

Office: Downtown  
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 Application Invoice No: 52633

City of Los Angeles  
 Department of City Planning



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### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: LOS FELIZ IMPROVEMENT ASSOCIATION ( B:323-8399155 )
Representative: CHANNEL LAW GROUP, LLP - T. HALL, JAMIE ( B:310-9821760 )
Project Address: 4513 W RUSSELL AVE, 90027

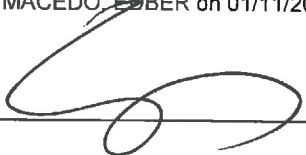
**NOTES:** CEQA APPEAL INCIDENTAL TO DIR-2018-2764-SPP-1A

ENV-2018-2765-CE			
Item	Fee	%	Charged Fee
Other with Surcharges (per Ordinance No. 182,106) *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

LA Department of Building and Safety  
 LA ANDR 1031455664 1/11/2019 3:19:36 PM  
 PLAN & LAND USE \$106.80  
 DEV SERV CENTER SURCH-PLANNING \$2.67  
 Sub Total: \$109.47  
 Receipt #: 0109989377

Council District: 4  
 Plan Area: Hollywood  
 Processed by MACEDO, EDBER on 01/11/2019

Signature: 



**APPLICATIONS:**

**APPEAL APPLICATION**

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

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

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

Regarding Case Number: ~~DIR 2018-2764-SPP-1A~~, ENV-2018-2765-CE

Project Address: 4511 West Russell Avenue, Los Angeles, CA

Final Date to Appeal: 01/17/2019

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

**2. APPELLANT INFORMATION**

Appellant's name (print): Los Feliz Improvement Association

Company: Los Feliz Improvement Association

Mailing Address: P.O. Box 29395

City: Los Angeles State: CA Zip: 90039

Telephone: (323) 839-9155 E-mail: zoning-all@lfia.org; kondracke@mac.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): Jamie T. Hall

Company: Channel Law Group, LLP

Mailing Address: 8200 Wilshire Blvd., Suite 300

City: Beverly Hills State: CA Zip: 90211

Telephone: (310) 982-1760 E-mail: jamie.hall@channelawgroup.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

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

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

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- 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: *[Signature]*  
*for LFA*

Date: 01/11/2019

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

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

This Section for City Planning Staff Use Only		
Base Fee: <i>\$8900</i>	Reviewed & Accepted by (DSC Planner): <i>E. Macado</i>	Date: <i>1-11-19</i>
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

# Channel Law Group, LLP

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JULIAN K. QUATTLEBAUM, III \*  
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jamie.hall@channellawgroup.com

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\*ALSO Admitted in Colorado  
\*\*ALSO Admitted in Texas

January 11, 2019

## VIA PERSONAL DELIVERY

Los Angeles City Council  
c/o Los Angeles City Clerk  
Los Angeles City Hall  
200 N. Spring Street, Room 532  
Los Angeles, CA 90012

### **Re: Justifications for Appeal for 4511 W. Russell Avenue; ENV-2018-2765-CE**

Dear Honorable Council Members:

This firm represents Los Feliz Improvement Association ("LFIA"). Public Resource Code 21151(c) of the California Environmental Quality Act ("CEQA"), LFIA hereby appeals the determination that the proposed development project located at 4511 W. Russell Avenue ("Project") is categorically exempt from CEQA. This section of CEQA allows an aggrieved party to appeal the approval of a Categorical Exemption ("CE") by a non-elected, decision-making body to that agency's elected, decision-making body.

In this case, the Central Area Planning Commission (a non-elected, decision-making body) on November 27th, 2018 approved a project Permit Compliance Review for a proposed development at 4511 Russell Avenue. As part of its approval, the Commission issued a December 12, 2018 determination letter stating the project is exempt from CEQA, and that there is *"no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies."*

The Commission's determination is wrong. The courts have mandated that categorical exemptions be construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. McQueen v. Mid-Peninsula Regional Open Space (1988) 202 Cal.App.3d 1136.

In the case of 4511 Russell Ave, the unusual circumstances surrounding this project make a categorical exemption inapplicable. Specifically, the cumulative impacts resulting from unrestrained illegal demolitions of potential historic resources are significant. Additionally, the environmental hazards of a current dry cleaners adjacent to the property, a former gas station directly behind the property with gas tanks still submerged, and an

unexamined fault line by the property have not been examined.

As noted by public speakers during the Central Area Planning Commission's November 27 hearing, and in written objections entered into the record, the use of a categorical exemption is improper.

## I. OBJECTIONS

### A. A Categorical Exemption is inappropriate

The property at 4511-4513 Russell Ave. in Los Feliz consists of two detached homes, with the main house constructed in 1911 for Robert and Maria Crouch. This front house exemplifies the Craftsman architectural style, with a cross gabled roof with deep eaves, braces and a patterned vent beneath the south gable. A shed roof attached to the front façade extends over the driveway to create a porte-cochere supported by piers. The home is clad in clapboard siding and contains a mix of double-hung windows and fixed picture windows. Interior features include a tiled fireplace, wainscoting, and hardwood floors. In all aspects, therefore, the home is a textbook example of the Craftsman architectural style that define Los Feliz and its architectural heritage.



Photo above: 1911 front house at 4511 Russell Ave.



Photo above: Rear house constructed in 1920.



Photos above and below show Craftsman interior details of front house



Dining room built-in floor-to-ceiling breakfront at north wall, bat and board with baseboard & plate rail; original wood floor, at 4513 Russell Avenue, photographed June 2015.

The site's 1911 Craftsman front house retains its design, setting, materials, workmanship, feeling and association. It embodies the distinctive characteristics of a style, type, period and method of construction. The Craftsman home retains enough of its historic character and appearance to be recognized as a contributor to a potential historic district, and is also associated with a historic personage in Forrest Ackerman. Under the California Environmental Quality Act, the home must be analyzed accordingly.

In 2011, a historic resources survey conducted by the Los Feliz Improvement Association found the Craftsman bungalows at 4511-4513 Russell to be contributors to a historic district. The removal of the two single-family homes would therefore detrimentally impact the establishment of this historic district. The property is located in what is known as the "Croake and McCann's Gem of Hollywood Tract," which was subdivided in 1904, and whose residential architecture is almost entirely Craftsman in design. A majority of these early homes survive today, including on the subject property.

The Gem of Hollywood neighborhood has a high concentration of historic housing, ranging from 1905 to the early 1960s. The establishment of a Gem of Hollywood Historic Preservation Overlay Zone is being considered as a means to help preserve the residential integrity of the neighborhood. The proposed apartment project at 4511 Russell Ave. is counterproductive for that future.

Appeal of Case Nos.: DIR 2018-2764-SPP; ENV-2018-2765-CE  
Page five

CEQA considers historical resources to be part of the environment. A project that may cause a substantial adverse effect on the significance of a historical resource is recognized as having a significant effect on the environment.

CEQA Guidelines Section 15300.2 states: "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." Demolition of a historic resource is considered a significant impact to the environment.

Public Resources Code Section 21084.1 further states: "The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section."

The Craftsman architectural style, which emerged from the Arts and Crafts movement, was popular for residential homes from approximately 1905 to the early 1930s, with the height of construction in the 1910s. The two single-family homes on the subject site are consistent with this trend, as they were built in 1911 and 1920. The Craftsman style emphasized handcrafted and natural materials and a high quality of craftsmanship, which is most reflected in the main house located at the south end of the project site.

Typical Craftsman homes are characterized by broad gable roofs with wide overhanging eaves, exposed rafters and purlins, wood clapboard and shingle siding, and windows with muntin patterns.

The Craftsman style in Southern California was employed for both elaborate mansions and modest homes.

As noted, the project site contains two single-family homes. The main house located at the southern end of the lot shows a high level of integrity, with many original character-defining features intact. The interiors are also largely intact, with hardwood floors and built-in cabinetry.



To approve a Project Permit Compliance Review, the Director must require mitigation of any significant adverse effects of the project on the environment and surrounding areas. No such mitigation has been proposed to alleviate the impact of demolishing the site's historic resources.

This action requires review under the California Environmental Quality Act (CEQA) and is not categorically exempt from that review. The impact to the neighborhood must be mitigated. Therefore, LFIA is asking that this request be denied.

**B. LAMC Section 11.5.7.C.2 requires that the proposed project perform environmental review and incorporate mitigation measures.**

LAMC Section 11.5.7.C.2 requires that a Project Permit Compliance Review include findings that a project includes “*mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental efforts of the project.*” Yet in the case of 4511 Russell Ave., no environmental review was conducted because planning staff concluded without evidence that the proposed development is Categorical Exempt from CEQA.

1. **Director's Authority.** The Director shall have the initial decision-making authority to decide whether an application for a project within a specific plan area is in conformance with the regulations established by this subsection and in compliance with applicable regulations of the specific plan. In addition, the Director shall have the authority to determine what type of projects are exempt from these Project Permit Compliance procedures based on exemption provisions and other regulations contained in individual specific plans.

(a) The Director shall review and approve, disapprove or approve with conditions an application for a Project Permit Compliance.

(b) In granting a Project Permit Compliance, the Director shall require compliance with the applicable regulations of the specific plan and mitigation of significant adverse effects of the project on the environment and surrounding areas.

2. **Findings.** The Director shall grant a Project Permit Compliance upon written findings that the project satisfies each of the following requirements:

(a) That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan; and (Amended by Ord. No. 177,103, Eff. 12/18/05.)

(b) That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

The determination letter contains no environmental findings whatsoever. Instead, Planning Department staff merely state “the Project is exempt from CEQA pursuant to City of Los Angeles CEQA Guidelines Article III, Section 1, Class 3, Category 2 (apartments, duplexes, and similar structures designed for no more than six dwelling units in an urbanized area), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.”

CEQA Guidelines Section 15300.2 prohibits a Categorical Exemption if a project would impact a historic resource. Note at **Exhibit 2** a complete analysis of the site concluding that the property is significant as both a contributor to a historic district and individually as a property associated with a famous personage. Per LAMC

Section 11.5.7.C.2, the Director must incorporate “mitigation measures, monitoring measures...or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project.”

**C. No analysis has been conducted regarding mitigation of potential carcinogenic contaminants from the adjacent dry cleaners to the project site.**

During renovations of the adjacent commercial strip mall in 2013, contaminated soil from beneath Celebrity Cleaners at 1857 N. Hillhurst Ave. was excavated and stored on the 4511 Russell Ave. site. The presence of potential carcinogenic dry-cleaning residue in the soil requires a minimum of a Phase I environmental analysis to allay concerns that any excavation activity would disperse such toxins into the surrounding residential neighborhood.

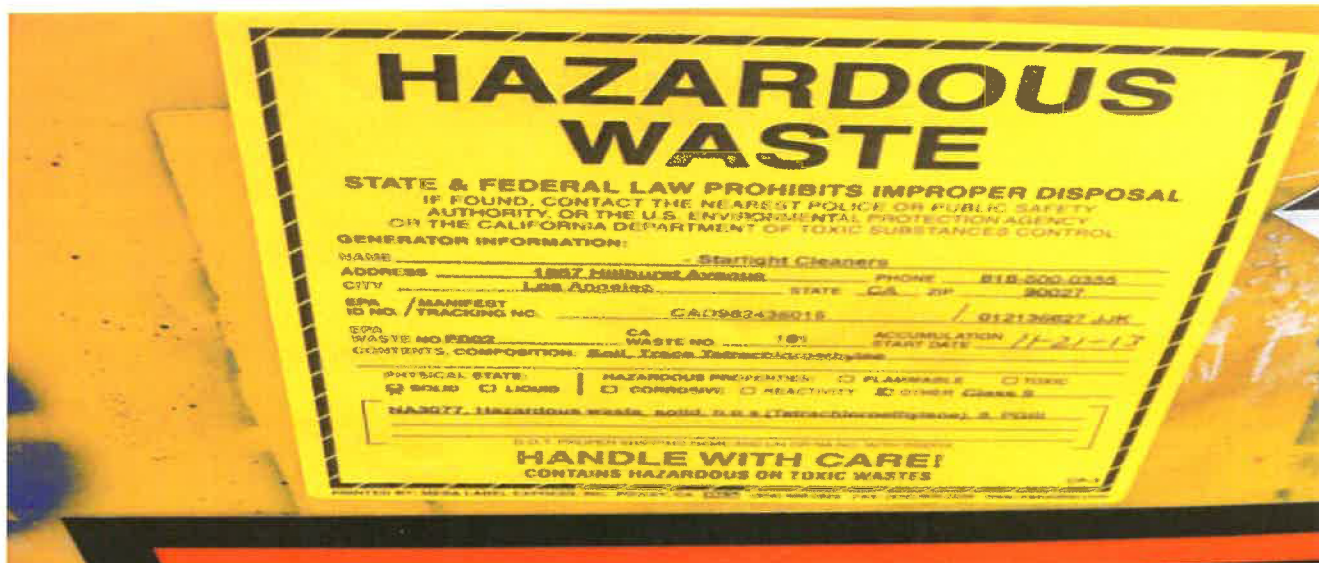


Photo taken in 2013 of Hazardous Waste label attached to drums of soil extracted from beneath Starlight Cleaners that contained the carcinogen Tetrachloroethylene.

- D. No analysis has been conducted regarding mitigation of potential carcinogenic contaminants from the former gas station adjacent to the project site.



Image dated from 1978 showing a gas station at the southwest corner of Hillhurst and Franklin, directly behind the proposed project



Image dated from 2004 showing the demolition of the same gas station.

It is a well known fact of the neighborhood, documented with photos from above, that a gas station existed directly behind the proposed project site from at least the 1970s. There's potential migration of contaminants under the property that must be addressed with boring samples in a phase I or phase II analysis.

Following the Northridge Earthquake of 1994, which significantly damaged many properties within the area, it is entirely possible that the tanks beneath this gas station were damaged as well and further migration of contaminants took place.

Furthermore, any construction in this area runs the risk of kicking up contaminated and toxic dirt into a neighborhood full of families.

**E. A geological study of the area is required.**

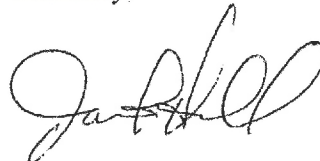
A fault line runs down the length of Franklin, but a sufficient geological study has not been performed. The potential for liquefaction along this fault line is an immediate concern and needs to be addressed fully prior to approval of construction, not after.

The former gas station and current and future structures are all within a "liquefaction zone." As a result, any toxic material both leftover from the tanks still underneath the site of the former gas station and the chemicals from the adjacent dry cleaning business are at risk of further contamination to the neighborhood and the proposed site.

For these and other environmental concerns, we respectfully request that the decision of the Central Area Planning Commission regarding the 4511 Russell Ave categorical exemption be reversed, and a full CEQA review be conducted.

We reserve the right to submit additional objections into the record at a later date. I may be contacted at 310-982-1760 or at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being the most prominent part.

Jamie T. Hall