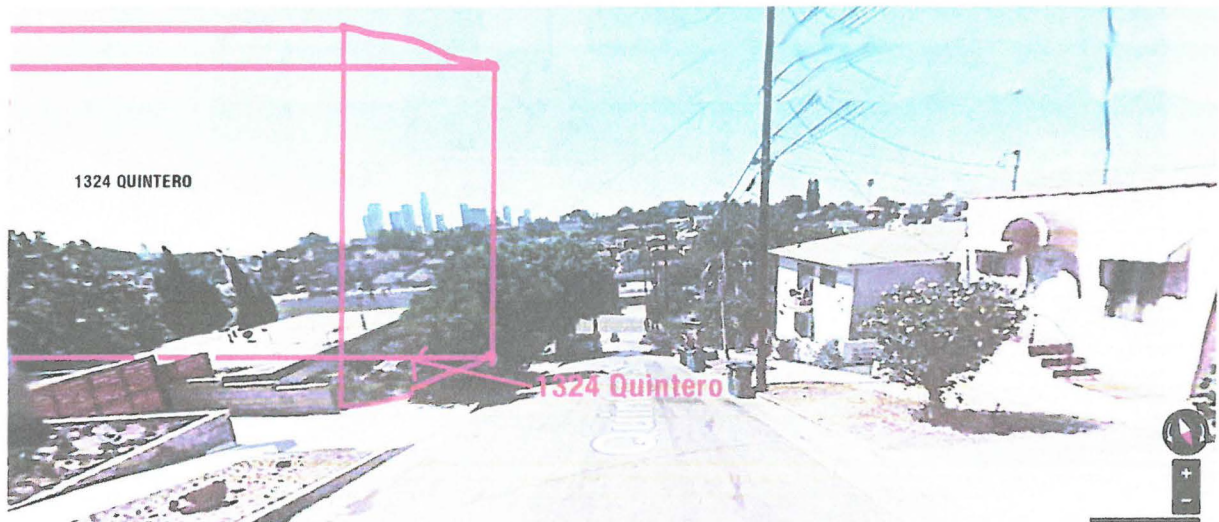
FIGURE D (COMPARISON TO EXISTING ADJOINING PROPERTY)



SCREENING CRITERIA #2: The Project includes a proposal to develop or allow development in an existing natural open space area (not including previously developed or infill lots).

The current property has a single story, single-family residence with a large, open back yard. (The Project) proposes filling the maximum possible envelope, with reduced sideyards and exceeding all of the prevailing heights.

FIGURE E (QUINTERO STREET WITH VIEWS)



SCREENING CRITERIA #3: The project results in the removal of one or more features that contribute to the valued aesthetic character or image of the neighborhood, community, or localized area.

From the hilly Quintero neighborhood, Neighbors and pedestrians enjoy beautiful views of the Los Angeles Downtown skyline (See Figure E). There is currently a bright southern light exposure on the street. Both would be completely blocked by (the Project). The Quintero St. community consists primarily of small scale, Spanish style houses, bungalows and apartment buildings. The Project's monolithic, boxy, unarticulated shape would create a jarring aesthetic and visual contrast to the homes in the area.

PROJECT IMPACTS - Based on the project description, and a review of the project site and surrounding area, The proposed project would result in the loss, removal, alteration, and/or destruction of the existing natural or urban aesthetic feature(s) that contributes to the valued aesthetic character of the area. Although Echo Park and its surrounding areas have a variety of architectural styles, Quintero St. is unique in that it has a high percentage of historic homes, that feature Spanish architecture, Pitched roofs, wood siding, generous setbacks and substantial landscaping features. 22 out of the 26 buildings on Quintero St. are of a historic nature and built between 1910 and 1930. (The Project) conflicts with this continuity in every aspect. It's garish, Monolithic, massively over-scaled, boxy, and visually violates all the consistent and prevailing setbacks in the area. It protrudes and burst out of the lot's acceptable building envelope on all sides and height, towering over its surroundings. It's out of place in this neighborhood that demonstrates a rich architectural history that is substantially intact.

The Project should be redesigned to enhance and blend with "valued aesthetic character" of the neighborhood, not degrade it.

FIGURE F (QUINTERO'S TYPICAL HISTORIC ARCHITECTURE)



SCREENING CRITERIA #4: The project introduces features that would detract from the existing valued aesthetic quality of a neighborhood, community, or localized area by conflicting with important aesthetic elements or the quality of the area (such as theme, style, setbacks, density, massing, etc.) or by being inconsistent with applicable design guidelines.

Aesthetically, this project shows a poorly designed, bulky, incongruous project that is completely out of character and devoid of any relationship with the surrounding neighborhood both visually and culturally. The front unit is oriented away from the street and pedestrians with a solid wall. Additionally, The Project is being assembled out of stacked prefabricated units, a further departure from the aesthetics of the neighborhood. The MND states: the project involves the construction of four single-family dwellings which may impact the existing character and aesthetics of the neighborhood" It's highly intrusive and visually inconsistent with neighboring structures.

II. OBSTRUCTION OF VIEWS

Through the General Plan, Community Plans, and the designation of scenic resources, the City specifies development standards, which help prevent the obstruction of views. These standards include the regulation of building height, mass, and floor to area ratio, as well as landscaping and grading, which are the principal issues in view obstruction.

Per L.A. CEQA Thresholds Guide, Initial Study Checklist Question (Section A.2 –I.a) asks,

A. "Would the project have a substantial adverse effect on a scenic vista?"

The answer in this case is "yes" and indicates further study in an expanded Initial Study. The State of California and the City of Los Angeles have recognized the value of access to visual resources through planning and zoning

regulations, which designate, preserve, and enhance public views. See *California Government Code Section (CGC) 65302*, which permits the Land Use Element of a General Plan to make provision for protection of aesthetic resources and views; *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) where view protection was identified as a legitimate government interest; and the 1979 Scenic Highway Plan where views of aesthetic resources are identified as meriting protection and enhancement.

Screening criteria #2: Would the project obstruct, interrupt, or diminish a valued focal and/or panoramic view?

Screening Criteria #3: Does the project propose standards for height and bulk of structures and other elements that inadequately protect existing visual resources and/or views?

The answer in this case to the preceding question is “yes.” A “yes” response to any of the preceding questions indicates further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration, or EIR may be required.

The “Significance Threshold” (L.A. CEQA Threshold Guide A.2 1-2A p. A.2-2) considers the nature and quality of recognized or valued views (such as natural topography, settings, man made or natural features of visual interest, and resources such as mountains or the ocean); and The extent of obstruction (e.g., total blockage, partial interruption, or minor diminishment); and The extent to which the project affects recognized views available from a length of a public roadway, bike path, or trail, as opposed to a single, fixed vantage point.

A field of view analysis, line-of-sight analysis, or other appropriate method (see Exhibits A.2-3 and A.2-4, and 3. Data, Resources, and References) indicates that (The Project) has significant impact and would severely restrict “visual access” to the adjoining properties and the neighborhood. These conditions meet the Significance Threshold and indicate that further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration, or EIR should be required.

III. SHADING

Based on the Screening Criteria of the L.A. CEQA Thresholds Guide (Page A.3-1),

The Project would “substantially degrade the existing visual character or quality of the site and its surroundings.”

Based on The Project’s orientation being due south/west, height and limited setbacks, it would significantly shade my property on 1330 Quintero St, depriving all the units, their balconies and their routinely useable outdoor spaces of all sunlight between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than six hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). Therefore, The Project’s impact is considered significant. These conditions meet the Significance Threshold and indicate that further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration, or EIR should be required.

IV. GEOLOGY

The Project, during the grading, construction and afterwards, could cause substantial damage to structures or infrastructure and exposure of people to substantial risk of injury is related to the probable frequency of potential geologic hazards (i.e., likely number of events per year or decade) and the probable severity of the consequences to people, property, or infrastructure that may result (i.e., injuries to people and the valuation of property damage). My adjoining property on 1330 Quintero St. is upslope, northern side of the (Project). It is situated 10 feet above the proposed site and supported by a retaining wall. Any digging, vibrations and disturbance of the soil runs the risk of destabilizing my property and endangering the residents. More soil tests need to be obtained and analyzed and a study of how the project’s demolition and construction will be conducted to prevent damage to my property. The Project’s site is within the UPPER ELESIAN PARK FAULT LINE.

Sample Mitigation Measures Potential mitigation measures include the following:

- A full EIR should be conducted

- More soil tests need to be obtained and analyzed and a study of how the project's demolition and construction will be conducted to prevent damage to my property.
- Use interim precautionary steps during construction; and
- Use design and structural features that exceed the requirements of the Los Angeles Building Code and Planning and Zoning Code. (Chapter 1 of the Municipal Code).

V. HEALTH AND SAFETY

The design of the subdivision is likely to create substantial environmental impacts and affect public health.

The MND identifies a series of potential hazards believed to exist on the property due to its age and record of former uses. The disturbing fact that must be addressed is: why the developer is allowed to wait until the public comment period is over to test for the presence and levels of toxic substances?

CEQA requires a "good faith effort at full disclosure." Withholding critical, potentially life-threatening information from the public about possible impacts on health is illegal. The MND liberally discusses the probability of toxic substances known to cause cancer, brain damage and lung disease such as asbestos, lead, and TCPs. The age of the property demonstrates a high probability for these substances, and the City has asked for consultations and assessments from professional abatement contractors *before the start of construction*, which is entirely outside of public view. Professionals must be consulted immediately and their findings and recommendations made known to local residents within 500 feet.

We demand that proper lead and asbestos mitigation be REQUIRED by contract BEFORE any permit is issued. This is for the safety of the children and families adjacent to this project. This project's grading activities will emit fugitive dust and toxic particles within 500 feet of where hundreds of children spend the greater part of their day learning, playing and eating. This represents a SIGNIFICANT impact. There are no mitigation measures that can possibly fully-protect the residents and children living and playing in such close proximity to the Project, but that shouldn't be the applicant's rationale for completely failing to address the health and safety concerns of these families.

The adjacent residents request that monitoring devices be installed for the duration of the construction period to continuously measure fugitive dust elements and toxic emissions levels.

The applicant has not adequately addressed noise and emissions levels generated by truck idling, truck staging, demolition and hauling. There is inadequate discussion of the use of bio fuels and low emission heavy equipment such as excavators and bulldozers. Because the City has not required the applicant to conduct testing for the hazards in advance of the hearing process, the applicant has not agreed to contract certified toxic abatement specialists and is currently only required to consult with them. This is unacceptable and a violation of CEQA processes.

The Project puts additional stress on public infrastructure that is already at its maximum capacity.

We are attaching here a letter from now Councilman Mitch O'Farrell in whose district this project is situated. The tone and urgency of this letter speak for itself. Councilman O'Farrell is begging for more resources for the Silverlake and Echo Park area for which Emergency Response Times are regularly above the 300 second minimum national standard. This location in the hillside area of Echo Park is precisely what the Councilman is concerned about in his letter. THERE HAS BEEN NO IMPROVEMENT since the date of this letter. Station 20 is still down the same number of personnel and an Engine. Further infill in areas already unequipped to support the current levels of need violates mitigation policy 3.3.2 of the Framework Element of the General Plan. In fact, trial court Judge Goodman mandated that "continuous monitoring of development activity is required" to provide for safety. *Fix the City v. City of Los Angeles* (2012).

Further infill in areas already unequipped to support the current levels of need violates mitigation policy 3.3.2 of the Framework Element of the General Plan. In fact, trial court Judge Goodman mandated that "continuous

monitoring of development activity is required” to provide for safety. *Fix the City v. City of Los Angeles* (2012). However, given the Small Lot Database Map provided by the Department of City Planning, it is clear that there has been a disproportionate concentration of Small Lot projects in the Echo Park area. There has been no corresponding upgrade to water mains, sewer lines, power delivery systems, utility poles, etc. This is precisely the failure outlined in the *Fix the City* suit. The City has failed to monitor development activity, the locations where it is concentrated, and the corresponding impacts to the infrastructure in those areas most impacted by the frenzy of developer activity. This project will result in 16 more toilets flushing, 48 more sinks, 8 dishwashers, 40+ computers and televisions, and the list goes on and on. The cumulative burden of relentless and unaccounted-for incremental add-ons cannot be ignored, it is mandated by policy 3.3.2, and the City has failed to address this. *This project should not be approved until accurate impacts on the environment and the infrastructure have been calculated.*

If the Initial Study finds substantial evidence that the project will have a significant effect on the environment, then an EIR must be prepared. Intended to provide decision makers with the necessary information to make a well-informed decision, the EIR is a detailed report that identifies the potentially significant environmental effects the project is likely to have; identifies feasible alternatives to the proposed project; and indicates the ways in which significant effects on the environment can be mitigated or avoided.

All objections, including those regarding proper notice and due process, are expressly reserved. Please ensure that notice of all hearings, actions, events and decisions related to the Project are timely provided to me at my email listed below or, if electronic copies are unavailable, to the address above. This request for advance notice is made pursuant to, but not limited to, Public Resources Code Sections 21092, 21092.2 and 21167(f), and Government Code Sections 65091 and 65904I reserve the right to submit additional comments and objections regarding the Advisory Agency’s approval of the Tract Map, the Conditions of Approval and the Environmental Findings through the close of the administrative proceedings related to the Project.

The Area Planning Commission must make the necessary finding to DENY the tract map and find that the MND provides insufficient project data and must be re-circulated and upgraded to a full EIR.

VI. HYDROLOGY AND WATER QUALITY

The MND states "storm water pollution may occur during the demolition and construction phase of the project. In addition, because of the terrain of the site, storm water pollution may result from the paved driveway" There is inadequate mitigation provided for this impact. In the CEQA Thresholds Guide, page G.1-1, questions VIII.d asks "Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff?" Due to concerns regarding the slope issues and the lack of mitigation, the answer to this questions is unknown without further study and an EIR.

VII. NOISE

The MND states: "excessive noise (and groundborne vibration) may be generated during the construction phase of the project" This is a very dense neighborhood on a very narrow, substandard hillside street. There is the real possibility of creating a significant hazard to the public by the noise generated by the construction phase of this development, for which minimal mitigation has been proposed. In the CEQA Thresholds Guide, page I.11 the Initial Study Checklist Question XI.a asks "Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?" The answer is "Yes", and An EIR should be required.

VIII. PUBLIC SERVICES

The existing Parcel Map shows a 10-foot driveway covered by 5 foot covered overhangs of the building. This is inadequate, as the tract map is required by the Fire Department to provide and maintain a minimum 20-foot common access strip OPEN TO THE SKY from the interior lots all the way to the public street for emergency vehicle and fire truck access. In addition, this project is located on one of the steepest hillside street in an area with marginal fire protection facilities and within a Very High Fire Hazard Severity Zone with limited access for fire and emergency vehicles. The construction phase of this project will grossly impede and impair access for this

neighborhood. The MND states: "the project is located on a hillside designated street. Emergency access may be impacted during construction phase" In addition, the MND states it may have potentially significant impact to "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan" and that it may "expose people or structures to a significant risk of loss, injury or death involving wild land fires, including wild lands adjacent to urbanized areas or where residences are intermixed with wild lands". Special scrutiny should be applied by the Fire Department to ensure an emergency response plan that continues the uninterrupted protection of the neighborhood residents and students.

IV. TRANSPORTATION & TRAFFIC/DANGEROUSLY STEEP STREET

PROJECT ACCESS - The project increases hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses. And the project will result in inadequate emergency access. The MND states: "due to the steepness of the site, the DBS and DOT will review to ensure adequate safety of vehicles backing out of garages". In order to accomplish this, the plans must be reconfigured to move the pedestrian walkway (a five foot covered strip parallel to the existing ten foot driveway) and to expand the driveway from ten to twenty feet OPEN TO THE SKY. Quintero St. is EXTREMELY STEEP. THE 3RD STEEPEST IN THE CITY. The approach up Quintero is very dangerous. A vehicle stopping at any point on the slope of the street runs the risk of rolling backwards. Quintero has a shortage of street parking. Any construction vehicles would cause serious disruption, if not danger to the residents. This project will create an unsafe transportation corridor for all who live on this block and need access to and from their homes.

Based on the CEQA "Screening Criteria" (L5 Project Access p. 4-4), It can be readily perceived that there are access risks or deficiencies associated with the adjoining street system due to curves, slopes, walls or other barriers to adequate lines of sight.

This indicates that further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration, or EIR should be required.

Project access impacts relate to the provision of access to and from the project site, and may include safety, operational, or capacity impacts. Impacts can be related to vehicular/vehicular, vehicular/bicycle or vehicle/pedestrian conflicts as well as to operational delays caused by slowing and/or queuing to access a project site. These conflicts is created by the driveway configuration and through the placement of project driveways in and area of inadequate visibility, and egress to Quintero St, a dangerously steep street. Evaluation of project access impacts requires details regarding land use, size, design, location of access points, etc.

THE FACT THAT THE MND STATES THAT DBS AND DOT SAY FURTHER STUDY IS NEEDED TO ASSESS THE DRIVEWAY BACK UP ISSUE BY DOT AND LADBS, SUGGESTS THAT THERE ARE SIGNIFICANT IMPACTS FOR WHICH MITIGATIONS, PERHAPS IN THE FORM OF PROJECT CHANGES, MAY BE NECESSARY. CEQA WAS DEVELOPED TO ENSURE TRANSPARENCY AND PUBLIC PARTICIPATION IN THE PROJECT APPROVAL PROCESS. THE FACT THAT THE LEAD AGENCIES RESPONSIBLE FOR ASSESSING THIS CRITICAL AND POTENTIALLY HAZARDOUS DRIVEWAY ACCESS, HAVE DEFERRED ANALYSIS IS A VIOLATION OF CEQA. THIS PROJECT'S AUTO TRAFFIC IS RELYING ON REVERSE EGRESS ON A "BLIND" HILLSIDE STREET, ONE OF THE STEEPEST IN THE WHOLE CITY. THIS FAILURE TO ADDRESS THE DRIVEWAY AND GIVE DISCRETIONARY APPROVAL TO A REDUCED BACKUP AREA AND REDUCED OPEN-TO-SKY DRIVEWAY IS AN EGRIGIOUS OVERSIGHT AND FAILURE ON BEHALF OF THE DEPARTMENT TO PROTECT PUBLIC SAFETY AND THE SAFETY OF THE FUTURE OWNERS.

X. UTILITIES AND SERVICES

According to this case file "this project has the potential to cumulatively impact existing water supplies and waste disposal capacity". This project will further impact our limited water supply and landfill resources. Or all of these concerns, I would like to see this project undergo a more intense and thorough environmental review, with some design oversight that reflects elements of the Small Lot Guidelines and the Community Plan.

CONCLUSION

There are myriad problems with the approval of the Tract Map The Project has undergone significant impacts

and the MND and needs to be recirculated or an EIR performed.

- The Project does not conform to important elements within the Community Plan.
- The Project tramples on the local neighborhood with its excessive height and massing; its inadequate parking; its incessant traffic; and its toxic emissions in close proximity to babies, toddlers and school children.
- The Project does not align with goals put forth in the housing element of the General Plan

The Project's MND does not represent a "good faith effort at full disclosure," in violation of CEQA. It is nothing but boilerplate responses with no meaningful metrics for performance of those mitigations. The environmental documents omit key analyses that should have been performed, and it is stilted to avoid findings of obvious significant environmental impacts.

The Planning staff should demand that further investigation be performed to the satisfaction of the families that will be impacted from all sides. The project should not go forward until all the environmental concerns have been fully and properly addressed in an EIR, and in accordance with the law.

I reserve the right to submit additional comments and objections regarding the MND through the close of the administrative proceedings related to the Project.

Thank you very much for hearing my appeal. Please feel free to contact me at any time.

Sincerely,

Patrick N. Sherman
Owner of 1330 Quintero St.
310-963-7966
shermanator100@gmail.com

Office: Downtown
Applicant Copy
 Application Invoice No: 27953

City of Los Angeles
 Department of City Planning



LA Department of Building and Safety
 LA ESTE 104078723 2/1/2016 3:57:57 PM

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the your application, regardless of whether or not you obtain the services of

This filing fee is required by Chapter 1, Article 9, L./

PLAN & LAND USE \$106.80
 Sub Total: \$106.80

Receipt #: 0104540516

Applicant: SHERMAN, PATRICK N. (310-9637966)
Representative:
Project Address: 1324 N QUINTERO ST, 90026

NOTES:

ENV-2015-778-MND-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$1.78
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$106.80
Total Invoice	\$106.80
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$106.80

LA Department of Building and Safety
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PLAN & LAND USE \$106.80
 Sub Total: \$106.80

Receipt #: 0104540516

Council District: 13
 Plan Area: Silver Lake - Echo Park - Elysian Valley
 Processed by KIM, STEVE on 02/01/2016

Signature: 