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**Fwd: CF 16-0503 Letter in Opposition to CEQA Appeal - PLUM Hearing Date May 16, 2017**

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**Sharon Dickinson**

May 10, 2017 8:14 AM

Posted in group: **Clerk-PLUM-Committee**From: **Craig Lawson** <craig@craiglawson.com>

Date: Tue, May 9, 2017 at 11:39 PM

Subject: CF 16-0503 Letter in Opposition to CEQA Appeal - PLUM Hearing Date May 16, 2017

To: "paul.habib@lacity.org" &lt;paul.habib@lacity.org&gt;, "shawn.kuk@lacity.org" &lt;shawn.kuk@lacity.org&gt;, "Kevin.Ocubillo@lacity.org" &lt;Kevin.Ocubillo@lacity.org&gt;, "sharon.dickinson@lacity.org" &lt;sharon.dickinson@lacity.org&gt;

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RE: Council File 16-0503

Please see the attached letter, sent on behalf of "A Community of Friends" in [opposition to the CEQA Appeal](#) filed by representatives of El Mercado de Los Angeles relating to a proposed affordable housing project at 1<sup>st</sup> & Lorena in Boyle Heights.

Let me know if you need further information.

Craig Lawson

Craig Lawson &amp; Co., LLC

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Google Groups

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**CF 16-0503 Letter in Opposition to CEQA Appeal - PLUM Hearing Date May 16, 2017**

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**Craig Lawson**

May 9, 2017 11:21 PM

Posted in group: **Clerk-PLUM-Committee**

Please see attached letter with exhibits.

Craig Lawson

Craig Lawson & Co., LLC

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# Craig Lawson & Co., LLC

## Land Use Consultants

May 9, 2017

VIA EMAIL AND HAND DELIVERY

Honorable Jose Huizar, Chair  
Planning and Land Use Management (PLUM) Committee  
Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
200 N. Spring Street  
Los Angeles, CA 90012  
Attention: Sharon Dickinson, Legislative Assistant

**PLUM Meeting:** May 16, 2017  
**Council File No.:** CF 16-0503  
**Case No.:** ENV-2014-2392-MND-1A  
**Applicant:** A Community of Friends  
**Subject Site:** 3401-3415 E. 1<sup>st</sup> Street and 116-126 N. Lorena Street

Dear Honorable Members of the PLUM Committee:

I am writing on behalf of A Community of Friends (the "Applicant") in relation to the California Environmental Quality Act ("CEQA") Appeal filed on April 20, 2016 (the "CEQA Appeal") by Pedro A. Rosado and Marlene Rosado (the "Appellants"), on behalf of a marketplace with restaurants and bars called the El Mercado de Los Angeles ("El Mercado"). The CEQA Appeal relates to a proposed affordable housing project (the "Proposed Project") which the Applicant intends to construct at 1<sup>st</sup> and Lorena Streets (the "Subject Site") in the Boyle Heights community of the City of Los Angeles (the "City").<sup>1</sup> The Subject Site is owned by the Los Angeles County Metropolitan Transportation Authority ("Metro"), which has entered into an agreement with the Applicant to develop this site with affordable housing near a Metro Gold Line transit station.

For the various reasons stated in this letter, as well as for public policy reasons, I urge you to recommend that the City Council **deny this CEQA Appeal.**

A Community of Friends (ACOF) is an award winning non-profit housing developer with a mission to end homelessness through the provision of quality permanent supportive housing, with a focus on building housing for veterans and persons with special needs. ACOF owns 40 properties and operates over 1,580 units of affordable housing in the Los Angeles area.

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<sup>1</sup> The CEQA Appeal (which was assigned Council File No. 16-0503 and Case No. ENV-2014-2392-MND-1A) challenges the Mitigated Negative Declaration (ENV-2014-2392-MND) for the Proposed Project, which was adopted by the Director of Planning on March 2, 2016. The property address for the Proposed Project is 3401-3415 E. 1<sup>st</sup> Street and 116-126 N. Lorena Street. The adjacent El Mercado property is located at 3425 E. 1<sup>st</sup> Street.

The Proposed Project at 1<sup>st</sup> and Lorena, also known as the “Lorena Plaza Project”, involves the construction of an approximately 90,000 square foot mixed-use building consisting of forty-nine (49) units, which will be restricted as affordable rental housing to all tenants (48 restricted affordable units of which 24 units will be reserved for veterans, 24 units for special needs households and 1 on-site manager’s unit). The project will also include approximately 10,000 square feet of ground floor commercial uses.

The CEQA Appeal should be rejected for the following reasons:

1. **Los Angeles has an Acute Shortage of Affordable Housing Units**

A recent UCLA study found that Los Angeles, which has the highest percentage of renters in the nation, is also the least affordable rental market in the nation.<sup>2</sup> Furthermore, the Southern California Association of Nonprofit Housing (SCANPH) released a report in 2014 showing that the Los Angeles region has a deficiency of nearly 500,000 units of affordable housing for low and very-low income residents.<sup>3</sup>

As a response to this crisis, many members of the Los Angeles City Council, including members of the PLUM Committee, proposed Measure HHH, a landmark homelessness reduction and prevention, housing, and facilities bond. On November 8, 2016, the voters of Los Angeles overwhelmingly approved Measure HHH. One of the goals of Measure HHH is to provide safe, clean affordable housing for the homeless and others in danger of becoming homeless, such as veterans and the disabled.

On that same ballot, Measure JJJ, also known as “The Build Better LA Initiative” was also overwhelmingly approved by Los Angeles voters. This ballot measure is intended to address the affordable housing shortage by requiring new multi-family development projects to include affordable housing units.

In March 2017, Los Angeles County voters approved Measure H, a sales tax measure to fund homeless services and prevention. All three of these ballot measures exceeded the necessary two-thirds approval threshold for passage, indicating strong voter support for more affordable housing projects in Los Angeles.

By providing 48 restricted affordable units, the Lorena Plaza Project is consistent with Measures HHH, JJJ and H and the voters’ desire to provide more affordable housing.

2. **The Proposed Project is Consistent with the Housing Element of the City’s General Plan and Will Provide Housing Near Transit**

On December 3, 2013, the City Planning Commission adopted the Housing Element 2013-2021 (the “Housing Element”) as an important part of the City’s General Plan.<sup>4</sup> A primary goal of the Housing Element is to create “[a] City where housing production and preservation result

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<sup>2</sup> Rosalie Ray, Paul Ong and Silvia Jimenez “Impacts of the Widening Divide: Los Angeles at the Forefront of the Rent Burden Crisis.” UCLA Luskin School of Public Affairs. July 2014. Page 2.

<sup>3</sup> Robert Dhondrup “LA County Short 500,000 Affordable Homes for Low Income Families.” Southern California Association for Nonprofit Housing. March 2014. Page 1.

<sup>4</sup> The Los Angeles Housing Element 2013-2021, Department of City Planning, City of Los Angeles, CPC-2013-1318-GPA, adopted December 3, 2013

in an adequate supply of ownership and rental housing that is safe, healthy, and affordable to people of all income levels, races, ages, and suitable for their various needs.”

The Housing Element encourages increasing the supply of affordable housing through land use programs, particularly along transit corridors (see Policy 1.2.2 and 1.2.8). The Lorena Plaza Project will be located approximately 1,300 feet from the nearest Metro Gold Line Station (at 1<sup>st</sup> and Indiana Streets), and there are several bus lines accessible within 1,500 feet of the site (i.e. adjacent Line 254, the 770 Rapid Bus, and the 68, 620, and 665 Lines). The Lorena Plaza Project satisfies the City’s objective of increasing the number of housing units in close proximity to transit stations.

Similarly, Metro has been encouraging the development of affordable housing near transit stations. For the last several years, the Applicant has worked diligently to meet Metro requirements including creating several schematic design alternates with the goal of creating an optimal design and program that is acceptable to the community.

3. **The Lorena Plaza Project Has the Support of the Local Community**

Over the last three years, the Applicant has undertaken extensive community outreach efforts including the following:

- a) hosting two meetings with the community and an Open House
- b) attending three Metro hosted meetings
- c) presenting at seven other community meetings
- d) discussing the project at five Neighborhood Council meetings

Changes to the Lorena Plaza Project were made based upon community input. Outreach efforts culminated with a 15 to 1 vote in support of the Project at the Boyle Heights Neighborhood Council meeting on July 22, 2015.

4. **The Appellants Filed the CEQA Appeal to Protect Their Economic Interests Rather than to Protect the Environment**

In meetings between the Appellants and the Applicant, it was made clear that the Appellants were concerned that a residential development next to their restaurants and bars in the El Mercado property could generate complaints that might adversely affect their ability to operate. To address those concerns, the Applicant made significant modifications to the Proposed Project to minimize any impacts from El Mercado's operations. These modifications include:

- a) eliminating windows on the side of the Proposed Project facing El Mercado
- b) increasing sound reduction throughout the building design to reduce sound levels at the interior of residential units
- c) setting back the building at an angle to allow for customer visibility to El Mercado
- d) committing to commercial uses in the Proposed Project that minimize parking impacts in the area (e.g. childcare, small fitness center, etc.)
- e) agreeing to issue parking stickers for tenants with cars so El Mercado can identify and tow them if they are parked on the El Mercado property

In 2016, a front page article in the *Los Angeles Times* (See Exhibit 1) detailed the desire of the Appellants to make changes to El Mercado in order to attract a new, younger group of customers, with a particular interest in obtaining approvals to serve a full line of alcoholic beverages in the third-floor restaurant.

The following is a quote from the LA Times article:

*Tony Rosado said that what he envisions is not a radical change. He would preserve the core of the shopping center, he said. But Rosado said the crowds are no longer what they used to be, being mostly confined to the weekends, especially Sunday.*

*Rosado said pending getting a liquor license, the third-floor restaurant he oversees could evolve to have a broader appeal – with tequila tasting events that are broadcast over social media and a bar that sells craft beer.*

The Appellants are acting solely out of their own economic self-interest to prevent an affordable housing development from possibly affecting their hopes to upgrade their property. The City Council would set a terrible precedent if it grants a baseless CEQA Appeal in order to allow a property owner to prevent affordable housing for purely selfish and misguided economic interests.

Nevertheless, the Appellants made a last-ditch, last-minute attempt to delay the Proposed Project by filing a meritless CEQA Appeal. The City Council should not grant a CEQA Appeal that is filed purely to protect the Appellants' economic interests, particularly (as further explained below) when the Appellants did not even comment on the Draft MND during the public comment period, express any objections to the Proposed Project during the time it was pending, or file an appeal with the City Planning Commission.

5. **The Proposed Project is Smaller than Allowed and Provides Excess Parking**

The Appellants have no grounds on which to object that the Proposed Project is too large or has inadequate parking. The maximum density on the site prior to a density bonus is 106 units, but this project is proposing to construct only 49 units, less than half of that maximum density, with a commercial component of 10,000 square feet. The parking requirement is 58 spaces (20 parking spaces for the commercial space plus 38 parking spaces for the residential units), but the applicant is proposing to provide 66 parking spaces, 8 more spaces than required.

Thus, if the Appellants are concerned about excess density or deficient parking, both of those issues have been addressed in the Proposed Project.

6. **The Grounds Stated in the CEQA Appeal Have No Merit**

The documents filed by the Appellants include a list of unsubstantiated generalities as the reasons for the CEQA Appeal. None of the statements constitute a legitimate reason that would justify finding any defect in the CEQA document for the Proposed Project. The enclosed letter prepared by Meridian Consultants, LLC (See Exhibit 2) directly responds to each point made by the Appellants in their CEQA Appeal and demonstrates that the CEQA

document specifically addresses each point. In short, the Appellants have not put forward a legitimate reason for questioning the adequacy of the CEQA document.

7. **The Appellants Failed to Exhaust Their Administrative Remedies by Appealing the Director's Determination Letter to the City Planning Commission as Required by CEQA**

On March 2, 2016, the Director of Planning approved a Density Bonus Application (DIR-2015-1998-DB) relating to the proposed affordable housing project on the Subject Site. The Director's Determination Letter clearly stated that there was an opportunity for an aggrieved party to file an appeal to the City Planning Commission, and it established an appeal deadline of March 17, 2016. The appeal period is stated both on the first page as "Last Day to File an Appeal: March 17, 2016" and on Page 15 of the Determination Letter as:

"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."

We were informed by the Department of City Planning that no appeals were filed prior to March 17, 2016 and no written comments on the Determination Letter or the Mitigated Negative Declaration were submitted to the case file during the appeal period. Therefore, the Appellant failed to timely file an appeal, even though the Director's Determination Letter was appealable.

The Department of City Planning's Affidavit of Mailing confirms that the Determination Letter for the related Density Bonus approval was mailed to Pedro M. Rosado and Mercedes L. Rosado, the owners of record of 3425 E. 1<sup>st</sup> Street, on March 2, 2016. However, no appeals to the Density Bonus approval were filed with the City of Los Angeles during the appeal period noted in the Determination Letter (between March 2, 2016 and March 17, 2016). In fact, neither the owners of record nor the Appellants submitted written comments or objections to the Department of City Planning with respect to the Proposed Project at any time before the CEQA Appeal was filed.

The California Environmental Quality Act ("CEQA") requires that all administrative remedies, including appeals to planning commissions, must be exhausted before the appellant can file a petition in court challenging compliance with CEQA.<sup>5</sup>

The same principle should apply to a CEQA appeal filed with the City Council – because the Appellants failed to object to the Proposed Project or appeal the Determination Letter to the City Planning Commission, the CEQA Appeal should be rejected.

8. **The Appellants Failed to Appeal the Director's Determination as Required by the City's Procedures**

The Appeal, which is clearly designated as a "CEQA Appeal" to the City Council, was filed with the Department of City Planning on April 20, 2016. As such, it fails to meet the City's

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<sup>5</sup> CA Public Resources Code § 21177(a) grants a project opponent standing to sue under CEQA so long as "the alleged grounds for noncompliance with [CEQA] were presented to the public agency . . . during the public comment period provided by [CEQA] or prior to the close of the public hearing on the project . . ." (emphasis added)



requirements for appeals of CEQA documents, as stated on the Appeal Application form itself (CP-7769). The City form stated:

"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." (emphasis in original)

The Director's Determination Letter was further appealable to the City Planning Commission pursuant to LAMC Section 12.22.A.25(g)(2)(i)(f). However, the Appellant did not appeal the determination and, therefore, the Appeal fails to meet the City's requirement that the determination not be further appealable. As further discussed below, the Appellants failed to file an appeal within the specified 5 Council meeting days

9. **The Appellants Failed to File the Appeal Within the City's Written Time Limits for a CEQA Appeal**

As noted above, the City's appeal form states clearly that "CEQA Section 21151(c) appeals must be filed within the next 5 meeting days of the City Council." The Determination Letter was issued on March 2, 2016 and the City Council had met on more than 5 days before the CEQA Appeal was filed on April 20, 2016. Therefore, the CEQA Appeal also fails to meet the requirement that it be filed within the next 5 Council meeting days. Under CEQA, the City is permitted to establish its own procedures governing a CEQA Appeal and the 5 Council meeting day time limit is clearly established on the appeal form submitted by the Appellants. See CEQA Guidelines Section 15074(f).

Moreover, in response to a 2016 Public Records Act request (on another matter) submitted to the City to disclose "all written policies, directives, memoranda, . . . interpretations regarding the City's policies, procedures and practices regarding" the appeal period for CEQA appeals, the City Planning Department provided a December 5, 2005 Memorandum by then Deputy Director Robert Sutton (see Exhibit 3). The Memorandum states that the CEQA appeal must be filed "within the next five meeting days of the City Council" and "[A]ny appeal not filed within the specified time will not be considered." Although the City's Public Records Act response referred to the Memorandum as "outdated" or "temporary", the City did not provide any information suggesting that the Memorandum has been revoked or rescinded or that the five City Council meeting period policy was formally changed by the City. Because the City must follow its own written policies (i.e., the time periods established in the attached December 5, 2005 Memorandum and the Appeal Application form), the CEQA Appeal must be rejected.

Additionally, time periods for filing appeals under the LAMC are strictly construed by the City of Los Angeles. For example, appeals of density bonus determinations to the City Planning Commission are subject to LAMC Section 11.5.7.C.6(a), which provides "[A]ny appeal not filed within the [applicable] period shall not be considered by the [City] Planning Commission." In addition, appeals to the City Council of certain decisions are handled pursuant to LAMC Section 12.24.I.2, which provides "Any appeal not filed within the [applicable] period shall not be considered by the appellate body [the City

Council]”. Furthermore, the time periods to challenge an adopted Mitigated Negative Declaration are strictly enforced under CEQA.<sup>6</sup>

**10. The Appellants Do Not Meet the City’s Statutory Requirements for Appealing the Director’s Determination**

In this case, the Director of Planning acted on DIR-2015-1998-DB, approving a project that included two density bonus incentives from the “Menu of Incentives” pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.22.A.25(f). In accordance with the procedures set forth in LAMC Section 12.22.A.25(g)(2)(i)(f), a density bonus project approved by the Director of Planning which includes “Requests for Incentives on the Menu” may be appealed only by a limited group of parties as follows:

“f. Appeals (Amended by Ord. No. 182,106, Eff. 5/20/12). An applicant or **any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director’s decision may appeal the decision to the City Planning Commission**” (emphasis added)

According to public records, Pedro M. Rosado and Mercedes L. Rosado own the various land parcels located at 3425 East 1<sup>st</sup> Street (Assessor’s Parcel Number 5179-019-043) comprising the El Mercado. Although we understand that Pedro M. Rosado passed away in 2015, he and Mercedes L. Rosado are still listed as the property owners, as shown on the attached property records report (See Exhibit 4). The CEQA Appeal was filed on April 20, 2016 by Pedro A. Rosado and Marlene Rosado in their individual capacities, and they have not provided any documentation that either of them is the “owner or tenant of a property abutting, across the street or alley from, or having a common corner with”<sup>7</sup> the Proposed Project. In order to appeal the Director’s decision, the Appellants must be a property owner or tenant of the Mercado and they have not established that they satisfy this requirement. Thus, the CEQA Appeal must be rejected because it was not filed by the proper party.

**Conclusion**

In conclusion, the MND adopted by the Department of City Planning contained a sufficient and accurate analysis of the Project’s environmental impacts and complied with CEQA in all respects. As stated in the enclosed report prepared by Meridian Consultants, LLC, the Mitigated Negative Declaration properly considered all of the issues stated in the Appeal. Furthermore, the CEQA Appeal was untimely filed, not filed by a qualified party, and the Appellants failed to exhaust their remedies and failed to meet the City’s requirement for a CEQA Appeal. The Appellants are acting solely out of their selfish economic motivation. In doing so, they are defying the will of the local community that supports the Lorena Plaza Project and are obstructing a solution to our city’s housing and homelessness crisis.

Therefore, for all of the reasons discussed above, we respectfully request that the City Council **deny the CEQA Appeal.**

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<sup>6</sup> CA Public Resources Code Section 21167.2

<sup>7</sup> LAMC Section 12.22.A.25(g)(2)(i)(f)

Sincerely,

A handwritten signature in black ink that reads "Craig Lawson". The signature is fluid and cursive, with the first name "Craig" written in a more stylized, looped manner and the last name "Lawson" in a more standard cursive script.

Craig Lawson  
President

Exhibits:

- (1) *Los Angeles Times* article dated July 11, 2016 entitled "How one Boyle Heights market is trying to be 'something that hipsters are into'"
- (2) Appeal response report prepared by Meridian Consultants, LLC, dated April 10, 2017
- (3) March 29, 2016 Cover Letter and December 5, 2005 Memorandum from the Department of City Planning regarding filing dates for CEQA Appeals
- (4) Property Profile and Recorded Deed for 3425 E. 1st Street (El Mercado)

cc: Honorable Jose Huizar, City Councilmember (Attn. Paul Habib, Chief of Staff; Shawn Kuk, Planning Director; Kevin Ocubillo, Planning Deputy)  
Honorable Marqueece Harris-Dawson, City Councilmember  
Honorable Gilbert A. Cedillo, City Councilmember  
Honorable Mitchell Englander, City Councilmember  
Honorable Curren D. Price, Jr., City Councilmember  
Vincent Bertoni, Director of Planning, Department of City Planning  
Blake Lamb, Department of City Planning  
Greg Shoop, Department of City Planning  
Terry Kaufmann-Macias, Office of the City Attorney  
Dora Leong Gallo, A Community of Friends  
Mitchell B. Menzer, Esq.

# Exhibit 1

# How one Boyle Heights market is trying to be 'something that hipsters are into'



Tony Rosado and Marlene Rosado among the Mariachi Cuauhtémoc that plays at their El Mercadito Mariachi Restaurant in Boyle Heights. (Irfan Khan / Los Angeles Times)

By **Brittney Mejia**

JULY 11, 2016, 12:21 PM

**P**edro Rosado arrived in Los Angeles from Yucatan, Mexico, in 1968, the same year a three-story shopping center known as “El Mercado de Los Angeles” opened in Boyle Heights.

After laboring 80 hours a week for three years as a janitor and a truck driver, Rosado subleased and then bought a humble little bookshop amid a honeycomb of stalls – including shops that sell Mexican crafts and candy, a *carniceria* and a botanical shop – that were designed as a kind of love letter to Mexico. Eventually he purchased a restaurant on the top floor.

Around 1988, Rosado controlled the majority of shares of the market and he became the proud owner of El Mercado, also known as “El Mercadito,” or little market.

Rosado died of cancer in December and management fell to his children – who unlike their father grew up with more American tastes that went beyond the confines of an iconic Eastside marketplace that had grown

along with a boom in immigration from Mexico.

When Rosado's son, Tony, 25, beholds El Mercado, his mind races to the possibility of changes, including tequila tasting events and a bar that would sell craft beer, while uttering words that likely never crossed his father's lips: "Something that hipsters are into."

Rosado said he hopes to expand tourism to the market and advertise more in English to attract a more diverse crowd, including people from the Westside.

His vision embodies the idea of *gentefication*, a term coined to describe a change driven not by whites but by Latinos with higher incomes and education levels who often have connections to the neighborhood. But the mulled-over future of El Mercado also speaks to a demographic shift that has ramifications for how the second largest group in the U.S. sees its neighborhoods remade.

With a decline of immigration from Latin America, the Latino community is increasingly being defined by its American-born population. In Los Angeles County, the number of foreign-born Latinos dropped from 49% in 2000 to 41% in 2014, according to census data.

That echoes the broader trend in the U.S., where 40% of the Latino population was foreign-born in 2000. That number dropped to 35% by 2014.

"These demographics have redefined the market, for groups like El Mercadito," said Raúl Hinojosa-Ojeda, an associate professor with the UCLA department of Chicana and Chicano studies. "The question is, can they [the market] evolve with a new niche without losing what was the initial charm?"

In some cities, including Baldwin Park and Santa Ana, some Latinos have argued that in the past there has been an over-concentration of businesses geared toward immigrants, and not the subsequent generations of Latinos. Huntington Park leaders said they want to reinvent the Pacific Boulevard shopping district to make it more appealing to younger Latinos, while preserving its cultural past.

Once the home to Jewish, Italian, Japanese and diverse other people, Boyle Heights by the time that El Mercado was born was increasingly becoming a predominantly Mexican American neighborhood. Some activist groups have taken increasingly harder and louder stands against certain kinds of developments – including art galleries – that they see as opening the door to gentrification.

In Boyle Heights, the most striking examples of change have surfaced on the western side of the neighborhood closer to downtown L.A. – near Mariachi Plaza and a Gold Line station – where a wine bar, coffeehouse and bakery draw young, American-born Latinos.

Boyle Heights has not seen anything remotely like the gentrification that other neighborhoods, including Silver Lake and Highland Park, have experienced. But many of the residents have long felt that it's a neighborhood on the brink of a major change; For years there has been talk about transforming the 14-story Art Deco Sears, Roebuck & Co. building on Olympic Boulevard into a complex of condos, retail space and restaurants.

The shopping destination on East 1st street near Lorena Street has not been without its problems. Over the years, people complained about traffic congestion, trash, noise and public drunkenness. Eight years ago, neighbors opposed the elder Rosado's plans to expand the complex by acquiring a full liquor license and adding a dance floor and sports bar to the third floor. They said that El Mercado got rowdy at night and on weekends.

Tony Rosado said that what he envisions is not a radical change. He would preserve the core of the shopping center, he said. But Rosado said the crowds are no longer what they used to be, being mostly confined to the weekends, especially Sunday.

Rosado said pending getting a liquor license, the third-floor restaurant he oversees could evolve to have a broader appeal – with tequila tasting events that are broadcast over social media and a bar that sells craft beer.

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"We're going to try and evolve with the tastes of our customers, but at the same time stay true to our identity as an authentic Mexican place," Rosado said. "Us as managers here, the fact that we had that kind of upbringing, it parallels kind of that same strategy of staying true to our cultural identity, but at the same time evolving and changing things to meet the needs of these new customers."

Rosado said that hanging out with his friends, who mostly share his Mexican heritage, he sees that their tastes are distinct from those of their parents.

"I have some friends ... who are always looking for the hole-in-the-wall, hip place to go to," he said. "We're part of the next generation. We're moving forward from where our parents left off."

El Mercado began as a community-sponsored market, with brothers Ben and Arturo Chayra, door knocking in the Eastside, collecting donations and selling \$1 shares.

The seed money helped the two secure a federal small-business loan to open the market during a time when the number of Mexican immigrants coming to the U.S. and Los Angeles – and especially neighborhoods like Boyle Heights – was growing.

At the corner of the market's parking lot is a large shrine for the Virgin of Guadalupe, where the devout leave candles and prayers for the brown-skinned icon.

Inside is a world of piñatas, sombreros, huaraches, folklorico dresses the colors of the Mexican flag, tortillas, cheeses, cowboy hats and countless Virgin Mary portraits. The first and second floor are devoid of sunlight, illuminated instead by the fluorescent lights that ramp up to temperatures that conjure sweat from customers. Songs from Mexican artists, like the legendary Vicente Fernandez, play over vendors' speakers. In the Botanica Reina de Mexico shop, customers can buy perfume touted for its ability to bring success, an oil to help bring back a lost lover and Te Nervios – a tea for stress.

Rigoberto Ascencio has worked in the market for 26 years, his father starting the Charrería Don Chava – a Mexican cowboy apparel shop. Standing underneath saddles hanging overhead, he said business has been tougher of late.

“The past two or three years, business has dropped,” he said, though he added that “for me it hasn’t dropped the same as the vendors around me.”

The owner of the *carnicería*, Jose Luis Rojas, said business has gone down about 50% in recent years. He used to have four employees, and his stall used to be larger, he said. But Rojas said he could no longer afford the larger space – or the workers.

Maria Martinez, 54, has worked in the market for 24 years. She and her husband were selling in the street and the police chased them away and they came to the market and asked for permission to sell there. The couple sells CDs and also hats featuring the different states of Mexico.

"Ten years ago, you started to feel it," she said. "Business isn't like it was before."

She said she thinks several things, including competition, have caused business to drop. Martinez said she's not optimistic that changes drawing a more diverse crowd would help a lot.

"Americans only look, but they don't buy," she said.

As they walked through the second floor, after grabbing a meal, Sergio Flores, 28, and Alberto Tlatoa, 30, conceded they didn't visit El Mercado as much as they did when they were younger and their parents brought them a couple of times a month. Flores said he liked the idea of tequila tasting.

Tlatoa said he liked that El Mercado was still a familiar place from his childhood, unlike Grand Central Market in downtown L.A.. But change was inevitable, he said.

“The same traditions my family follows, I don't follow all the time,” Tlatoa said. “We’re taking little bits of each culture and melting it into one big thing. That’s our generation. We take a little bit of everything.”

***Times staff writer Sandra Poindexter contributed to this report.***

## **MORE LOCAL NEWS**

**Ex-sheriff's deputy suspected of having sex with women at Joshua Tree jail**

**Protesters with Black Lives Matter rally in Inglewood shut down 405 Freeway**

**How black-market OxyContin spurred a town's descent into crime, addiction and heartbreak**

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# Exhibit 2



910 Hampshire Road, Suite V  
Westlake Village, California 91631  
Tel. 805.367.5720 / Fax. 805.367.5733

April 10, 2017

Craig Lawson & Co., LLC  
Land Use Consultants  
3221 Hutchison Ave., Suite D,  
Los Angeles, CA 90034  
**ATTN: Craig Lawson**

Dear Mr. Lawson,

Meridian Consultants prepared the Initial Study for the City of Los Angeles Department of City Planning for the proposed Lorena Plaza Project. At your request I reviewed the comments in the appeal filed on this project. These comments and a response to each comment is provided below.

**Comment 1:** The project will result in significant cumulative impacts. The would result in an intensification of existing land uses in a heavily urbanized area.

**Response 1:** The City's Initial Study addresses potential cumulative impacts based on identification of other related projects proposed in the area. Table 3.0-2 on page 3.0-10 of the Initial Study identifies the four other development projects proposed in the vicinity of the proposed Lorena Plaza Project. Figure 3.0-3 shows the locations of these four proposed projects in relation to the Lorena Plaza site. Separate discussion and analysis of potential cumulative impacts is provided for each topic evaluated in the Initial Study.

As shown in Figure 3.0-3, one of these related projects is proposed 1.5 miles southwest of the Lorena Project site south of the 101 Freeway and outside of Boyle Heights at 2901 E. Olympic Boulevard. A second related project is proposed .75 miles west of the Lorena Project site on 1st street near Soto Street. The third project is located 1.25 miles east of the project site near the 5 Freeway and the fourth is located west of the 5 Freeway over 1.5 miles northeast of the site.

Based on the distance of these other proposed projects from the Lorena Project site, and the size and characteristics of these related proposed projects as identified in Table 3.0-2, significant cumulative impacts would not result from the development of the Lorena Plaza Project and these other related proposed development projects.

The Lorena Plaza Project is proposed on a site located immediately east of the 58.6-acre Evergreen Memorial Park, one of the largest open spaces areas in the Boyle Heights Community.

As discussed on pages 3.0-1 and 2 of the City's Initial Study, the existing General Plan Commercial Land Use Designation for the project site and existing zoning designations currently allow development of up to 109 units per net acres. The 49 residential units proposed on the 1.27-acre site are within the allowable density on the site. The overall 90,000 square feet of development proposed is also within the allowable Floor Area Ratio for the site based on the existing zoning, which allow up to 102,201 square feet of development.

For these reasons, the Lorena Plaza project as proposed does not represent a significant intensification of land use in the Boyle Heights Community and based on the information and analysis in the City's Initial Study, the project will not result in a cumulatively considerable contribution to any significant cumulative impacts in Boyle Heights.

**Comment 2:** The project conflicts with applicable land use plans, policies and regulations

**Response 2:** The Lorena Plaza Project as proposed does not conflict with applicable land use plans, policies and programs. As discussed above in Response 1, the total floor area and number of proposed residential units is within the limits established by the existing General Plan Land Use and zoning designations for the site.

Thorough and complete analysis of the consistency of the proposed Lorena Plaza Project with applicable land use plans, policies and regulations is provided on page 4.0-55 through 4.0-62. This analysis addresses the consistency of the project with regional plans, including the South Coast Air Quality Management District Plan Air Quality Management Plan, the SCAG Regional Comprehensive Plan, and local plans, including the Air Quality, Land Use, Housing, Conservation, Open Space, and Transportation Elements of the City of Los Angeles General Plan, the Boyle Heights Community Plan, and Adelante Eastside Redevelopment Area Plan. Consistency with the density and use standards of the applicable zoning designations for the site are also addressed.

The Lorena Plaza Project is approximately ¼ mile from an existing Metro station. This is consistent with the City's intent that the highest development intensities be generally located within ¼ mile of the transit stations. The 49 residential units and the retail commercial uses proposed are the type of development encouraged by the City because they place new development near public transit, while preserving the surrounding neighborhoods. The Land Use Element states that a considerable mix of uses should be

accommodated to provide population support and enhance activity near the stations. This may encompass a range of retail, commercial, offices, personal services, entertainment, restaurants, and housing that serve both transit users and local residents.

Based on the information and analysis in the City's Initial Study, the Lorena Plaza Project would not conflict with local and regional plans applicable to the Project Site.

**Comment 3:** The project brings too much density to an already dense area

**Response 3:** As discussed above in Responses 1 and 2, the density of the proposed Lorena Plaza Project is within the density limits established by the existing zoning for the site. The analysis in the City's Initial Study supports the conclusions of the proposed Mitigated Negative Declaration that the density of residential and commercial uses proposed on the project site will not result in any significant environmental impacts.

**Comment 4:** The project does not encourage healthy, diverse areas

**Response 4:** The proposed Lorena Plaza Project proposes an appropriate density of residential and retail uses within a 1/4 mile of a transit line, consistent with the City's current planning objectives for growth in the City as discussed in Response 2 above.

On April 8, 2015, the City of Los Angeles released the Sustainable City pLAn, which defines a roadmap for actions to be taken by the City over the next 20 years to create a City that is environmentally healthy, economically prosperous, and equitable in opportunity. The pLAn addresses the housing shortage in the City by calling for 100,000 new housing units by 2021, leading to 150,000 new housing units by 2035, with policies to encourage that 57% of these units be built near transit in 2025 and 65% by 2025 to help the City meet its GHG reduction goals. In 2014, 43% of new housing units in the City were built near transit.

On carbon and climate leadership, the pLAn states that the City will reduce GHG emissions below the 1990 levels called for by state law by 2020. The City's objectives are to reduce GHG emissions below 1990 baseline by at least 45% by 2025, 60% by 2035 and 80% by 2050. By 2017, the City will develop a comprehensive climate action and adaptation plan. Strategies and policy initiative include creating a benchmarking policy for building energy use, and incentivizing or requiring LEED Silver or better for new construction.

The 49 residential units included in the Lorena Plaza Project would assist the City in meeting the goal of addressing the shortage of housing in the City by providing additional housing units near transit. In

addition, the Lorena Plaza Project will include on-site services such as case management and connections to job training and healthcare for the residents of the project, which will encourage a healthier and more stable community by expanding the range of housing and services available.

**Comment 5:** The project directly induces substantial population growth in an already overpopulated area

**Response 5:** Analysis of the population impacts of the proposed Lorena Plaza Project is provided on pages 4.0-84 through 4.0-87 of the City's Initial Study. As discussed in this section of the Initial Study, the Southern California Association of Governments (SCAG) projects an annual population growth rate of 6.7 percent in the City of Los Angeles, with the population of the City projected to increase by 290,797 between 2010 and 2030.

Based on the community's current household demographics (e.g., an average of 4.04 people per household for the Boyle Heights area), the construction of 49 additional residential units on the Project Site would add a maximum of approximately 198 residents in the City of Los Angeles.

As discussed in the responses to the comments above, the proposed residential density proposed is within the limits established by the existing zoning for the project site and based on the information and analysis in the Initial Study, the project as proposed will not result in any significant environmental impacts.

**Comment 6:** The project will adversely impact physical provisions of government facilities especially schools, libraries.

**Response 6:** Potential impacts of the proposed Lorena Plaza Project on Public Services are evaluated on pages 4.0-90 through 4.01-101 of the City's Initial Study. The proposed project is expected to generate up to 23 additional students. The Project Applicant will be required to pay mandatory developer fees pursuant to California Education Code Section 17620(a)(1) to offset the proposed project's demands upon local schools. Based on the increase in population that would be generated by the proposed project would not result in a significant impact on library and other public facilities and would not require the City to construct additional facilities.

**Comment 7:** The project will increase the use of existing neighborhood/recreational facilities that will result in substantial physical deterioration.

**Response 7:** This potential impact is specifically evaluated on page 4.0-102 of the City's Initial Study. Based on the analysis in the Initial Study, the projected increase in population of 198 that would result

from the project would not result not substantially increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facilities would occur or be accelerated. The project will be required to pay applicable parks development impact fees, which will be used by the City to develop and maintain public parks.

**Comment 8:** The project does not include recreational facilities or require the construction or expansion of recreational facilities.

**Response 8:** As described on page 3.0-1 of the City's Initial Study, The Proposed Project would provide residential open space as required by the Boyle Heights Community Plan. Based on the number and type of residential units proposed, approximately 6,175 square feet of open space is required by the Los Angeles Municipal Code. Approximately 7,500 square feet of open space is proposed. Approximately 1,875 square feet of this open space would be landscaped. The Lorena Plaza Project includes a landscaped pedestrian plaza on E. 1st Street and terrace and courtyard areas in the center of the project.

The City's Initial Study assesses the potential impact of the proposed Lorena Plaza Project on parks and recreation facilities based on the methodology and thresholds of significance included in the L.A. CEQA Thresholds Guide. The impact on park facilities is evaluated on pages 4.0-97 through 4.0-100 and the impact on recreation facilities is evaluated on pages 4.0-102 through 4.0-103 of the Initial Study. Based on the standard parkland ratio goal of 4 acres per 1,000 residents, the estimated residential population for the project of 198 would generate a need for approximately 0.2 acres of public parkland. This demand will be met through a combination of (1) onsite open space proposed within the Project; and (2) payment of applicable parks development impact fees, which will be used by the City to develop and maintain public parks. The development and occupancy of the Lorena Plaza Project does not need to include, nor will it require, the construction of any additional parks and recreation facilities by the City.

**Comment 9:** The project fails to provide adequate parking which conflicts with adopted policies, plans and programs

**Response 9:** Based on the number of residential units proposed, 38 parking spaces are required. Based on the amount of commercial space proposed, 20 commercial parking spaces and one loading space are required. In total, 58 parking space and one loading space are required. As proposed, the Lorena Plaza Project will provide 66 parking spaces and one loading space (67 total spaces), which exceeds the amount required. In addition, 64 long and short term bicycle parking spaces will be provided. Vehicle and bicycle parking would satisfy the requirements set forth in the Los Angeles Municipal Code.

Mr. Craig Lawson  
April 10, 2017  
Page 6 of 6

**Comment 10:** The project has impacts that are individually limited, but cumulatively not considered

**Response 10:** As discussed above in Response 1, the City's Initial Study assessed the potential for the proposed Lorena Plaza Project to contribute to cumulative impacts by identifying other projects proposed in the surrounding area and considering the potential for these projects and the proposed project to result in cumulative impacts. Based on the location and characteristics of the proposed Lorena Plaza Project and the other related proposed projects, the project will not result in a cumulatively considerable contribution to any significant cumulative impacts in Boyle Heights.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Locacciato". The signature is written in a cursive style with a horizontal line extending to the right.

Tony Locacciato, AICP  
Partner

# Exhibit 3



**DEPARTMENT OF  
CITY PLANNING**

**CITY PLANNING COMMISSION**

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

ROBERT L. AHN  
CAROLINE CHOE  
RICHARD KATZ  
JOHN W. MACK  
SAMANTHA MILLUMAN  
VERÓNICA PADILLA  
DANA M. PERLMAN

JAMES K. WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



**ERIC GARCETTI  
MAYOR**

**EXECUTIVE OFFICES**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

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DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

FAX: (213) 978-1275

INFORMATION  
<http://planning.lacity.org>

March 29, 2016

Thomas Jung  
Connie Jung  
5435 W. 139<sup>th</sup> Street  
Hawthorne, CA 90250

Lloyd Pilchen, Esq.  
Olivarez Madruga, LLP  
1100 S. Flower Street, Suite 2200  
Los Angeles, CA 90015

**SUBJECT: RETURN OF APPEAL OF ENV-2015-1174-MND-1A FILED ON MARCH 7, 2016.**

Dear Mr. Jung and Ms. Jung,

Please be advised that after discussion with the City of Los Angeles Land Use Section of the Office of City Attorney, the Planning Department has determined that the above appeal of ENV-2015-1174-MND-1A was not filed in a timely manner as required by the California Environmental Quality Act (CEQA). At the end of the appeal period of Tentative Tract No. 73331-CN, the applicant filed a Notice of Determination (NOD) (recording number 2015-299177) on November 24, 2015, with the Los Angeles County Recorder's Office.

The NOD expired on December 24, 2015. Your appeal of ENV-2015-1174-MND-1A was filed on March 7, 2015, 74 calendar days after the close of the Notice of Determination. The appeal had to be filed within the 30 days of the posing date of November 24, 2015.

Your appeal documents are being returned to you by first class mail. You are entitled to a full refund of the \$106.80 appeal fee paid (Invoice No. 28510). You can access the refund claim form from the City Clerk's website (<http://cerk.lacity.org>).

If you have any questions regarding this issue, please call me at 213-978-1243 or email me at [greg.shoop@lacity.org](mailto:greg.shoop@lacity.org).

Sincerely,

Vincent P. Bertoni, AICP  
Director of Planning



Gregory J. Shoop-City Planner  
Central Project Planning

Cc: Gerald Gubatan-CD1  
The Olson Company  
Dana Sayles

# MEMORANDUM

Date: December 30, 2005

To: All Planners  
Barbara Greaves, City Clerk's Office

From: Robert H. Sutton, Deputy Director

Re: TEMPORARY PROCEDURES - Filing an Environmental Appeal Under CA  
Public Resources Code Section 21151 (c) (CEQA)

The California Environmental Quality Act (CEQA), Section 21151 (c), permits appeal of certain decisions by a non-elected decision-making body of a local lead agency, as follows:

1) certification of an environmental impact report, 2) approval of a negative declaration or mitigated negative declaration, or 3) determination that a project exempt from CEQA. These decisions may be appealed to the agency's elected decision-making body, if any.

In consultation with the City Attorney's Office the following temporary procedures have been set up:

1. An aggrieved party can file a 21151 (c) appeal within the next five meeting days of the City Council during which the City Council has convened in regular session, after the mailing of the non-elected decision-making body's decision. Any appeal not filed within the specified time will not be considered.
2. The appeal shall be filed at one of the Department of City Planning's Public Counters on a form provided by the Department. The appeal needs to set forth the points on how the Environmental Document fails to comply with CEQA.
3. The filing of an appeal stays proceedings in the matter until the City Council has made a decision
4. The City Clerk will notify the applicant 15, but not less than 10 days prior to the PLUM hearing on the Section 21151 (c) appeal.
5. As the Council only has the environmental appeal in front of them, if the Council finds that the Environmental Document failed to comply with CEQA the related case will need to be remanded back.
6. The intent is for Council to act with 30 days from the expiration of the appeal period.

The above temporary procedure for implementing CEQA Section 21151 (c) appeals is only utilized when the city's final decision, including all appeals, on a discretionary project is made by a non-elected official or body. For the Planning Department this occurs when the appeal process ends with the City Planning Commission or the Area Planning Commission.

As this process evolves we will keep you informed.

# Exhibit 4

3425 E 1st St, Los Angeles, CA 90063

Property Address:  
3425 E 1st St  
Los Angeles, CA 90063

Combined Report

3425 E 1st St, Los Angeles, CA 90063

4/5/2017

All information contained herein is subject to the Limitation of Liability for Informational Report set forth on the last page hereof.

Property Profile

3425 E 1st St, Los Angeles, CA 90063

Property Information

Owner(s):	Rosado Pedro M / Rosado Mercedes L	Mailing Address:	1050 W Foothill Blvd, Arcadia, CA 91006
Owner Phone:	Unknown	Property Address:	3425 E 1st St, Los Angeles, CA 90063
Vesting Type:	N/A	Alt. APN:	
County:	Los Angeles	APN:	5179-019-043
Map Coord:	45-C4	Census Tract:	203900
Lot#:	6, 7, 8	Block:	
Subdivision:	3124	Tract:	3124
Legal:	Lots 6 Thru 11 Tr=3124 And Ex Of St Lots 26,27,28 And Ex Of Sts Lot 29 M R 14-20		

Property Characteristics

Use:	Shopping Center	Year Built / Eff. :	1968 / 1968	Sq. Ft. :	50588
Zoning:	LAR3-1*	Lot Size Ac / Sq Ft:	1.5491 / 67479	# of Units:	
Stories:		Improvements:		Parking / #:	/
Gross Area:	50588	Garage Area :		Basement Area:	

Sale and Loan Information

Sale / Rec Date:		*\$/Sq. Ft.:		2nd Mtg.:	
Sale Price:		1st Loan:		Prior Sale Amt:	
Doc No.:		Loan Type:		Prior Sale Date:	
Doc Type:		Transfer Date:		Prior Doc No.:	
Seller:		Lender:		Prior Doc Type:	

\*\$/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

**Tax Information**

Imp Value:	\$2,440,826	Exemption Type:	
Land Value:	\$1,088,677	Tax Year / Area:	2016 / 4
Total Value:	\$3,529,503	Tax Value:	\$3,529,503
Total Tax Amt:	\$45,374.40	Improved:	69%

**Limitation of Liability for Informational Report**

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**Property Profile****3425 E 1st St, Los Angeles, CA 90063****4/5/2017**



*First American*

myFirstAm® Recorded Document

3425 E 1st St, Los Angeles, CA 90063

The requested Recorded Document images are displayed in the subsequent pages for the following property:

**3425 E 1st St  
Los Angeles, CA 90063**

**Document Number: 1155169  
Document Date: 08/26/2011**

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2011155169



Pages:  
0003

Recorded/Filed In Official Records  
Recorder's Office, Los Angeles County,  
California

08/26/11 AT 08:22AM

FEES :	22.00
TAXES :	0.00
OTHER :	0.00
<hr/> PAID :	22.00



LEADSHEET



201108260020006

00004588746



003475129

SEQ:

19

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY  
Pedro and Mercedes Rosado



2

WHEN RECORDED MAIL TO  
NAME Pedro and Mercedes Rosado

MAILING ADDRESS 1050 W. Foothill Bl.

CITY, STATE ZIP CODE Arcadia, CA 91006

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**TITLE(S)**

QUIT CLAIM DEED

RECORDING REQUESTED BY  
PEDRO and MERCEDES ROSADO  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO

3

NAME Pedro and Mercedes Rosado  
ADDRESS 1050 W. Foothill Blvd.  
CITY, STATE, ZIP Arcadia, CA 91006

**QUITCLAIM DEED**

APN NO. 5179-019-020 and 5179-019-036 This conveyance changes the manner in which title is held, grantor(s) and grantee(s) remain the same and continue to hold the same proportionate interest, R & T 11911.

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX is \$0 CITY TAX \$0 computed on full value of property conveyed, or computed on full value less value of liens or encumbrances remaining at time of sale, City of Los Angeles and



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PEDRO ROSADO and MERCEDES ROSADO, husband and wife, as joint tenants, hereby remise, release and forever quitclaim to PEDRO M. ROSADO and MERCEDES L. ROSADO, husband and wife, as community property, the following described real property, commonly known as 3425 East First St., Los Angeles, California 90063.

The land referred to herein is situated in the State of California, County of Los Angeles, City of Los Angeles and described as follows:

Parcel 1:  
Lots 26, 27, 28, and 29 being a Subdivision of Cheesbrough Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 14, Page 20 of Miscellaneous Records, in the Office of the County Recorder of Said County.

Parcel 2:  
Lots 6, 7, 8, 9, 10, and 11 of Tract No. 3124, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 32, Page 34 of Maps, in the Office of the County Recorder of said County.

Dated: August 17, 2011


  
Pedro Rosado  
  
Mercedes Rosado

State of California  
County of Los Angeles

On August 17, 2011, before me, Andrea Szew, Notary Public, personally appeared Pedro Rosado and Mercedes Rosado, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

