

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
- 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: Robert J. Gushon Date: 8/29/16

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).
- 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: <u>\$89</u>	Reviewed & Accepted by (DSC Planner): <u>Daniel Skolach</u>	Date: <u>8/29/16</u>
Receipt No: <u>0202346687</u>	Deemed Complete by (Project Planner): <u>Daniel Skolach</u>	Date: <u>8/29/16</u>
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ATTACHMENT TO APPEAL
VTT-72370-CN-1A
ENV-2013-2552-EIR

Appellants: JDR Crescent, LLC; IGI Crescent, LLC

Appellants are the property owners of the three story apartment building at 1425 N. Crescent Heights Boulevard, immediately to the south of the proposed 16-story, 333,903 sq. foot mixed-use development at 8150 Sunset Boulevard ("Proposed Project"), thus immediately impacted thereby.

1. The required findings pursuant to the Subdivision Map Act cannot be made with substantial supporting evidence.

A. The Proposed Map and the design and improvement of the Proposed Subdivision are not consistent with the City's General Plan, Land Use Element, and the Hollywood Community Plan

General Plan

The City of Los Angeles' General Plan Framework Element and each of the 35 Community Plans promote architectural and design excellence in buildings, landscape, open space, and public space. They provide that preservation of the City's character and scale, including its traditional urban design form, shall be emphasized in consideration of future development. To this end, the Citywide Design Guidelines have been created to carry out the common design objectives that maintain neighborhood form and character, promoting design excellence and creative infill development solutions.

The City's Residential Citywide Design Guidelines for Multi-Family Residential Projects, provide for the following principles, goals and objectives:

- i. To nurture neighborhood character (p. 4);
- ii. To encourage projects appropriate to the context of the City's climate and urban environment; facilitate safe, functional, and attractive development; and foster a sense of community and encourage pride of ownership (p. 4);
- iii. To establish height and massing transitions from multi-family uses to commercial uses or less dense single-family residential (p. 7);
- iv. To highlight the role that quality building design can play in creating visually interesting and attractive multi-family buildings by contributing to existing neighborhood character and creating a "sense of place" (p. 7);

v. To consider neighborhood context and linkages in building and site design (p. 8);

vi. To ensure that new buildings are compatible in scale, massing, style, and/or architectural materials with existing structures in the surrounding neighborhood (p. 15);

vii. In older neighborhoods, to respect the character of existing buildings with regards to height, scale, style, and architectural materials (p. 15);

Here, the Proposed Project consists of a “maxed-out,” over-height, out-of-scale, and over-dense building inconsistent with all of the above design guidelines. It proposes, as an “Off-Menu” Density Bonus item, a 3:1 Floor Area Ratio (“FAR”) in lieu of the 1:1 FAR imposed by the “D” limitation on the Subject Property. Simply stated, the Applicant, without a variance process, is asking the City allow a density that is three times what the zoning designation otherwise allows.

The Proposed Project seeks to replace an 80,000 square foot, three-level structure with a 333,903 sq. foot, 16-story megaplex all of which will be built directly adjacent to 2-3 story residential dwellings with which it is completely inconsistent.

Hollywood Community Plan

The Proposed Project is further inconsistent with the following Hollywood Community Plan purposes and objectives:

i. To promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community (*not* further exacerbate the existing problems);

ii. To balance growth and stability (not introduce a large over-massed high-rise next to multi-residential housing);

iii. To encourage the preservation and enhancement of the varied and distinctive residential character of the Community;

iv. To promote economic well-being and public convenience through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards;

v. To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views.

The Proposed Project's mass, scale, height and density, along with location directly abutting 2-3 story residential dwellings puts it at odds with these Hollywood Community Plan purposes and objectives.

B. The design of the subdivision and proposed improvements are likely to cause substantial environmental damage

The Environmental Impact Report ("EIR") for the Proposed Project is inadequate for the reasons stated below. Therefore, the Proposed Project is likely to cause substantial environmental damage.

2. The EIR is inadequate

The purpose of an EIR is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code* § 21002.1(a).

An EIR must provide the decision-makers, and the public, with all relevant information regarding the environmental impacts of a project. If a final EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and a final EIR is inadequate as a matter of law. An EIR may not ignore or assume solutions to problems identified in that EIR. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 286; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.

The proposed EIR fails as an informational document for the following reasons (as more fully set forth in Luna & Glushon's letter to the Advisory Agency and City Planning Commission dated June 7, 2016, as well as Luna & Glushon's separate letter to the City Planning Commission dated July 20, 2016):

A. It fails to provide information/context regarding the imposition of the "D" limitation on the Property Site;

B. It fails to analyze inconsistencies with applicable land use and environmental plans/policies in violation of *CEQA Guidelines Section 15125(d)*;

C. It fails to analyze at the existing environment (including the "D" Limitation) as the applicable baseline when evaluating land use impacts;

D. It fails to analyze consistency with the land use policy/plan impacts it identifies, instead it provides conclusory statements with no evidence to substantiate them;

E. It fails to analyze consistency with the City's Mobility Plan 2035;

F. It fails to analyze compatibility with respect to the entire multi-residential community immediately to the south of the Proposed Project Site;

G. It fails to provide why and how the use of general traffic thresholds, where traffic at all nearby intersections is already at LOS of D or lower, is an appropriate measure of transportation impacts for the Proposed Project;

H. It fails to provide why and how the use of general noise thresholds is an appropriate measure of noise impacts for a Proposed Project of this scale;

I. It skews and ignores the plain words of thresholds, including Threshold TR-6;

J. It proposes unenforceable mitigation measures including Mitigation Measure TR-1, installation of a traffic signal at Fountain/Havvenhurst, which is entirely in the City of West Hollywood; and "phantom" Mitigation Measures TR-3 and TR-4 which are not in the EIR or Mitigation Monitoring Plan;

K. It proposes illusory Mitigation Measures which do not actually mitigate the impact they are intended to mitigate, including Mitigation Measures TR-1 and TR-2 and the Project's TDM Program, which are supposed to mitigate the potential impacts to inadequate emergency vehicle response times, but all which have to do with traffic circulation on-site and along Havenhurst;

L. It relies on a January 8, 2014 Preliminary Alquist-Priolo Earthquake Fault Zone Map which is outdated. A subsequent map shows the Site on the active fault line. What's more, there is no way to accurately tell how close the fault line is to the site without sampling the entire site, which the Applicant has failed to do. If a property is located in an earthquake zone, a geologic fault hazard investigation is necessary before any development may be permitted. Therefore, the Applicant has not met the requirements of the Alquist Priolo Act;

M. It improperly requires adoption of mitigation measures from *future* studies (e.g. Mitigation Measure GS-1), deferring environmental assessment;

N. It fails to address the fact that a discretionary Street Vacation process will be necessary and analyze its impacts.