

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**  
***SUPPLEMENTAL***  
***CF 18-0659***

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
VTT-73056-SL-1A	ENV-2014-4125-CE	13 – O'Farrell
<b>PROJECT ADDRESS:</b>		
4321 and 4323 West Burns Avenue		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Nuri Cho	(213) 978-0195	<a href="mailto:nuri.cho@lacity.org">nuri.cho@lacity.org</a>

<b>NOTES / INSTRUCTION(S):</b>	
<p>Transmitting appeal by D. Haines which include the Exhibits. This appeal supersedes the appeal transmitted on 6/29/18.</p>	
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Rocky Wiles Commission Office	July 25, 2018

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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:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> 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.

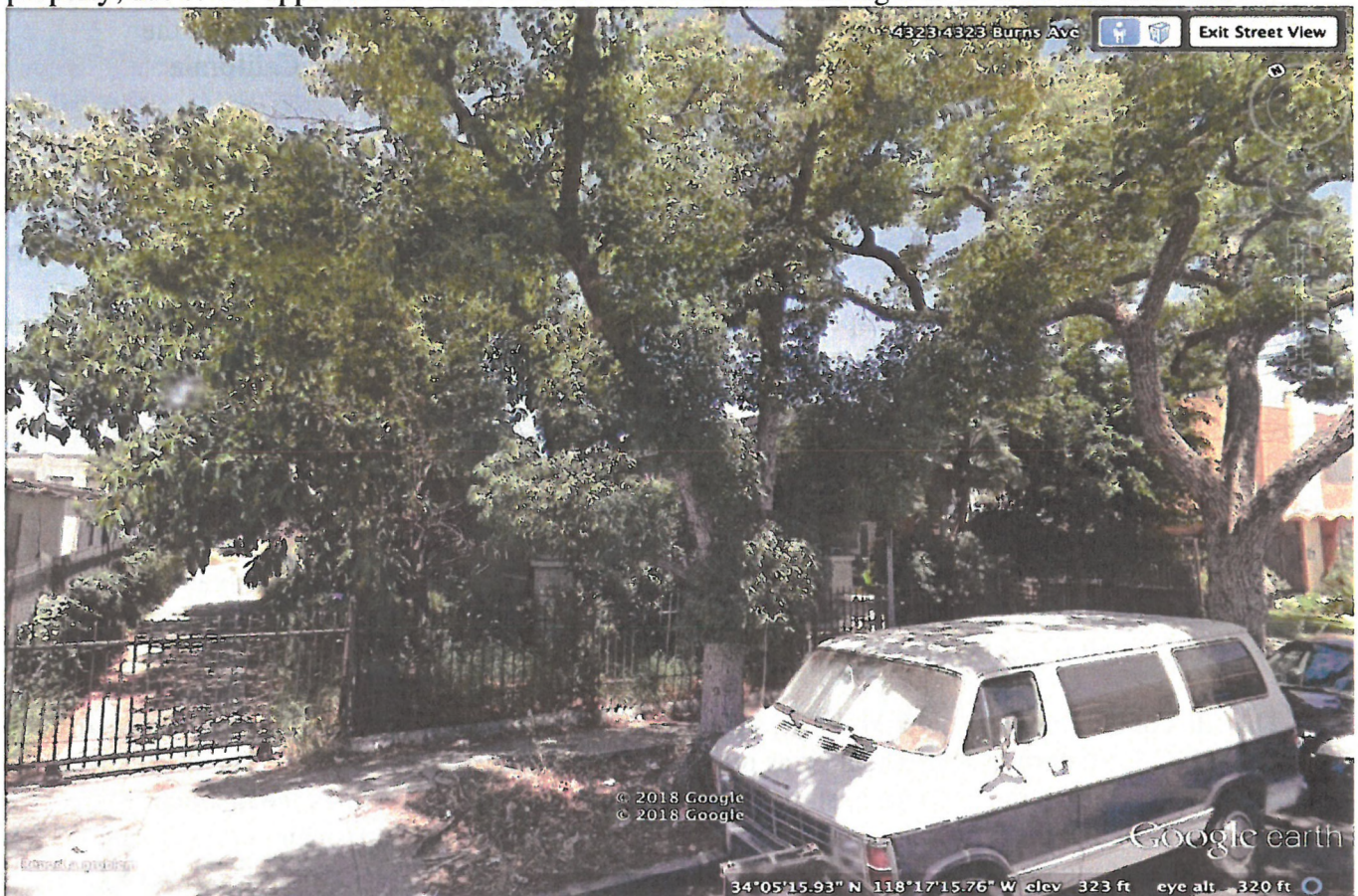
The site contains an intact, 1,704 sq. ft., single-story, 1914 Craftsman duplex that was originally located at 922 East Vernon Avenue and was moved to its current location in 1922. The duplex retains its design, setting, materials, workmanship, feeling and association. It embodies the distinctive characteristics 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:	<b>5539008021</b>	Official Address:	<b>4321 W BURNS AVE, Los Angeles 90029</b>
Council District:	<b>Council District 13</b>	Case Number:	<b>667009</b>
Census Tract:	<b>191410</b>	Case Type:	<b>Complaints</b>
Rent Registration:	<b>0163519</b>	Inspector:	<b>John Polikolsky</b>
Historical Preservation Overlay Zone:		Case Manager:	
Total Units:	<b>2</b>	Total Exemption Units:	<b>0</b>
Regional Office:	<b>East Regional Office</b>		
Regional Office Contact:	<b>(323) 226-9819</b>		

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 20<sup>th</sup> 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 Hiram 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 the 1914 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.

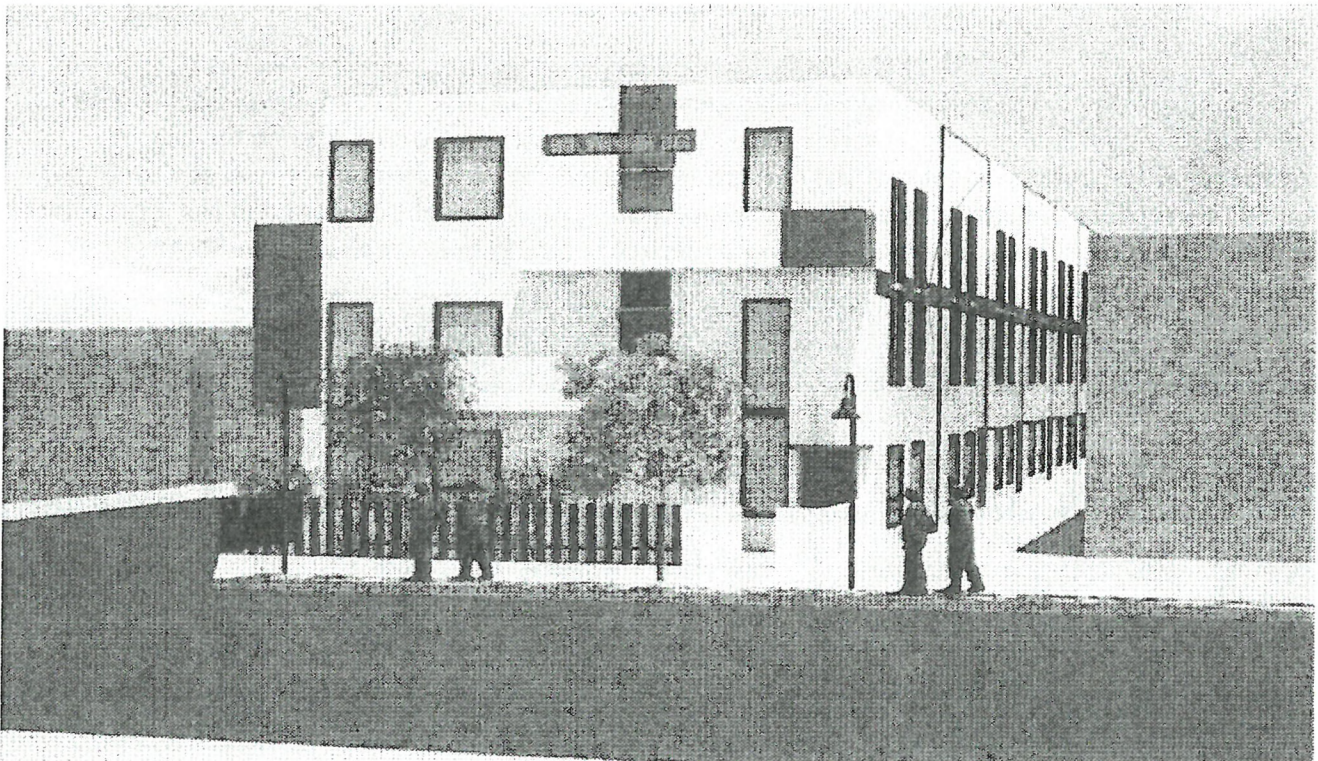
The Planning Department contends that the duplex on the site is not a historic resource, that substantial evidence has not been put into the record to support the duplex as a historic resource, that the duplex was moved and is therefore disqualified from being considered a historic resource, and that 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.**

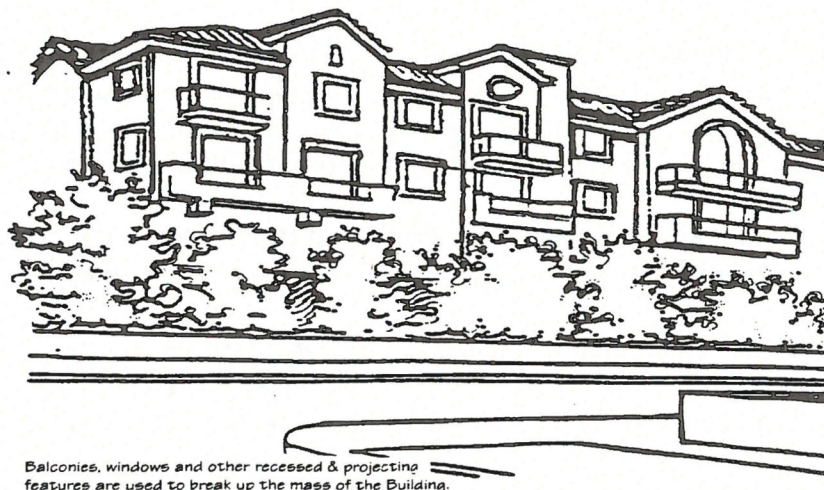
As noted, the applicant purchased the property from a prior developer in 2016, changed the scope of the development from five units to six, and has presented a design that offers no street context, instead illustrating a cookie-cutter, boxy project similar to his many other Small Lot Subdivision applications.



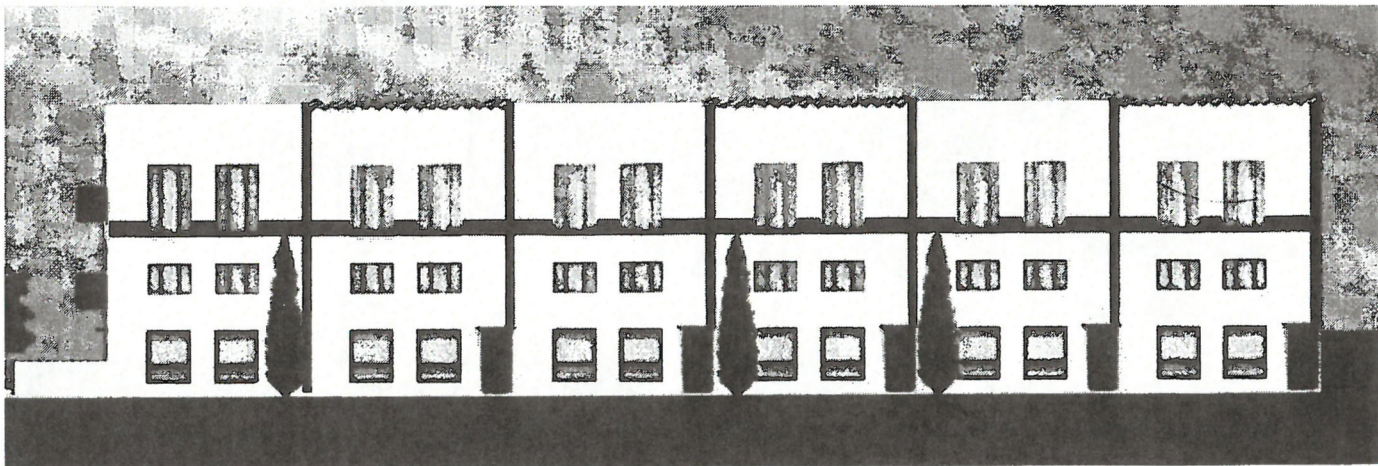
In granting Mr. Schwantiz a Project Permit Compliance Review, the city notes on page F-7 of the determination letter for related case DIR-2014-4124-SPP-SPPA-1A that SNAP's Design Guidelines require that *"buildings should be compatible in form with the existing neighborhood atmosphere. Surrounding properties 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
<b>Existing Height</b>	15-foot tall 1914 duplex	13-foot tall bungalows	20-foot tall apartment	14-foot tall bungalows	28-foot tall w/roof attach
<b>Number of levels</b>	Existing: One-story duplex. <b>Proposed: three story project</b>	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

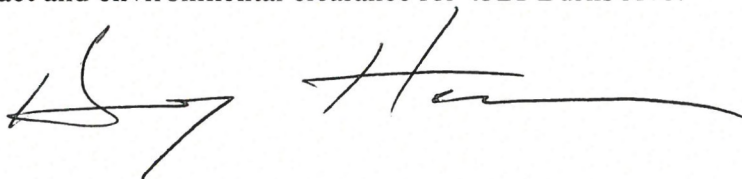
The Project as proposed is inconsistent with the requirements, guidelines and intent of the Vermont/Western Transit Oriented District Area Specific Plan, which was approved by the City Council in 2001 in order to “*guide all development, including use, location, height and density, to assure compatibility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



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# EXHIBIT 1

## Historical Resources Evaluation



**Funk-Rosen Duplex  
4321-23 W. Burns Avenue  
Lot 166, Connor's Subdivision of the Johannsen Tract  
15 MR 86**

*Prepared by:*

Charles J. Fisher, Historian  
140 S. Avenue 57  
Highland Park, CA 90042

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## *Section I*

### *Executive Summary*

The purpose of this report is to evaluate the structure located at 4321-23 Burns Avenue in the East Hollywood Community of Los Angeles California, to provide a history of the residence and to determine whether it meets the requirements as a historical resource in accordance with Section 15064.5 of the California Environmental Quality Act (CEQA) guidelines. The ultimate conclusions in this report represent the professional opinions of the author and are based on the data that has been found through research of the historical and architectural background of the subject property that was available at the time of preparation, as well as the application of local, state and federal criteria of eligibility as well as the best professional practices.

The author is a professional historian with extensive experience in property research and historic preservation, dating from the mid 1980's. This background includes the research, preparation and/or advocacy of over 160 Historic Cultural Monument Nominations for the City of Los Angeles, as well as research and documentation of numerous other historic structures.

Other qualifications include work as a past president and board member of the Highland Park Heritage Trust, past co-chair of the Cultural Resources Committee of the Los Angeles Conservancy, president of the Heritage Coalition of Southern California and 28 years doing property research for Transamerica Real Estate Tax Service. The author has also served as the Vice Chairman and Commercial Chair of the Los Angeles Conservancy Modern Committee (ModCom).

The resource to be evaluated is a 1-story 8-room two-family residence, designed and built in 1914 by H. E. Elliot at 922 E. Vernon Avenue, and relocated to 4321-23 Burns Avenue in 1921, and is now situated on Lot 166 of Connor's Subdivision of the Johannsen Tract, which is recorded in Book 15, Page 86 of Miscellaneous Records of Los Angeles County , and is identified with County Assessor's Parcel No. 5539-008-021.

The structure is not presently listed on any local, state or federal register nor is it listed as a contributor to any local, state or federal historic district. The building is not documented in any historic resources survey, but has been reviewed in two previous assessments prepared by Scientific Resource Surveys, Inc. in 2015 and Kaplan Chen Kaplan in 2017.

This report will provide a more detailed analysis of this property and determine whether the status code assigned by the earlier reports is appropriate for the resource.

## *Section II*

### *Methodology*

In evaluating a potential historic property, several criteria are employed, including an analysis of architectural and historical significance, as well as specific evaluations as to whether the subject property meets the various requirements for it to be considered historic.

These requirements may include the age and rarity of the design, significance of an architect, builder or owner/resident of the property, along with how the structure relates to its historic context, how much of its own architectural integrity has survived as well as whether non-historic alterations can be easily reversed.

Age and rarity are important criteria here. The house was built 103 years ago and relocated to the present site 97 years ago. Integrity is also important, as inappropriate alterations tend to degrade the historic fabric of a resource.

A complete search of permits was conducted for those issued between 1914 and the present and are listed in Chapter V under construction history and permits. The permits themselves are included as an addendum to this report. The house was constructed as a duplex and remains do at the present time.

A site visit was made on April 22, 2018, including interior inspection of the house through a window, with photo documentation of the structure being done at that time. There do not appear to be any historic photos extant.

An analysis was also made of the history of the structures including owners, occupants, using various public records, such as census data, death records and newspaper citations. Some historical context was also gathered from previously published books and articles as noted in the bibliography.

### *Section III*

#### *Historic Property Regulations*

In a determination of eligibility, a potential historic resource must be considered under the California Environmental Quality Act (CEQA) to determine if it is eligible for the California Register of Historic Resources (California Register). The California Register is modeled after the National Register of Historic Places (National Register). There are only a handful of differences in the standards for the National and California Registers. The California Register has a slightly lower integrity requirement than the National Register. A resource is also presumed to be historic if it is locally listed or has been identified as historically significant in a historic resources survey.

However, a preponderance of evidence could show that a property so listed is either no longer historic due to alterations subsequent to a survey or further examination has found that it does not meet the criteria and requirements set forth in the California Register. The National and California Register programs are discussed below.

#### National Register of Historic Places

The National Register is described in Title 36 of the Code of Federal Regulations as “an authoritative guide to be used by federal, state or local governments, private groups and citizens to identify the nation’s cultural resources and to indicate what properties should be protected from destruction or impairment.”

To be eligible for listing in the National Register, the resource must normally be at least 50 years of age and must possess significance in American history and culture, architecture or archeology. To be considered significant, a property must meet one or more of the following four established criteria:

- A. It must be associated with events that have made a significant contribution to the broad patterns of our history; or
- B. It must be associated with the lives of persons significant in our past; or
- C. It must embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that it possesses high artistic values, or that it represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. That it yield, or may be likely to yield, information important in prehistory or history.

The resource must also have integrity so that, according to National Register Bulletin #15 on How to Apply the National Register Criteria for Evaluation, “to be eligible for the National Register, a property must not only be shown to be significant under National Register criteria, but it must also have integrity”, which is the ability of the resource to convey its significance. In other words, a property must not be so altered from the condition during the period of significance, that it fails to show the reasons for that significance.

A resource should also be significant within a historic context to be eligible for listing. According to National Register Bulletin #15, historic contexts are “those patterns, themes or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear.” The significance of a historic property can be determined only when it is evaluated within its historic context. The resource must represent an important aspect of the area’s history or prehistory and still have the integrity to convey that aspect to qualify for the National Register.

The National Register also allows for the establishment of historic districts, where the properties may not be eligible for individual listing, but as a grouping, convey both the integrity and context to meet one or more of the four criteria.

### California Register of Historic Resources

The California Register was established in 1992, when Governor Pete Wilson signed Assembly Bill 2881. Like the National Register, the California Register is used by state and local agencies, private groups and individual citizens to identify and list historic resources and to help determine which resources are to be protected, to the extent prudent and feasible, from substantial adverse impacts.

The California Register consists of all California properties that are listed on or determined eligible for the National Register and all California Landmarks from No. 770 up, which are automatically listed, as well as others that are directly nominated by an application processed through a public hearing process and are determined eligible for listing by the State Historic Resources Commission (SHRC). In addition, those California Points of Historical Interest that have been evaluated by the Office

of Historic Preservation (OHP) and have been recommended to the SHRC are automatically listed.

To be eligible for listing in the California Register, the resource must normally be at least 50 years of age and must possess significance the local, state or national level, under one or more of the following four criteria:

- 1.) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
- 2.) It is associated with the lives of persons significant to local, California or national history; or
- 3.) It embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that it possess high artistic values; or
- 4.) It has yielded, or has the potential to yield, information important in prehistory or history of the local area, California, or the nation.

Historic resources eligible for listing in the California Register may include buildings sites, structures, objects and historic districts. Resources less than 50 years of age may be eligible if it can be demonstrated that sufficient time has passed to understand their historical importance. While the criteria for the California Register is less rigorous with regard to the issue of integrity, there is the expectation that the resources reflect their appearance during their period of significance.

#### Los Angeles Historic Cultural Monument

The Los Angeles Historic Cultural Monument (HCM) ordinance, along with the cities Cultural Heritage Board (now Commission) was established in 1962 by the Los Angeles City Council to block the imminent demolition of the Leonis Adobe (HCM #1) and to protect five other sites. Like the National Register and the California Register it is used by state and local agencies, private groups and individual citizens to identify and list historic resources and to help determine which resources are to

be protected, to the extent prudent and feasible, from substantial adverse impacts. There are presently over 1075 Los Angeles HCMs. In addition, the city has established 29 Historic Preservation Overlay Zones (HPOZs) since 1982.

Those resources that are individually listed or are within an established HPOZ are also subject to CEQA review for issues of demolition or substantial alteration.

Historic-Cultural Monument designation is reserved for those resources that have a special aesthetic, architectural, or engineering interest or value of a historic nature. The Cultural Heritage Ordinance establishes criteria for designation; these criteria are contained in the definition of a Monument in the Ordinance. A historical or cultural

monument is any site (including significant trees or other plant life located thereon), building, or structure of particular historical or cultural significance to the City of Los Angeles, such as historic structures or sites:

- in which the broad cultural, political, economic, or social history of the nation, state, or community is reflected or exemplified; or
- which are identified with historic personages or with important events in the main currents of national, state, or local history; or
- which embody the distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, or method of construction; or
- which are a notable work of a master builder, designer, or architect whose individual genius influenced his or her age.

There is no age requirement for designation, although a resource must have demonstrated its historic importance. At the present time there is no specific requirement that the resource display integrity, however the commission has always made their determinations taking integrity or lack of as a criteria. The Cultural Heritage ordinance is presently reviewed and the new language, once adopted, will most likely contain the following section on integrity:

**“Retains Integrity from its Period of Significance.** Proposed Monuments do not need to retain all aspects of Integrity, but should retain a sufficient degree of those aspects of Integrity that relate to why it is significant. Flexibility shall be used in assessing Integrity, particularly when a proposed Monument is significant under designation criteria 1 or 2 above. A proposed Monument’s deferred maintenance or dilapidated condition shall not, on their own, be construed to equate to a loss of Integrity.”

## *Section IV*

### *Architectural Description*

The house at 4321-23 Burns Avenue as a 1-story Craftsman 2-family residence with a single front to rear hipped gable ending in a smaller transverse gable at the rear of the house. The house is clad in alternating wide and narrow horizontal siding with the front pediment clad in alternating medium and short squared shingles topped by a large lattice vent at the apex, with the exposed roof overhang supported by three square purlins at the apex and at each of the side walls. A simple barge board is across the front of the rafters. A long narrow horizontal window with sixteen square lights is at the center of the pediment, which has a thick square beam at its base over the front porch. The side roofs are supported by small square rafters

The porch is supported by two short Tuscan columns set atop cast stone piers. The concrete porch is accessed by a central concrete staircase flanked by cast stone stoops with fluted concrete capstones. The porch railing is three rows of alternating small rectangular cast stones with open spaces between each stone and a concrete railing.

The windows are mostly wood casements with a row of vertical rectangular lights at the top. The two front doors are set apart from the center with large rectangular fixed pane windows, topped with the same light design as the casements between each door and the side walls. Most of the side and rear windows have been covered with burglar bars. The windows have wide wooden frames topped by extending lentils.

The mirror image interior features include hardwood floors, built in cabinetry, including dining room buffets, picture rails and thick base boards.

The front of the house is mostly hidden behind an overgrown front yard.



Google Earth Satellite view shows the Olsen House, 2015.

## *Section V*

### *Architectural Significance*

The Funk-Rosen Duplex is an example of the type of Craftsman construction that was in vogue just prior to the First World War. It was designed by the contractor that constructed it and makes the use of several fine design elements, such as the thick and thin siding pattern and the same look to the shingles on the front pediment, wide window lentils, multi light windows, decorative concrete and classical symmetry.

The house remains virtually unaltered and is, therefore an intact example of a Craftsman duplex. It is important that the occupancy has remained as it was in the beginning.

The duplex is one of the earliest homes in the 4300 block of Burns Avenue, having been relocated there in 1921, just seven years after its original construction. All but two of the other buildings in the block were built between 1914 and 1964, with only two extant properties being developed prior to 1921. The other two being apartment buildings located at 4330 Burns Avenue, which were built in 1985 and replaced a house at 4338 Burns Avenue, that was built in 1935 (which replaced an even earlier dwelling). The properties are noted below:

STREET NUMBER	CONSTRUCTION DATE	TYPE OF USE	ARCHITECTURAL STYLE	RATING	PHOTO PAGE
875 N Virgil	1932	Commercial	Utilitarian	Altered-Contributor	23
4308 Burns	1954	Commercial	Utilitarian	Altered-Contributor	23
901-03 N Virgil	1921	Duplex	Mission Revival	Altered-Contributor	24
4307-09 Burns	1921	Duplex	Mission Revival	Altered-Contributor	24
4312-16 Burns	1923	Courtyard Apartments	Mission Revival	Altered-Contributor	25
4315 Burns	1964	Apartment Building	Googie Dingbat	Contributor*	25
4321-23 Burns	1914/21	Duplex	Craftsman	Contributor	15-22
4324 Burns	1929	Apartment Building	Islamic Revival	Contributor*	26
4327-29½ Burns	1919-1920	Bungalow Court	Colonial Revival	Contributor	26
4330 Burns	1985	2 Apartment Buildings	Stucco Box	Non-Contributor	27
4337 Burns	1964	Apartment Building	Dingbat	Contributor	27
4342-46 Burns	1923	Bungalow Court	Mission Revival	Contributor*	28
4343-45 Burns	1920	4-Flats	Mediterranean Revival	Contributor	28
4347-49 Burns	1920	4-Flats	Mediterranean Revival	Contributor	29
4348-52 Burns	1921	4-Flats	Mediterranean Revival	Contributor	29
4356 Burns	1931	4-Flats	Spanish Colonial Revival	Non-Contributor†	30
4357-59 Burns	1921	4-Flats	Mission Revival	Contributor	30
4362 Burns	1939	Apartment Building	Spanish Colonial Revival	Contributor	31
4365 Burns	1923	Apartment Building	Spanish Colonial Revival	Contributor	31

\* Potential Historic Cultural Monument.

† Non Contributing due to window change outs done in 2006.

The above analysis of the 4300 Block of Burns Avenue shows a mixture of architectural styles during the period of significance with the subject house being moved onto the street at the time most of the development occurred.

## *Section VI*

### *Construction History and Permits*

The permit history reveals that this property has had very few changes made over the years. The original construction permit, issued on April 3, 1914 notes the architect and builder as H. E. Elliott and Mrs. H. E. Funk as the owner, at 922-24 E. Vernon Avenue, at a cost of \$2,500.00. A second permit issued the same day calls for an additional single family residence at the rear of the lot. There was also another small cottage that had been built around 1902. By 1921, the land had been earmarked for a new school and the houses were removed. The duplex was moved to its present site at 4321-23 Burns Avenue, a distance of some 20 miles, by Hiram Rosen, at a cost of \$250.00.

The neighborhood on Burns Avenue was just beginning to fully develop in 1921, when the 7-year old duplex was set on its new concrete foundation. The moving permit, which was issued on November 21, 1921, also called for painting, papering and plumbing work on the house. A second permit was issued on February 14, 1922 for the construction of a four car garage at the cost of \$400.00.

There are no other permits on file, which is indicative of the fact that the duplex appears to be unaltered with all siding, windows and doors being intact.

**Building Permit History**  
**4321-23 Burns Avenue**  
**East Hollywood**

April 3, 1914:	Building Permit No. 7075 to construct a 1-story 7-room 30' X 54' frame 2-family residence at 922 E. Vernon Avenue on Lot 2, Block 2 of H. M. Ames First Subdivision of Vernon. Owner: Mrs. H. E. Funk Architect: H. E. Elliott Contractor: H. E. Elliott Cost: \$2,500.00
November 21, 1921:	Building Permit No. 32549 relocate 2-family house from 922-24 E. Vernon Avenue to 4321-23 Burns Avenue do painting and papering, also plumbing connections and underpinning on a concrete foundation, on Lot 166 of Connor's Subdivision of the Johannsen Tract. Owner: Hiram Rosen Architect: None Contractor: H. Rosen Cost: \$250.00
August 14, 1924:	Building Permit No. 4704 to construct a 1-story, 16' X 36' frame 4-car garage. Owner: H. Rosen Architect: None Contractor: A. Yousoruff Cost: \$400.00

## *Section VI*

### *Historical Outline*

The Funk-Rosen Duplex is located within Connors Subdivision of the Johannsen Tract, a tract of land consisting of 476 Lots, that was recorded on April 9, 1887, being a subdivision of the Northwest 1/4 of Section 18, Township 1 South, Range 13 West. The tract, which was developed during the great land boom of 1885-1889, was developed by land speculators Charles Connor, a carver, real estate agents Samuel K. Lindley and J. P. McCarthy, and attorney Moises Langley Wicks. The land was the former farm of Thomas Johannsen. Born in Denmark in 1822, Johannsen had farmed the land in the area then referred to as Cahuenga for many years. Retirement evidently was not total bliss for the former farmer. In 1896, his wife, Eloise, filed for divorce.

The subdivision was a part of the great Southern California Land Boom of the 1880s, when land skyrocketed in value and then crashed as the boom went bust in 1889. The Johannsen Tract was no exception. It was located to the West of the city and did not become a part of Los Angeles until the Colegrove annexation in 1909.

Burns Avenue, which was named Vine Street in 1887, had very little development prior to that date. There were several single family houses on the street, but all were later demolished or moved off the street. The current development began around 1920 with the first two sets of flats being constructed. Several more sets of flats were built the following year when the subject duplex was relocated to the street. The remaining single family homes yielded to multi-family development over the next four decades, with the last one being replaced in 1964.

The subject duplex was designed and built by contractor H. E. Elliott for Mrs. Hattie Elizabeth Funk, a 50 year old widowed nurse, at 922-922 1/2 E. Vernon Avenue in 1914 on a lot that already had a small house on it. Another single family house was also built on the lot at the same time. The building arrangement was to be short lived, as the block was soon earmarked for the construction of McKinley Avenue Junior High School, several years later. Just seven years after its construction, the duplex was bought by Hyman Rosen, who, along with his wife, Bertha, were both naturalized citizens that had immigrated from Poland in 1904. They had recently moved to Los Angeles from Nashville, Tennessee, where they had run an antique shop.

The Rosens moved into the 4323 half of the duplex and ran a furniture business. At some point after 1930 they either divorced or Bertha passed away. No records could be located for either scenario. Hyman Rosen is showing in voter registration records as single until 1948, when his new wife, Jessie, appears in the record.

The Rosens sold the property around 1954 to Gitla Spiwak, Cuban immigrant, who lived in the duplex along with his wife Naftule and children, Helen and Benjamin. Later, after her marriage, Helen's husband, Alex S. Weisz. The Spiwak family was to retain ownership through two generations until October 1, 2003, when it was deeded to Samuel Lee and Glen Suh.

In 2013 it went to Priority 1 Capital, LLC which transferred it to Joo Y. Kang on August 31, 2016, who later added James Junghyun Young to the deed on March 10, 2017.

## *Section VII*

### *Historical Significance*

The Funk-Rosen Duplex is not associated with any one individual of significance. The Rosens and some subsequent owners were immigrants and a case could be argued that it is important as a home for immigrants. However, that argument is weak.

The duplex is, however, a good example of its genre and has architectural significance. The previous reports both glossed over the architecture of the house, not giving it a complete architectural description or any discussion on the integrity of the building.

One argument has been presented that it lost its historic context because it was moved. However this is not a recent move. The duplex was only 7 years old when it was moved and it was placed on its present site on Burns Avenue in 1921, right during the primary development period for the block. The duplex was to become a part of that development period, not an infill.

The neighborhood was partially developed with single family housing, but all of the early single family homes were replaced with multi-family housing beginning in 1920 and continuing until 1964, when the last single family home was removed and the transformation to multi-family homes was completed.

The neighborhood has remained virtually the same for over 50 years, with the exception of the two building constructed in 1985 at 4330 Burns Avenue.

## *Section VIII*

### *Conclusion*

The Funk-Rosen Duplex retains virtually all of its original design elements, with a high level of architectural integrity.

It can be a contributor to a local Historic Preservation Overlay Zone or a California Register district, as the immediate neighborhood is full of buildings built between 1920 and 1964 that could be viewed as contributors to a Historic district. A larger survey might reveal a higher rate of contributing structures to a potential district.

The duplex retains virtually all of its original historic integrity and is a good representative type specimen of a Craftsman duplex. This fact is not noted in the two earlier reports. It has been a part of the Burns Avenue neighborhood since the earliest part of its period of significance as a multi-family neighborhood (1920-1964). Again, the two previous reports fail to note this fact.

The Funk-Rosen Duplex retains its integrity and has a high level of architectural detailing and, therefore, is subject to environmental review as a historic resource and cannot be given a categorical exemption under the California Environmental Quality Act (CEQA).

The Duplex can be viewed 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).

It is my professional opinion that the Duplex clearly qualifies as a historic resource under CEQA, and that its demolition would therefore be a significant Project impact. Under CEQA, the City is required to prepare an environmental impact report that includes a range of alternatives to the proposed development. These alternatives must offer a development that would not impact the Duplex.

*Section IX*  
*Photographs*



*Funk-Rosen Duplex, front façade, 4321-23 Burns Avenue, April 22, 2018 (Charles J. Fisher photo)*



*Funk-Rosen Duplex, front pediment, 4321-23 Burns Avenue, April 22, 2018 (Charles J. Fisher photo)*



*Funk-Rosen Duplex, front pediment details, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, East facade, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, rafters and siding, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, West façade, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, porch column, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, front stoop, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



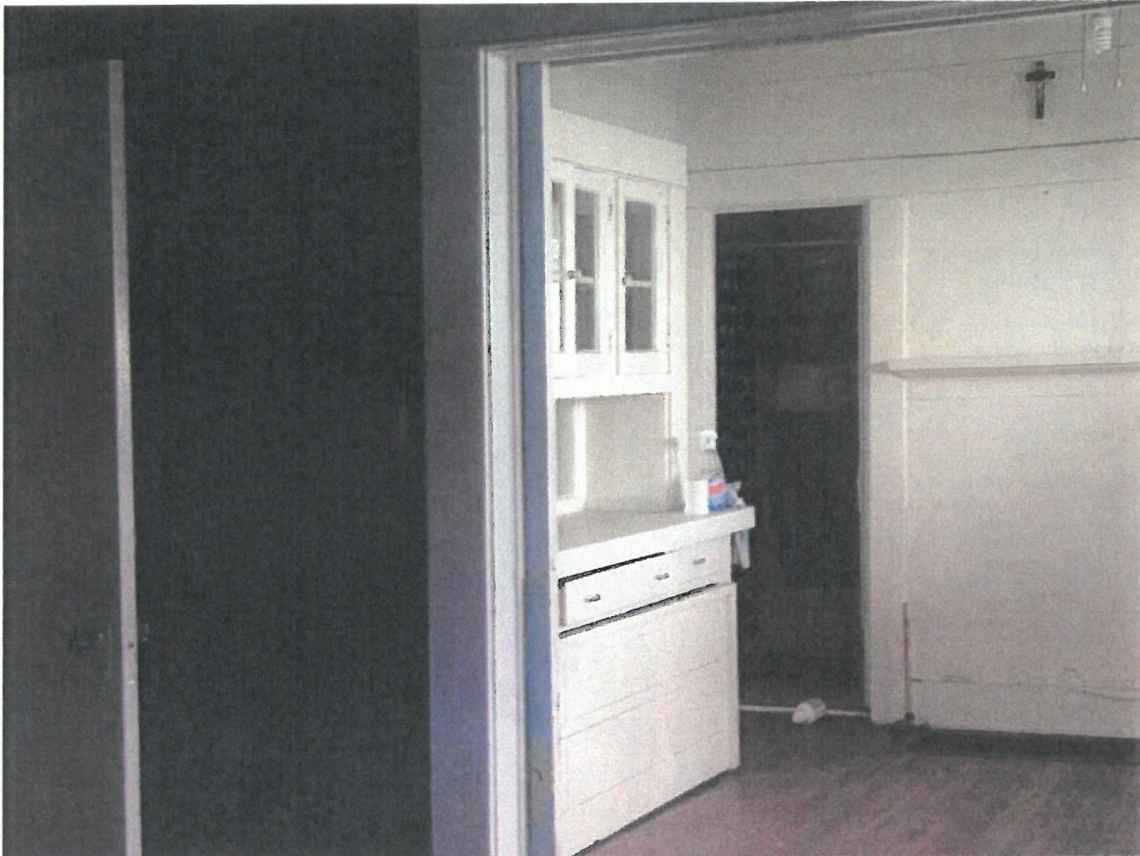
*Funk-Rosen Duplex, detail of railing cap, 4321-23 Burns Avenue, April 22, 2018 (Charles J. Fisher photo)*



*Funk-Rosen Duplex, front porch, 4321-23 Burns Avenue, April 22, 2018 (Charles J. Fisher photo)*



*Funk-Rosen Duplex, porch railing, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Olsen House, built-in buffet, 1053 S Fedora Street, June 26, 2017 (Charles J Fisher photo)*



*Funk-Rosen Duplex, dining room, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, living room ceiling, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, casement windows, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*



*Funk-Rosen Duplex, front facade obscured, 4321-23 Burns Avenue, April 22, 2018 ( Charles J. Fisher photo)*

## Neighborhood photos



*975 N Virgil Avenue, Feb 2017, Google Street View*



*4308 Burns Avenue, Jun 2017, Google Street View*



*Duplex at 901-03 N Virgil Avenue, Jun 2017, Google Street View*



*Duplex at 4307-09 Burns Avenue, Jun 2017, Google Street View*



*Bungalow Court at 4312-16 Burns Avenue, Apr 22, 2018, (Charles J. Fisher photo)*



*Googie style Apartment at 4315 Burns Avenue, Jun 2017, Google Street View*



Apartment at 4324 Burns Avenue, Apr 22, 2018, (Charles J. Fisher photo)



Bungalow Court at 4327-29 Burns Avenue, Jun 2017, Google Street View



Non-Contributing Apartment at 4330 Burns Avenue, Jun 2017, Google Street View



Apartment at 4331 Burns Avenue, Jun 2017, Google Street View



Ardell Wallace Apartments, 4337 Burns Avenue, Apr 22, 2018, (Photograph by Charles J. Fisher)



Bungalow Court at 4342-46 Burns Avenue, Apr 22, 2018, (Photograph by Charles J. Fisher)



Flats at 4343 & 4347 Burns Avenue, Apr 22, 2018, (photograph by Charles J. Fisher)



Flats at 4348-52 Burns Avenue, Jun 2017, Google Street View



Non-contributing flats due to loss of window fenestrations at 4356 Burns Avenue, Jun 2017, Google Street View



Flats at 4357-59 Burns Avenue, Jun 2017, Google Street View



Flats at 4362 Burns & 874-78 N Madison Avenue, Jun 2017, Google Street View



Bungalow Court at 4365 Burns Avenue & 902-906 N Madison Avenue, Jun 2017, Google Street View

## *Section X*

### *Bibliography*

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### *Other Sources*

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Three Unhappy Women Want Matrimonial Dissolution.....May 20, 1896, Page 8

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National Register Bulletin No. 15.....How to Apply National Register Criteria for Evaluation, 1990

Historic Resource Report .....Prepared for Promark Investments, Inc. by Scientific Resource Surveys, Inc., 2015

Historic Resource Report.....Submitted by Kaplan Chen Kaplan by Pam O'Connor, Historian, 2017

#### **Other Official Records:**

Los Angeles County Assessors Office Maps and Tax Records

Los Angeles County Tract Maps, Conner's Subdivision of the Johannsen Tract, 15 MR 86

Los Angeles Voter Registration Records

Los Angeles City Building Permits as noted in Section V

United States Census Records from 1880 through 1940

California and Social Security Death Indexes

# EXHIBIT 2

# CITY OF LOS ANGELES

CALIFORNIA

## EAST HOLLYWOOD NEIGHBORHOOD COUNCIL

## EAST HOLLYWOOD NEIGHBORHOOD COUNCIL

### GOVERNING BOARD OFFICERS

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Jennifer Lee, Vice President  
Jeff Zarrinam, Treasurer  
Megan Choi, Recording Secretary  
Seta Panosian, Corresponding Treasurer  
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June 26, 2017

COPY

Mr. Kevin Golden, Deputy Advisory Agency  
City of Los Angeles, City Planning Department  
200 N. Spring Street, 7<sup>TH</sup> Floor  
Los Angeles, CA 90012

Re: VTT-73056-SL; ENV-2014-4125-CE; DIR 2014-4124-SP-SPPA. 4321 Burns Ave.

The Board of Directors of the East Hollywood Neighborhood Council voted unanimously at its June 19, 2017 regular meeting to oppose a request by applicants Chris Schwantz and Matthew Hayden for approval of a six-unit small lot subdivision located at 4321 Burns Ave. The vote of the Board was 11 to zero.

The vote of the Board to oppose the proposed development is based upon the following: 1) The environmental clearance of a Categorical Exemption is improper, and at a minimum a Mitigated Negative Declaration is necessary due to the presence of a potentially historic 1904 Craftsman duplex on the project site; 2) The historic resource report by the Orange County firm Scientific Resource Surveys, Inc. fails to follow established criteria for historic resource analysis, and therefore is inadequate as a basis for environmental review; 3) The findings for an adjustment for increased height are not justified; 4) The overall design of the project fails to incorporate articulated building elements and other features required under the Design Guidelines of the Vermont/Western Transit Oriented District Specific Plan; and 5) The 1904 Craftsman duplex is a critical historic resource and must be incorporated within any development on the project site.

During its deliberations, the Board thoroughly discussed the benefits of increased housing stock versus retention of the 1904 Craftsman duplex, concluding that the project can include the duplex within the development, with no sacrifice of units.

The vote of the Board follows a May 18, 2017 unanimous vote of the Planning Entitlement Review Committee to strongly oppose the proposed development. The Planning Committee originally reviewed the project as a proposed 5-unit development on July 1, 2015, when the parcel was under different ownership. The current applicant failed to provide the committee with updated plans prior to the City Planning Department's public hearing on April 27, 2017. The Committee's conclusions regarding retention of the 1904 Craftsman duplex are based upon the analysis of the members of the committee, which includes architects Bill Roschen and Edward Hunt, and historian Charles Fisher.

Arasele Torrez, President  
East Hollywood Neighborhood Council

# DETERMINATION LETTER



## CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

### LETTER OF DETERMINATION

MAILING DATE: JUN 19 2018

Case No. VTT-73056-SL-1A

CEQA: ENV-2014-4125-CE

Plan Area: Hollywood

Related Case: DIR-2014-4124-SPP-SPPA-1A

Council District: 13 – O'Farrell

**Project Site:** 4321 and 4323 West Burns Avenue

**Applicant:** Chris Schwanitz, Stradella Court, LLC  
Representative: Matthew Hayden, Hayden Planning

**Appellant:** Anne Hars, Virgil Village Neighborhood Association;  
Doug Haines, George Abrahams and Ed Hunt  
Representative: Robert Silverstein, The Silverstein Law Firm

At its meeting of **April 24, 2018**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

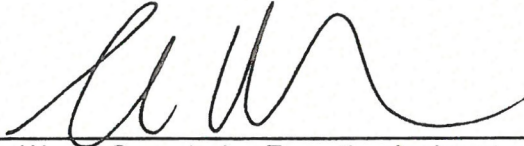
Demolition of an existing duplex; subdivision of one (1) 9,602-square-foot lot into six (6) small lots pursuant to the Small Lot Subdivision Ordinance; and the construction, use and maintenance of a three-story, single-family dwelling with an attached two-car garage on each of the six (6) subdivided lots and one uncovered guest parking space within Subarea A (Neighborhood Conservation) of the Vermont / Western Station Neighborhood Area Plan (SNAP) Specific Plan.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Statutes and Guidelines, section 15332, Class 32 (In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeals and **sustained** the Deputy Advisory Agency's determination to approve a Vesting Tentative Map for the subdivision of 6 Small Lots;
3. **Adopted** the attached Conditions of Approval as modified by the Commission; and
4. **Adopted** the attached Findings of the Deputy Advisory Agency, as amended by the Commission.

The action was taken by the following vote:

Moved: Mendez  
Seconded: DelGado  
Ayes: Barraza, Gold, Chung Kim

Vote: 5 - 0



Jason Wong, Commission Executive Assistant  
Central Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Central Los Angeles Area Planning Commission is appealable to the City Council within 10 days of the mailing date of this letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 10-day period shall not be considered by the City Council and the decision of the Central Los Angeles Area Planning Commission will become final and effective upon the close of the 10-day appeal period.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: JUN 29 2018

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Amended Findings

c: Mindy Nguyen, City Planner  
Nuri Cho, City Planning Associate

In accordance with provisions of Sections 17.03 and 12.22 C.27 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Vesting Tentative Tract No. 73056-SL, located at 4321 and 4323 West Burns Avenue for a maximum of six (6) lots, pursuant to the Small Lot Subdivision Ordinance No. 176,354, as shown on revised map stamp-dated July 13, 2017 in the Hollywood Community Plan and Subarea A (Neighborhood Conservation) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. This unit density is based on the RD1.5 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

**NOTE** on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

### **CONDITIONS OF APPROVAL**

**As modified by the Area Planning Commission on April 24, 2018**

#### **BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary for street address purposes all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
2. That if this tract map is approved as small lot subdivision then the final map be labeled as "Small Lot Subdivision per Ordinance No. 176,354" satisfactory to the City Engineer.
3. That if necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Central District Engineering District Office.
4. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

5. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
  - b. The Map does not comply with the minimum 15-foot front yard setback for all Lot 1 fronting (facing) along Burns Avenue as required for the RD1.5 Zone. Revise the Map to show compliance with the above requirement or obtain written approval

from the Department of City Planning Advisory (See Condition #13.c Note to City Zoning Engineer and Plan Check).

- c. Provide and maintain a minimum 20-foot common access strip open to the sky for the lots all the way to the public street for access and frontage purpose per Section 12.03 under the definition of "Lot." No projections are allowed into the 20-foot minimum common access strip. Provide the 20-foot wide common access open to the sky or obtain approval from the City Planning Advisory Agency to allow for a reduced 18-foot common access strip all the way to the public street (See Condition #13.c Note to City Zoning Engineer and Plan Check).
- d. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedications.
- e. Provide and dimension the reciprocal private easement for pedestrian and driveway egress and ingress for the small lot subdivision on the final map.

**Notes:**

The proposed building plans have been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health and safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

The proposed buildings may not comply with City of Los Angeles Building Code requirements concerning exterior wall, protection of openings and exit requirements, with respect to the proposed property line. Compliance shall be to the satisfactory of LADBS at the time of plan check.

Backup space for parking space with less than 26 feet, 8 inches shall provide sufficient garage door opening width to comply with the current Zoning Code requirement.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

- 6. That the project be subject to any recommendations from the Department of Transportation.

**FIRE DEPARTMENT**

7. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
- a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - d. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
  - e. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
  - f. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - g. Submit plot plans indicating access road and turning area for Fire Department approval.
  - h. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units
  - i. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - j. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane."
  - k. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
  - l. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - m. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit

application sign-off.

- n. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- o. Site plans shall include all overhead utility lines adjacent to the site.
- p. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department
- q. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- r. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

Note:

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call **(213) 482-6509**. You should advise any consultant representing you of this requirement as well.

**LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)**

- 8. That prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District. The project site is located on the pedestrian and bus routes for students attending Lockwood Elementary School. Therefore, the applicant shall make timely contact for coordination to safeguard pedestrians/motorists with the LAUSD Transportation Branch, phone no. 213-580-2950, and the principals or designees of Lockwood Elementary. (This condition may be cleared by a written communication from the LAUSD Transportation Branch attesting to the required coordination and/or the principals of the above referenced schools and to the satisfaction of the Advisory Agency.)

**DEPARTMENT OF WATER AND POWER**

- 9. Satisfactory arrangements shall be made with the Los Angeles Department of Water and

Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1 (c).)

#### **BUREAU OF SANITATION**

10. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated December 22, 2016. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1 (d).)

#### **INFORMATION TECHNOLOGY AGENCY**

11. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

#### **DEPARTMENT OF RECREATION AND PARKS**

12. That the Quimby fee be based on the RD1.5 Zone.

#### **DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS**

13. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. Limit the subdivision to a maximum of six (6) lots.
  - b. Provide two (2) parking spaces in each dwelling unit for a total of 12 automobile parking spaces for six (6) dwelling units, and one (1) guest parking space that is accessible by guests of all units. The final tract map shall be revised to show the required number of parking spaces, including guest parking.
  - c. The height of the building shall be limited to 28.87 feet.
  - d. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has reviewed and approved the location(s) of the following item(s) as it applies to this subdivision and the proposed development on the site.
    - i. The project is permitted a reduced 18-foot common access strip open to the sky, all the way to the public street.

- ii. The project shall comply with the setbacks as indicated in the table below:

Lot	Front Yard (Feet)	East Side Yard (Feet)	West Side Yard (Feet)	Rear Yard (Feet)
1	9.67	5	18	0.17
2	0.17	5	18	0.17
3	0.17	5	18	0.17
4	0.17	5	18	0.17
5	0.17	5	18	0.17
6	0.17	5	18	20

- e. That prior to issuance of a certificate of occupancy, a minimum six-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in the required front yard.
- f. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- g. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- h. A Community Maintenance Agreement shall be prepared, composed of all property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway, walkways, monthly service for private fire hydrant (if required), etc. Each owner and future property owners shall automatically become party to the agreement and shall be subject to a proportionate share of the maintenance. The Community Maintenance Agreement shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded, to the Planning Department for placement in the tract file.
- i. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
- j. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional

claim.

- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph ii.
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph ii.
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held

under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

14. That the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6974) that a Certificate of Occupancy (temporary or final) for the building(s) shall not be issued until the final map has been recorded.
15. That prior to the issuance of the building permit or the recordation of the final map, a copy of the DIR-2014-4124-SPP-SPPA shall be submitted to the satisfaction of the Advisory Agency. In the event that DIR-2014-4124-SPP-SPPA is not approved, the subdivider shall submit a tract modification.
16. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, he subdivider shall record and execute a Covenant and Agreement to comply with the **Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Case No. DIR-2014-4124-SPP-SPPA**.

#### **Tenant Relocation Conditions**

17. Within 10 days after the expiration of the appeal period (and final action thereon), the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition. The applicant shall provide a copy of the Covenant and Agreement to each eligible tenant within five (5) days of recordation of the Covenant and Agreement.
18. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Ellis Act (Government Code §§ 7060, et seq.) and §§ 151.22 – 151.28 of the Los Angeles Municipal Code.

#### **DEPARTMENT OF CITY PLANNING - STANDARD SINGLE-FAMILY CONDITIONS**

- SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract approval, the following conditions shall apply:
  1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Development Services Center of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11

and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

- SF-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That one-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any one-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
  - (b) Construct any necessary drainage facilities.
  - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
    - i. No street lighting improvements if no street widening per S-3 (i) on Burns Avenue. Otherwise, remove and reinstall existing conduit behind new curb and gutter on Burns Avenue.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (c)i, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division ((213) 847-3077) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.
- (i) That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
  - a. Remove and reconstruct the entire sidewalk adjoining the tract including the landscaping area with construction of a five-foot concrete sidewalk and landscaping of the parkway all satisfactory to the Central District B-Permit Section.
  - b. Construct the necessary on-site mainline sewers satisfactory to the City Engineer.

#### NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features, which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

## **FINDINGS**

**As amended by the Area Planning Commission on April 24, 2018**

### **FINDINGS OF FACT (CEQA)**

The Deputy Advisory determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Statutes and Guidelines, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Class 32 consists of projects characterized as in-fill development meeting the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e. The site can be adequately served by all required utilities and public services.

The applicant is requesting a Vesting Tentative Tract Map for the subdivision of one (1) parcel into six (6) small lots to construct a three-story, 28.87-foot tall single-family dwelling with an attached two-car garage on each lot. The subject site is relatively level, 9,602 square feet, or 0.22 acres, in size and wholly within the City of Los Angeles. The site is zoned RD1.5-1XL and has a General Plan Land Use Designation of Low Medium II Residential. The site is also located within Subarea A (Neighborhood Conservation) of the Vermont/Western Station Neighborhood Area Plan (SNAP). As shown in the case file, the project is consistent with applicable Hollywood Community Plan designation and policies, all applicable zoning designations and regulations, and Specific Plan provisions. The RD1.5 Zone allows 1,500 square feet of lot area per each dwelling unit, which permits a maximum of six (6) units on the site.

The project site is located in an urbanized area, and all of the surrounding properties are developed with single- and multi-family residential developments, offices, commercial and retail stores, surface parking lots, light industrial buildings, and an elementary school. The site is currently improved with a duplex and has no value as a habitat for endangered, rare or threatened species. There are five (5) non-protected trees on the site, which will be removed as part of the proposed project.

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. The project is beneath the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will

not have any significant impacts to traffic. The project will not result in significant impacts related to air quality because it falls below interim air threshold that were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the proposed project will be on a site which has been previously developed and is consistent with the general plan. Therefore, based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Categorical Exemption.

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 15303 and 15332: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes six (6) residential units in an area zoned and designated for such development. The proposed project is not unusual for the vicinity of the subject site, and is similar in scope to other existing low- and medium-density residential developments in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. The only state designated scenic highway in the City of Los Angeles is a portion of State Route 27 (Topanga Canyon Boulevard), which is located in the Canoga Park, West Hills, Winnetka, and Woodland Hills area, and therefore the subject site is not designated as a state scenic highway, nor are there any designated state scenic highways located near the project site. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

The applicant submitted a Historic Resource Report, prepared by Kaplan Chen Kaplan and dated September 11, 2017, which has been reviewed by the Department of City Planning, Office of Historic Resources. The Report verified that the existing building does not meet the criteria for listing in the National Register of Historic Places, the California Register of Historical Resources or as a City of Los Angeles Historic-Cultural Monument or as a contributing building to any potential historic district. The subject building is not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract No. 73056-SL, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Hollywood Community Plan designates the subject property for Low Medium II Residential land uses with the corresponding zones of RD1.5 and R2. The Framework Element encourages stability and enhancement of multi-family residential neighborhoods

that are characterized by a mix of densities and dwelling types. The Framework Element also allows for growth in areas where there is sufficient public infrastructure and services. The subject property is zoned RD1.5-1XL and is approximately 9,602 square feet in size. The applicant proposes a six-unit small lot subdivision on the site that is permitted a maximum density of six (6) dwelling units in an area that is characterized by mix of low- and medium-density residential uses. The project site is bound by Burns Avenue to the south, which is designated as a Local Street by the Mobility Plan 2035, with a right-of-way width of 60 feet, and roadway width of 36 feet. BOE is not requiring any street dedication.

The subject property is also subject to Subarea A (Neighborhood Conservation) provisions in the Vermont/Western Station Neighborhood Area Plan (SNAP). The applicant filed a concurrent case (DIR-2014-4124-SPP-SPPA) for the demolition of an existing duplex and the construction of a six-unit residential development.

The approval of the Vesting Tentative Tract Map is subject to the approval of the concurrent DIR Case, and the applicant is required per Conditions of Approval to submit a copy of the Letter of Determination for the DIR Case prior to the issuance of the building permit or the recordation of the final map. In the event that the DIR case is not approved, the applicant is required to submit a tract modification. As such, the proposed six-unit small lot subdivision is substantially consistent with the applicable General Plan and the SNAP Specific Plan, subject to the approval of the Project Permit Compliance.

(b) THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park and recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

The subject property will be served by an existing sanitary sewer adjoining the parcel. The applicant is required to construct necessary mainline and house connection sewers to serve the tract. The Bureau of Sanitation, Wastewater Collection System Division found no potential problems to their sewer and storm drain lines serving the subject area. Additionally, no street lighting improvements if no street widening is required per BOE improvement conditions. Otherwise, the applicant is required to remove and reinstall existing conduit behind new curb and gutter on Burns Avenue.

The Bureau of Engineering (BOE) has reviewed the proposed Vesting Tentative Tract Map and is requiring the applicant to remove and reconstruct the entire sidewalk adjoining the tract including the landscaping area with a five-foot concrete sidewalk and landscaping of the parkway, and construct the necessary on-site mainline sewers. The applicant is required to submit a plot plan, showing applicable fire lanes, fire hydrant, and distance from the edge of the roadway or approved fire lane to dwelling unit entrances, to the Los Angeles Fire Department for approval.

All of the recommended improvements have been included as Conditions of Approval. Additionally, the project is required to provide and dimension the reciprocal private easement for pedestrian and driveway egress and ingress in the final map and provide necessary public access to the on-site easements. Furthermore, the Los Angeles Department of Water and Power commented that this tract can be supplied with water from the municipal system and all required water mains have been installed. Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the intent and purpose of the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

The project site currently consists of one parcel with a lot area of 9,602 square feet. The site is zoned RD1.5-1XL within the Hollywood Community Plan, which designates the site for Low Medium II Residential land uses. The project site is not located in any hazardous or geologically sensitive areas, including Hillside Area, Very High Fire Hazard Severity Zone, Flood Zone, Hazardous Waste/Border Zone, Methane Hazard Site, Alquist-Priolo Fault Zone, Landslide Area, Liquefaction Area, Preliminary Fault Rupture Study Area, and Tsunami Inundation Zone. Additionally, although the project site is located within the BOE Special Grading Area, LADBS Grading Division reviewed the proposed project and determined that geology/soils reports are not required and the project does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. The surrounding properties are developed with a mix of low- and low-medium residential uses. The proposed development of six (6) small lot homes is an allowed use on the site that is consistent with the general character in the neighborhood. As such, the project site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The project site is zoned RD1.5-1XL and designated for Low Medium II Residential land uses, corresponding to the RD1.5 and RD2 Zones per the Hollywood Community Plan Land Use Map. The RD1.5 Zone allows 1,500 square feet of lot area per each dwelling unit, permitting a maximum of six (6) units on the 9,602-square-foot site. The applicant proposes a six-unit small lot subdivision, which is within the maximum allowable density. As previously mentioned, the project site is not located in any hazardous or geologically sensitive areas, including Hillside Area, Very High Fire Hazard Severity Zone, Flood Zone, Hazardous Waste/Border Zone, Methane Hazard Site, Alquist-Priolo Fault Zone, Landslide Area, Liquefaction Area, Preliminary Fault Rupture Study Area, and Tsunami Inundation Zone. Additionally, although the project site is located within the BOE Special Grading Area, LADBS Grading Division reviewed the proposed project and determined that geology/soils reports are not required and the project does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. As such, the project site is physically suitable for the proposed density.

(e) THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Deputy Advisory determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Statutes and Guidelines, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an

exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies (see above CEQA Findings). The Project Site is currently not a habitat for fish or wildlife.

- (f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management). The project site is not located on a hazardous materials site, floor hazard

There are no apparent health problems that might be caused by the design or construction of the proposed condominium units. The Bureau of Engineering has reported that existing sanitary sewer is available under Burns Avenue adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet State-wide ocean discharge standards.

- (g) THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The project site is a legally recorded lot that is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, park or any officially recognized public area that requires access through or within the proposed subdivision, and no such easements are known to exist. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the City prior to recordation of the proposed map.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the

north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Tract No. 73056-SL.