



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: ENV-2017-2482-CE

Project Address: 1118 N. Heliotrope Drive

Final Date to Appeal: NONE

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): Doug Haines

Company: _____

Mailing Address: P.O. Box 93596

City: Los Angeles

State: California

Zip: 90093

Telephone: (310) 281-7625

E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: La Mirada Ave. Neighborhood Assn. & Save Hollywood & Ed Hunt

- Is the appeal being filed to support the original applicant's position?

Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Robert Silverstein

Company: The Silverstein Law Firm

Mailing Address: 215 N. Marengo Ave., 3rd Floor

City: Pasadena

State: California

Zip: 91101

Telephone: (626) 449-4200

E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part *CEQA appeal*
 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]*

Date: *2/2/2018*

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>\$89.00</i>	Reviewed & Accepted by (DSC Planner): <i>E. Mucedo</i>	Date: <i>2/2/18</i>
Receipt No: <i>6101845284</i>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

January 31, 2018

Doug Haines
La Mirada Ave. Neighborhood Assn.
P.O. Box 93596
Los Angeles, CA 90093

George Abrahams
Save Hollywood
3150 Durand Drive
Los Angeles, CA 90068

Edward Hunt
4928 W. Melrose Hill
Los Angeles, CA 90029

Los Angeles City Council
c/o Los Angeles City Clerk
Los Angeles City Hall
200 N. Spring Street, Room 360
Los Angeles, CA 90012

CEQA APPEAL OF CASE No.: ENV-2017-2482-CE; 1118 N. Heliotrope Drive, Hollywood.

PLUM Chair Huizar and Honorable Council members:

Please note that this is a joint appeal being filed by the community organizations La Mirada Ave. Neighborhood Assn., Save Hollywood, and Ed Hunt of the Melrose Hill Neighborhood Assn.

Public Resources Code Section 21151(c) of the California Environmental Quality Act ("CEQA") permits 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 January 9, 2018 approved a Project Permit Compliance Review for a proposed development at 1118 N. Heliotrope Drive. As part of its approval, the Commission issued a January 23, 2018 determination letter stating that the project is exempt from CEQA, and that there are "*no unusual circumstances that may lead to a significant effect on the environment,*" and that there is "*no substantial evidence than an exception to a categorical exemption 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 1118 N. Heliotrope Drive, 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. Also, the former 1919 Craftsman home on the project site was a contributor of a potential historic district, necessitating mitigation measures to ensure that other properties within the established street context of Heliotrope Drive are protected from further harm.

As noted by public speakers during the Commission's January 9 hearing, and in written objections entered into the record, the use of a categorical exemption is improper.

I. Background

In July of 2016, the La Joma Corporation of Downey, California, bulldozed a restored 1919 Craftsman 3-bedroom, 2-bathroom single-family home at 1118 N. Heliotrope Drive in East Hollywood. La Joma demolished the house without permits, clearances or required notification to adjacent property owners. The company also demolished the building without conducting proper lead and asbestos abatement, even though the property abuts single-family homes on all sides.

Mr. David Vivanco, the owner of the La Joma Corporation, had purchased the Craftsman house the previous March. The prior owner had meticulously restored the property, which sat on a block of Craftsman homes that are virtually intact from the early 20th Century. Once Mr. Vivanco took title to the house, however, he allowed it to sit vacant, and did not occupy or maintain it.



Photo of 1919 restored Craftsman home at 1118 N. Heliotrope prior to its illegal demolition



Photo of 1118 N. Heliotrope Drive as it looks today after being illegally demolished by its new owner



1100 block of N. Heliotrope Drive, looking north.

The 1100 block of Heliotrope Drive is located in Subarea A of the Vermont/Western Transit Oriented District Specific Plan, also known as “SNAP” (for the Station Neighborhood Area Plan). Section 5 of the SNAP states: “*No demolition, grading or building permit shall be issued for any Project unless a Project Permit Compliance has been issued pursuant to Section 12 of this Specific Plan.*”

Section 5.

PROHIBITION.

- A. Project Permit Compliance.** No demolition, grading or building permit shall be issued for any Project unless a Project Permit Compliance has been issued pursuant to Section 12 of this Specific Plan.

When the neighbors on Heliotrope Drive noticed that the 1919 house was being illegally demolished, they contacted the Department of Building and Safety (LADBS) and filed a complaint. The department’s response was to issue Mr. Vivanco an Order to Comply to obtain a permit to demolish the building, which by then no longer existed. On October 27, 2016, the owner mailed adjacent properties a “Notice of Proposed Demolition.” In response, a neighbor asked the LADBS inspector assigned to the case to “*Please explain how a building can be demolished prior to obtaining a demolition permit.*” Instead of answering the neighbor’s question, the inspector granted Mr. Vivanco his after-the-fact demolition permit.

When the Department of Building and Safety improperly issued its demolition approvals on March 29, 2017, they did so even though the owner of 1118 N. Heliotrope hadn’t bothered to apply for a Project Permit Compliance Review to receive clearance from the Planning Department. Section 13 of the SNAP states that the Department of Building and Safety shall not issue any permits until a property owner records a covenant “*acknowledging and accepting the contents and limitations*” of SNAP.

Section 13.

OWNERS’S ACKNOWLEDGMENT OF LIMITATIONS

The Department of Building and Safety shall not issue any building permit for construction on a lot or lots within the Specific Plan area until the owner of the property has executed and recorded with the County Recorder a covenant and agreement acknowledging and accepting the contents and limitations of this Specific Plan. The covenant and agreement shall be executed by all fee owners of the property, shall run with the land and shall be binding on future owners, successors, heirs, or assignees of the owners. A certified copy of the recorded covenant shall be delivered to the Departments of City Planning and Building and Safety prior to the issuance of any building permit.

It wasn’t until late June of 2017, however -- nearly a year after the 1919 home was demolished --that Mr. Vivanco filed an application with the Planning Department for a project at 1118 N. Heliotrope Drive. The entitlement request, as described in the application, was to “*Demo existing SFD and build 2 New Three Story Duplexes.*” Included in the application was an old aerial photo of the 1919 house taken prior to its demolition, with additional photos of the house exterior (also taken before its demolition).

The application also included a demolition plan, which outlines the 1919 house bulldozed almost a year earlier.

The applicant shamelessly submitted old photos and false statements in a clumsy effort to hide his violation of the law. Mr. Vivanco certified under penalty of perjury that: *“the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge.”* Mr. Vivanco also signed the following statement:

“By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.”

When the East Hollywood Neighborhood Council received its copy of the entitlement application for 1118 N. Heliotrope Dr., a member of its planning committee immediately contacted planning staff. In a June 27, 2017 email from Armen Makasjian to Nuri Cho (the planner assigned to SNAP), committee member Makasjian wrote: *“The applicant failed to state in the application that the original house on the site has been demolished while photographs attached to the application show an existing house. The house has been demolished without a permit.”*

Other neighbors and neighborhood council members also submitted similar correspondence and phone calls to city planners, the city councilman, and LADBS. Yet city planning’s determination letter inexplicitly described the site as *“currently developed with a one-story single-family dwelling, built in 1919...The applicant requests a project Permit Compliance to permit the demolition of the existing one-story, single-family dwelling...”*

The determination also approved *“a Project Permit Compliance Review for the demolition of an existing one-story, single-family dwelling.”* The determination letter failed to mention that the 1919 house no longer exists.

Upon appeal, planning staff recommended that the Commission simply change the wording of the findings to acknowledge that the 1919 house had been demolished. No penalties or other project denials were considered, and the Commission adopted the project CEQA classification as Categorically Exempt, claiming that the 1919 Craftsman home was not a historic resource, and that the proposed development is compatible with other properties on Heliotrope Drive.

The Heliotrope property is in SNAP subarea A, “Neighborhood Conservation.” According to the Guidelines, *“the purpose of this subarea is to preserve the prevailing density and character of the existing neighborhoods. Although some new development and renovation will occur, new development should meld with the surrounding structures and incorporate the best design features that already exist on the block.”*

The applicant proposes to construct two 3-story, 30-foot-tall duplexes on the 6,750 sq. ft. lot. The site previously had a single-family home, while the proposed project consists of 4 apartment units. If the express purpose of subarea A is to conserve residential communities and *“preserve the prevailing density and character of the existing neighborhoods,”* then the site must be limited to another single-family home that is architecturally consistent with the existing streetscape. Otherwise, environmental mitigation measures are necessary following proper CEQA review.



Rendering above: Applicant's proposed duplex for 1118 N. Heliotrope Dr. Note that the Commission approved the building despite it having no compatibility with existing residential homes in the neighborhood.

Design Guidelines

1. General Building Design. Buildings should be compatible in form with the existing neighborhood atmosphere.

II. Environmental Objections

A. The former 1919 Craftsman home and detached garage were potential historic resources, and the 1100 and 1200 blocks of North Heliotrope Drive are eligible as part of a Historic Preservation Ordinance Zone.

Note at **Exhibit 1** a letter from historian Charles Fisher, who has successfully nominated over 160 Historic Cultural Monuments in Los Angeles. In his letter, Mr. Fisher determines that the former 1919 Craftsman home at 1118 N. Heliotrope Dr. should have been acknowledged as a potential historic resource, and that the uniformity of extant Craftsman homes on Heliotrope Drive qualifies this street segment as a potential Historic Preservation Ordinance Zone (HPOZ). Mr. Fisher also concludes that the City erred in its determination that the project qualified as exempt under CEQA.

Mr. Fisher's professional conclusions are consistent with other statements in the record. The historic significance of both the former 1919 Craftsman home and the 1100 and 1200 blocks of N. Heliotrope Dr. were repeatedly raised before the Commission by the appellant and general public, including by Ed Hunt, a historic preservation architect credited with having established the Melrose Hill HPOZ, and appellant representative Doug Haines, a former member of the Hollywood Heritage Board of Directors (and the individual who successfully nominated Hollywood's Cinerama Dome Theatre as a Los Angeles Historic Cultural Monument).

Mr. Fisher has presented substantial evidence into the record of a fair argument that the 1118 N. Heliotrope Dr. project was improperly classified as categorically exempt. The historic resources of the former 1919 Craftsman home on the site must be reviewed within the context of consistency with the extant streetscape in a proper environmental analysis.

B. Cumulative impacts to the illegal demolition of historic resources within SNAP are significant.

The 1118 N. Heliotrope Dr. project is the fourth illegal demolition within a half-mile radius of the development site in just the past two years. In each instance, staff rubberstamped illegal demolitions with after-the-fact clearances.

Objections presented to the Commission at its January 9, 2018 hearing detailed the recent demolitions within SNAP and planning's refusal to enforce the law: 1) The June, 2015 demolition of a 1920 apartment building at 4618 Maubert Ave., approved as an after-the-fact demolition clearance (see **Exhibit 2**); 2) The August 17, 2016 illegal demolition of the stained glass windows of the 1925 Bethany Lutheran Church at 4975 Sunset Blvd., in violation of the Commission's Conditions of Approval, with an after-the-fact demo clearance granted to the applicant (see **Exhibit 3**); and the May, 2017 demolition without SNAP clearances of a 1919 Craftsman single-family home at 1223 N. Edgemont St., demolished prior to an application even being filed to construct a 13-unit apartment building, with another after-the-fact project clearance approval (see **Exhibit 4**). Each of these properties involved a potentially historic resource, and each time planning staff granted after-the-fact clearance approvals without any environmental review.

There are obvious cumulative environmental consequences to allowing such illegal demolitions of potentially historic resources to continue to go unpunished. The City has in effect chosen to reward illegal behavior, with the impact of a rapidly vanishing fabric of historic Hollywood.

For these and other environmental concerns, we respectfully request that the decision of the Central Area Planning Commission regarding the 1118 N. Heliotrope Drive categorical exemption be reversed, and proper CEQA analysis be required.

We reserve the right to submit additional objections into the record at a later date.

Thank you,

A handwritten signature in black ink, consisting of a stylized first letter followed by a long horizontal stroke with a slight upward curve at the end.