Office: Downtown
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Application Invoice No: 47627

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: HAINES, DOUG (B:310-2817625)
Representative: THE SILVERSTEIN LAW FIRM - SILVERSTEIN, ROBERT
Project Address: 4321 & 4323 W BURNS AVE, 90029

NOTES: 2nd level appeal; last date for an appeal per the -1A case is 6/29/18

VTT-73056-SL-2A

Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	$89.00	100%	$89.00
		Case Total	$89.00

Item	Charged Fee
*Fees Subject to Surcharges	$89.00
Fees Not Subject to Surcharges	$0.00
Plan & Land Use Fees Total	$89.00
Expediting Fee	$0.00
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
Grand Total	$109.47
Total Invoice	$109.47
Total Overpayment Amount	$0.00
Total Paid (this amount must equal the sum of all checks)	$109.47

LA Department of Building and Safety
LA ESTE 104135789 6/29/2018 10:32:26 AM

PLAN & LAND USE	$106.80
DEV SERV CENTER SURCH-PLANNING	$2.67
Sub Total:	$109.47

Receipt #: 0104910089

Council District: 13
Plan Area: Hollywood
Processed by MACEDO, EDBER on 06/29/2018

Signature: _____

ORIGINAL

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: VTT-73056-SL-1A

Project Address: 4321 and 4323 West Burns Avenue

Final Date to Appeal: 06/29/2018

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: CA 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. & Virgil Village Neighborhood Assn.

- 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., Third 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

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: _____ Date: 06/28/2018

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: $89.00	Reviewed & Accepted by (DSC Planner): E. Macedo	Date: 6/29/18
Receipt No: 0104910089	Deemed Complete by (Project Planner):	Date:
☑ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

June 27, 2018

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

Anne Hars
Virgil Village Neighborhood Assn.
c/o 812 N. Coronado St.
Los Angeles, CA 90026

Los Angeles City Council
c/o Planning and Land Use Management Committee
200 N. Spring Street
Los Angeles, CA 90012

RE: Case No.: VTT No. 73056-SL-1A; CEQA Case No.: ENV-2014-4125-CE;
Project Addresses: 4321-4323 Burns Ave.

Chair Huizar and Honorable Council members:

This is a joint appeal of the Central Area Planning Commission's determination at its April 24, 2018 meeting to uphold the Deputy Advisory Agency's approval of a Vesting Tentative Tract Map for a Small Lot Subdivision proposed for 4321-4323 Burns Ave. This appeal also challenges the Commission's determination that the proposed development is exempt from the California Environmental Quality Act (CEQA).

The project applicant, Chris Schwantiz, seeks to demolish the site's existing 1914 Craftsman duplex and construct six small lot single-family homes totaling 13,642.5 sq. ft. on the 9,452 sq. ft. lot. The site is located in the RD1.5-1XL Zone and Subarea A of the Vermont/Western Transit Oriented District Specific Plan.

Mr. Schwantiz purchased the property from a prior developer in 2016. The prior project design was for a 5-unit development that could have retained the 1914 duplex, which is sited close to the street and features an unusually large side yard able to accommodate a code-compliant driveway. Instead, Mr. Schwantiz presented the current 6-unit project to the Advisory Agency at a public hearing conducted on April 27, 2017. Mr. Schwantiz's design is his standard, cookie-cutter plot plan that he has used for his many other entitlement applications in Silver Lake (his company doesn't employ an architect).

The original CEQA clearance for the 5-unit project at 4321 Burns Ave. was a Mitigated Negative Declaration (MND), yet the Planning Department eliminated this requirement for Mr. Schwantiz and approved the 6-unit project as Categorically Exempt from CEQA review.

The site contains an intact, 1,704 sq. ft., single-story, 1914 Craftsman duplex that was originally located at 922 East Vernon Avenue and was moved to its current location in 1922. The duplex 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 duplex retains enough of its historic character and appearance to be recognized as a historic resource. Under CEQA, the duplex must be analyzed accordingly.

The purpose of the California Subdivision Map Act is to vest a city with the power to regulate and control the design and improvement of land subdivisions in conformance with the requirements of Government Code Sections 66410 – 66499.58. The primary goals of the Map Act are to encourage orderly subdivision development with proper consideration to its relationship with the adjoining community; to ensure that areas dedicated for public purposes will be properly improved; and to protect the public from fraud and exploitation. None of that is achieved here.

I. The 1904 Craftsman duplex on the subject site is a historic resource under CEQA

Public Resource Code Section 21084.1 of the California Environmental Quality Act (CEQA) states: "*A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.*" PRC Section 21084.1 also 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 Commission notes in its Findings that the 1914 duplex is not identified as a historic resource by Survey LA. Yet Survey LA is merely a "windshield" survey, making it unlikely anyone noticed the property, due to the applicant's refusal to clear the brush surrounding it or to otherwise maintain it.

Above: Google Earth photo showing excessive vegetation almost completely obscuring the 1914 duplex located at 4321 Burns Ave.

CODE ENFORCEMENT DIVISION - Property Activity Report

HCIDLA HOME | Report a Violation | Property Activity Report

PROPERTY ACTIVITY REPORT

Assessor Parcel Number:	5539008021	Official Address:	4321 W BURNS AVE, Los Angeles 90029
Council District:	Council District 13	Case Number:	657099
Census Tract:	191410	Case Type	Complaints
Rent Registration:	0163519	Inspector:	John Polikolsky
Historical Preservation Overlay Zone		Case Manager:	
Total Units:	2	Total Exemption Units:	0
Regional Office:	East Regional Office		
Regional Office Contact	(323) 226-9819		

Nature of Complaint: Premises not maintained in a safe and sanitary condition

Date ▲	Status
5/22/2018 12:50:00 PM	Photos
3/22/2018 3:06:00 PM	Site Visit/Initial Inspection
3/15/2018 12:00:00 AM	Complaint Received

Note above Housing Department Code Violation Report regarding 4321 Burns Ave. The applicant has ignored numerous citations for failing to maintain the property in a safe and sanitary manner.

Under CEQA, if a legitimate question can be raised of a possible significant environmental impact, a Categorical Exemption cannot be used. Since the exemption essentially requires a determination that significant impacts are impossible, it cannot be relied on unless a factual evaluation of the project could not show a possible significant impact. Davidon Homes v. city of San Jose (1997) 54 Cal.App.4th 106, 116-117.

That is not the case here. Historian Charles Fisher noted in a September 6, 2017 letter to the Advisory Agency that "*the Burns house retains almost all of its original historic exterior fabric*." In a follow-up correspondence dated February 15, 2018, Mr. Fisher stated unequivocally that the duplex is a significant historic resource:

> "The facts are clear: The house was built during the transition period of the early 20th Century when the Victorian era was ending and the Arts and Crafts era was coming in to vogue. The house at 4321 Burns Avenue is clearly of historic and architectural significance as a representative of that period and must be vetted accordingly."

Attached at **Exhibit 1** please note Mr. Fisher's June, 2018 Historical Resources Evaluation report containing further substantial evidence of the historic integrity of the 4321 Burns Ave. duplex, which he has renamed the "Funk-Rosen Duplex" (after its original owners, Mrs. He. E. Funk and Hyram Rosen). In Mr. Fisher's report, he notes that 1) the duplex has been located in the area since its earliest period of significance as a multi-family neighborhood; 2) the duplex retains virtually all of its original design elements and offers a high level of architectural detailing and integrity; and 3) the duplex would readily qualify as a contributor to a California Register historic district (status code 3CD) or as a contributor to a Los Angeles Historic Preservation Overlay Zone (status code 5D3).

Mr. Fisher's professional conclusions are consistent with other statements in the record. The historical significance of the duplex was repeatedly referenced at the April 27, 2017 public hearing, including by Ed Hunt, a historic preservation architect credited with having established the Melrose Hill HPOZ, and 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). Both spoke on the architectural and historical significance of the duplex.

Preservation of the1914 Craftsman duplex is also a key reason that the Board of the East Hollywood Neighborhood Council voted unanimously to oppose the proposed project. In a June 26, 2017 letter submitted to the Advisory Agency, the Governing Board described the duplex as "*a critical historic resource* (that) *must be incorporated within any development on the project site*." (See **Exhibit 2**).

It's important to note that under CEQA, when an agency is making an exemption determination it may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact. Committee to Save the Hollywoodland Specific Plan v City of Los Angeles (2008) 161 Cal.App.4th 1168, 1187 (city approval set aside because city failed to consider proffered evidence regarding historic wall).

Likewise, an agency may not avoid assessing environmental impacts by failing to gather relevant data. The City argues that environmental review is unnecessary because there were no findings of environmental impacts.

Yet in Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 311, the First District Court of Appeal warned against such a "mechanical application" of the "fair argument" rule in situations where agencies have failed to gather the data necessary for an informed decision. The court indicated that an EIR may be required even in the absence of concrete "substantial evidence" of potential significant impacts. The court explained that, because "CEQA places the burden of environmental investigation on government rather than the public," an agency "should not be allowed to hide behind its own failure to gather relevant data."

The notion that an agency "should not be allowed to hide behind its own failure to gather relevant data" (Sundstrom, *supra*, at 311) is consistent with the California Supreme Court's statement in No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75, that an EIR should be prepared in "doubtful case[s]," so that agencies do not make decisions "without the relevant data or a detailed study of it." "One of the purposes of the impact statement is to insure that the relevant environmental data are before the agency and considered by it prior to the decision to commit…resources to the project."

CEQA contains a strong presumption in favor of requiring preparation of an EIR. This presumption is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112, 1123; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75.

Under CEQA and CEQA Guidelines, if a project may cause a significant effect on the environment, the lead agency must prepare an EIR. Pub. Res. Code §§ 21100, 21151. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. No Oil, Inc. v. City of Los Angeles, supra, 13 Cal.3d at 83 n. 16. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1).

This standard sets a "low threshold" for requiring preparation of an EIR. Citizen Action To Serve All Students v. Thornley (1990) 222 Cal.App.3d 748, 754. If substantial evidence supports a "fair argument" that a project may have a significant environmental effect, the lead agency must prepare an EIR even if it is also presented with other substantial evidence indicating that the project will have no significant effect. No Oil, Inc. v. City of Los Angeles, supra; Brentwood Association for no Drilling, Inc. v. City of Los Angeles (1982) 134 Cal.App.3d 491.

The Planning Department contends that appellants have not put substantial evidence into the record that the duplex qualifies as a historic resource. The CEQA Guidelines at 14 Cal. Code Regs. § 15384(a) define "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached..." Under Pub. Res. Code §§ 21080(e), 21082.2(c), and CEQA Guidelines §§ 15064(f)(5) and 15384, facts, reasonable assumptions predicated on facts, and expert opinions supported by facts can constitute substantial evidence.

"Under the fair argument approach, *any* substantial evidence supporting a fair argument that a project may have a significant environment effect would trigger the preparation of an EIR." Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 113 (italics in original). In the instant case, testimony by both Mr. Fisher, the Governing Board of the relevant neighborhood council, and members of the public have strongly indicated that the project may result in a significant impact.

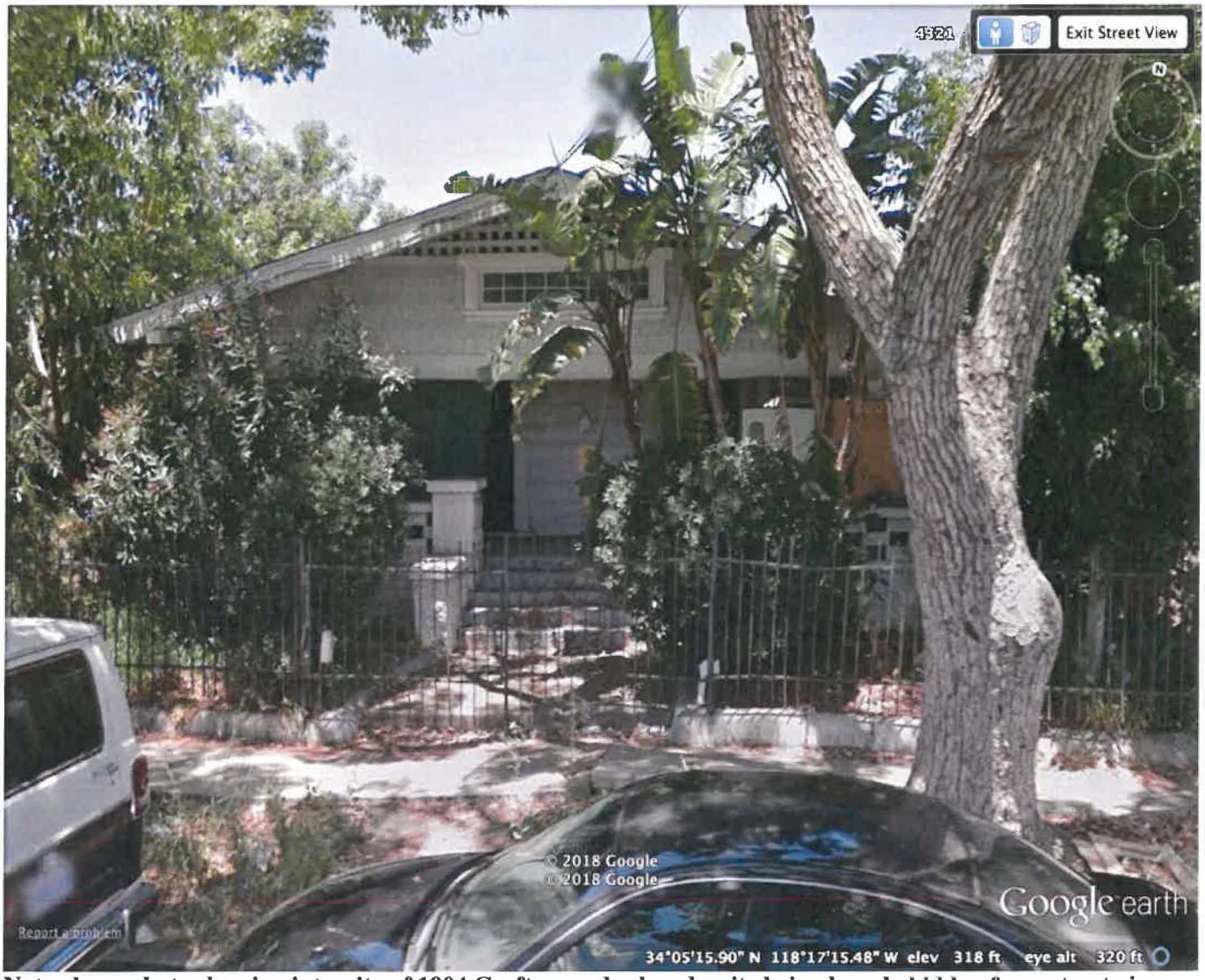
Communities for a Better Environment is also significant because it clarifies that agency "thresholds of significance" are not necessarily the threshold that may be used in determining the existence of a "significant" impact. A significant impact may occur even if the particular impact does not trigger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

Whether the administrative record contains a fair argument sufficient to trigger preparation of an EIR is a question of law, not a question of fact. Under this unique test, "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307, 1318.

The Court in Stanislaus Audubon Society v. County of Stanislaus (1995) 33 Cal.App.4th 144, 151 also stressed the "low threshold" vis-à-vis the presence of a fair argument, noting that a lead agency should not give an "unreasonable definition" to the term substantial evidence, "equating it with overwhelming or overpowering evidence. CEQA does not impose such a monumental burden" on those seeking to raise a fair argument of impacts.

This principle is codified in California Code of Regulations, title 14, section 15064(h), which provides:

> "In marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following factors: (1) If there is serious public controversy over the environmental effect of a project, the lead agency shall consider the effect or effects subject to the controversy to be significant and shall prepare an EIR."



Note above photo showing integrity of 1904 Craftsman duplex, despite being largely hidden from street view

The East Hollywood Neighborhood Council conducted several public hearings on the 4321 Burns Ave. project and the Board unanimously voted to support preservation of the historic duplex. There therefore is a serious public controversy over the negative environmental effects of this project.

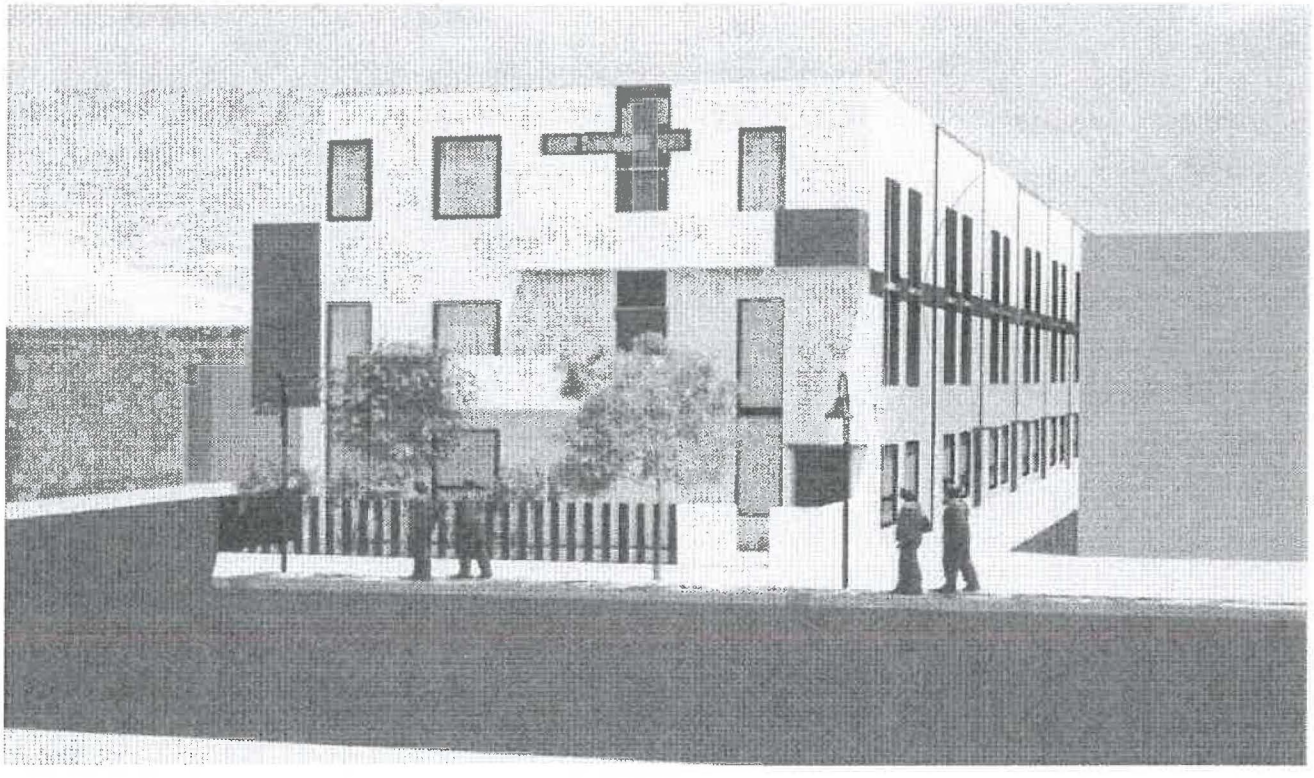
The Planning Department contends that the duplex on the site is not a historic resource, that substantial evidence has not been put into the record to support the duplex as a historic resource, that the duplex was moved and is therefore disqualified from being considered a historic resource, and that appellants and historian Charlie Fisher do not meet the Secretary of the Interior's Professional Qualification Standards.

First, the Secretary of the Interior's Professional Qualification Standards have no relevance to CEQA. Second, these Standards require a degree in historic preservation, which was not offered when Mr. Fisher attended college. Instead, Mr. Fisher has successfully nominated over 160 Historic Cultural Monuments in the City of Los Angeles. He is a recognized expert in his field.

Second, the Planning Department's contention that the fact the duplex was moved disqualifies its historic status is wrong. The duplex was moved in 1921. As a comparable example, the Higgins Verbeck Mansion at 627 S. Lucerne was cut up and moved in 1924 from Wilshire and Rampart boulevards to Windsor Square. This mansion is listed as LA Historic-Cultural Monument #403.

II. The proposed map and the improvement of the proposed subdivision are inconsistent with the requirements of the Vermont/Western Transit Oriented District Specific Plan.

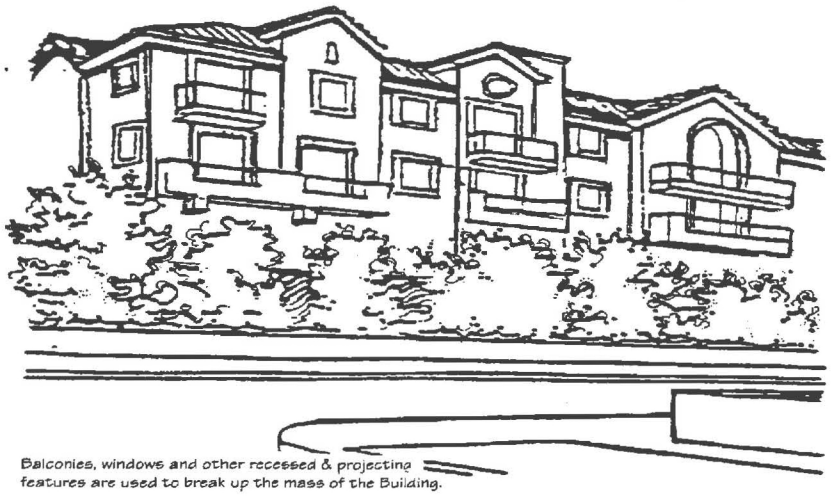
As noted, the applicant purchased the property from a prior developer in 2016, changed the scope of the development from five units to six, and has presented a design that offers no street context, instead illustrating a cookie-cutter, boxy project similar to his many other Small Lot Subdivision applications.



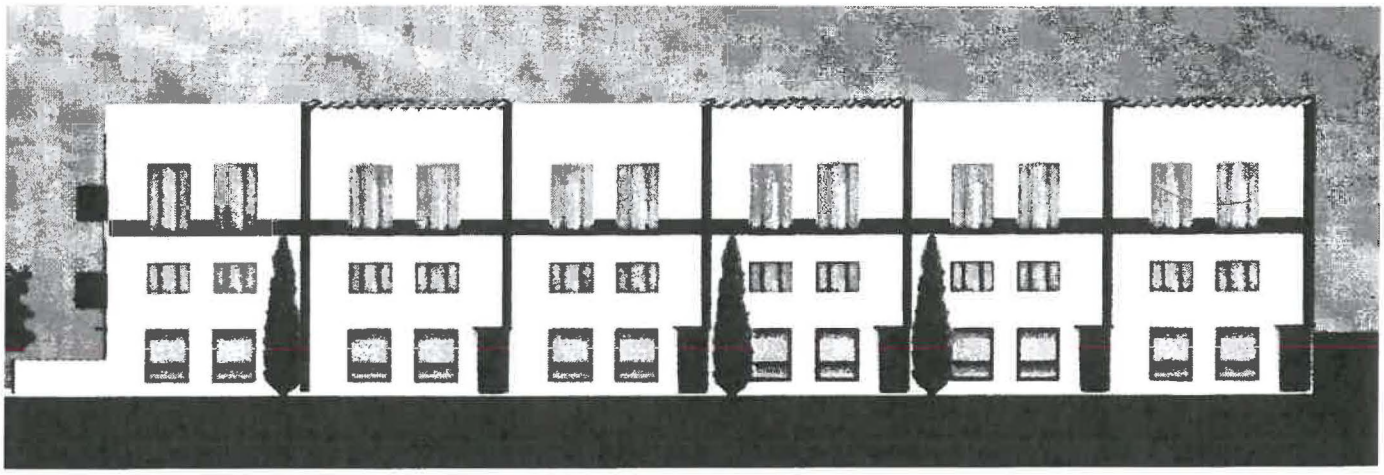
In granting Mr. Schwantiz a Project Permit Compliance Review, the city notes on page F-7 of the determination letter for related case DIR-2014-4124-SPP-SPPA-1A that SNAP's Design Guidelines require that "*buildings should be compatible in form with the existing neighborhood atmosphere. Surrounding properties are one to two stories in height, ranging from approximately 13 to 28 feet in height.*" Yet the Planning Department has approved a three-level, out-of-scale development that offers no relationship to the neighborhood.

A good example of this is shown by the proposed building's rooflines. SNAP's Development Standards require "*all roof lines in excess of forty feet in horizontal length must be broken up through the use of gables, dormers, plant-ons, cutouts or other appropriate means.*"

Figure 4. Facade Treatment and Roof Lines



The project is not in compliance with this Development Standard. Instead, the project (which references no known architectural style) places Spanish Mediterranean roof tiles on the edge of alternating units, but the actual roofline remains unchanged. Placing tiles on portions of a roof (and not on others) does not articulate a building's roofline. Yet the Planning Department has approved this gimmick, even though the proposed building's roofline is clearly not compliant with SNAP.



SNAP's Development Standards also require that buildings be "*designed so that block frontages are varied, attractive and preserve privacy.*" Yet the proposed project instead offers a cellblock mentality, with no window variation.

The same criticism can be leveled at the project's token façade relief. SNAP requires that "all exterior building and parking structure elevations, walls or fences shall provide a break in the plane every 20 feet in horizontal length and every 15 feet in vertical length created by architectural detail or a change in material." The Planning Department contends at page F-7 of the Commission's determination letter for the Project Permit Compliance approval that "*all facades of the proposed building comply substantially*" through the use of wood paneling and balconies.

Yet the building's north and east elevations include no balconies or breaks in the plane, with only a token strip of wood for a change in material. The southern façade (facing the street) has two protruding balconies, but the doors to access them are shown in the design schematics as being less than six feet in height.

And while the west elevation includes a small patch of wood paneling on each unit, the variation hardly can be considered in compliance with the development standard, which recommends that building articulation techniques include: "*varied window treatments such as multi-pane, octagonal, circular, green house, or bay windows; and porticos, awnings, terraces, balconies or trellises. Materials such as wood, glass block, brick, and tile are encouraged.*"

The project is within SNAP Subarea A, "Neighborhood Conservation." The Development Standards and Design Guidelines state that the purpose of this subarea "*is to preserve the prevailing density and character of the existing neighborhoods..New development should meld with the surrounding structures and incorporate the best design features that already exist on the block.*"

No other building in the vicinity of the proposed project is more than 2 levels tall: The 1-story bungalow court to the west is 13-feet tall; The 2-story apartment building to the east is 20-feet tall; The 1-story bungalows across the street are 14 feet tall; and the 2-story Moroccan style apartment building across Burns Ave. to the southwest has a roof attachment that raises its overall height to 28 feet.

	Project site	**West of site**	**East of site**	**Across street**	**Across Street**
Existing Height	15-foot tall 1914 duplex	13-foot tall bungalows	20-foot tall apartment	14-foot tall bungalows	28-foot tall w/roof attach
Number of levels	Existing: One-story duplex. **Proposed: three story project**	One-story bungalow court	Two-story apartment building	One-story bungalows	Two-story apartment building

Note in the chart below that all development on the block is limited to two stories, including a 68-unit apartment building constructed in 1985:

Address	Year constructed	Density	Number of stories	Height
4365 Burns Ave.	1923	8 units	1	15 feet
4355 Burns Ave.	1921	5 units	2	Approx 20 feet
4353 Burns Ave.	1921	4 units	2	22 feet
4343 Burns Ave.	1920	4 units	2	22 feet
4337 Burns Ave.	1964	12 units	2	18 feet
4335 Burns Ave.	1914	5 units	2	24 feet
4329 Burns Ave.	1920	8 units	1	13 feet
4321 Burns Ave.	Moved to site in 1922	2 units	1	18 feet
4315 Burns Ave.	1964	14 units	2	20 feet
4316 Burns Ave.	1923	4 units	1	14 feet
4320 Burns Ave.	Parking lot			None
4324 Burns Ave.	1929	20 units	2	22 feet/ 28 feet w/decorative roof attachment
4330 Burns Ave.	1985	68 units	2	18 feet
4346 Burns Ave.	1924	4 units	1	16 feet
4352 Burns Ave.	1921	5 units	2	24 feet
4356 Burns Ave.	1931	4 units	2	25 feet
4362 Burns Ave.	1939	4 units	2	22 feet

The Project as proposed is inconsistent with the requirements, guidelines and intent of the Vermont/Western Transit Oriented District Area Specific Plan, which was approved by the City Council in 2001 in order to "*guide all development, including use, location, height and density, to assure compatibility of uses...*" (Purpose E).

III. The design of the subdivision and proposed improvements will cause substantial environmental damage

The proposed 6-unit Small Lot Subdivision would demolish a significant historic resource. As noted, Public Resource Code Section 21084.1 of the California Environmental Quality Act states: "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Substantial evidence submitted into the record supports a fair argument that the 1914 Craftsman duplex on the project site is a historic resource under CEQA. The design of the subdivision and proposed improvements will therefore cause substantial environmental damage that cannot be mitigated, and an environmental impact report is required.

For the foregoing reasons, we respectfully request that the City Council recognize the importance of retaining Hollywood's significant cultural and architectural history, and reverse the Commission's approval of the tentative tract and environmental clearance for 4321 Burns Ave.

Thank you,

On behalf of both parties