



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: CPC-2016-3853-GPA-VZC-HD-ZAD-SPR

Project Address: 520, 524, 528, 532 Mateo Street; 1310 East 4th Place

Final Date to Appeal: 08/07/2018

- 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): Stephen and Carol Ann Warren

Company: _____

Mailing Address: 2062 Courtland Avenue

City: San Marino State: CA Zip: 91108

Telephone: (818) 203-3915 E-mail: swarren@omm.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?
 - Self
 - Other: _____
- Is the appeal being filed to support the original applicant's position?
 - Yes
 - No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Robert L. GLushon; Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd. Suite 950

City: Encino State: CA Zip: 91436

Telephone: (818) 907-8755 E-mail: rglushon@lunaglushon.com; kkropp@lunaglushon.com

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

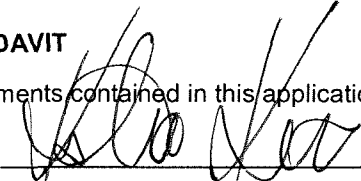
If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 8/6/18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: \$89.00	Reviewed & Accepted by (DSC Planner): Daisy Benicia	Date: 8-7-18
Receipt No: 0203547788	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ATTACHMENT TO APPEAL
CPC-2016-3853-GPA-VZC-HD-ZAD-SPR
ENV-2016-1795-EIR

Appellants: Stephen and Carol Ann Warren

Appellants are the owners of property located on the East facing side of 527 Molino Street and, thus, immediately impacted by the proposed mixed use development of 475 live/work units and approximately 125,000 square feet of commercial retail and office floor area at 520, 524, 528, 532 Mateo Street & 1310 E. 4th Place (“the Project”).

In approving the Proposed Project, the City Planning Commission erred and abused its discretion for the following reasons:

1. The Requested General Plan Amendment and Vesting Zone/Height District Change are illegal under the Los Angeles Municipal Code and City Charter.

Under Los Angeles Municipal Code (“LAMC”) Section 11.5.6, “the City’s comprehensive General Plan may be adopted, and amended from time to time, either as a whole, by complete subject elements, by geographic areas or by portions of elements or areas, provided that any area or portion of an area has significant social, economic or physical identity.”

Here, the proposed General Plan Amendment area does not have any “significant social, economic or physical identity.”

LAMC Section 12.32 further provides that a proposed land use ordinance, such as a Vesting Zone/Height District, must be in conformity with public necessity, convenience, general welfare and good zoning practice.

As set forth herein, this finding cannot be made with substantial supporting evidence because the Project is inconsistent with applicable land use plans, policies and regulations.

Section 555 of the City Charter provides that only the City Council, the City Planning Commission or the Director of Planning may propose a General Plan Amendment.

Here, the Project-specific General Plan Amendment is clearly proposed by the Applicant, and therefore violative of City Charter Section 555.

2. The Findings for a Zoning Administrator's Determination cannot be made with substantial supporting evidence.

- a. The Project will not enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city, or region;
- b. The Project's location, size, height, operations and other significant features will not be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
- c. The Project does not substantially conform with the purpose, intent and provisions of the General Plan or the Central City North Community Plan.

The Project, as proposed, is egregiously out of scale with the neighborhood surrounding it. At 35 stories, it is not compatible with the adjacent properties of 2-4 stories. It Project will degrade and adversely impact Appellant's dwelling unit and other similarly situated dwelling units.

Additionally, the Applicant has sought a Zoning Administrator's Determination for reduced parking, further proposing to exacerbate the parking condition in the area.

Finally, the Project does not conform to the General Plan or the Central City North Community Plan. It is seeking to *change* it.

The Project is inconsistent with the Central City North Community Plan which specifically offers the following issues as problems that the area is facing:

- New multi-family residential projects that are out of scale and incompatible with the character of existing residential neighborhoods.
- Lack of continuity of complementary uses and cohesiveness along commercial frontages.
- Lack of overall parking and access within commercial strips.
- Unsightliness of new construction due to lack of landscaping, architectural character and scale.
- Scale, density, and character of buildings that complement surrounding uses.

- Effects of residential development on commercial corridors.

And prescribes the following Commercial and Residential Policies:

- Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.
- Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.
- Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.
- New commercial uses shall be located in existing established commercial areas or existing shopping centers.
- Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.
- Require that any proposed development be designed to enhance and be compatible with adjacent development.
- Presence community character, scale and architectural diversity.

The Project, as proposed, not only exacerbates the issues already plaguing the neighborhood, it is in direct conflict with the Central City North Community Plan.

3. The Findings for Site Plan Review cannot be made with substantial supporting evidence.

- a. The Project **is not** in substantial conformance with the purposes, intent and provisions of the General Plan and the Central City North Community Plan;
- b. The Project **does not** consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be *compatible*

with existing and future development on adjacent properties and neighboring properties.

As set forth herein.

4. The EIR is inadequate.

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

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

The proposed EIR fails as an informational document for the following reasons:

A. It fails to substantiate its environmental findings/conclusions with substantial supporting evidence, especially with regard to land use consistency;

B. It fails to provide adequate mitigation measures with regard to the soil contamination on the Project site and potential impacts from such contamination during construction including but not limited to the proximity of the Los Angeles River;

C. It fails to provide sufficient data and information to adequately evaluate and confirm the geology/soils and hazards/hazardous conditions at the Project site;

D. It fails to provide for the impacts on air quality caused by the Project site being in a Methane Hazard Zone and fails to provide a Health Risk Assessment (HRA) to assess potential construction impacts to nearby residential sensitive receptors;

E. It fails to analyze at the existing environment (including the zoning on-site) as the applicable baseline when evaluating land use impacts;

F. It improperly requires adoption of mitigation measures from future studies, deferring environmental assessment;

G. It fails to analyze the effect of the narrow streets and lack of infrastructure in the Project vicinity when evaluating the Project's impacts;

H. It fails to substantiate its findings with current data, including with regard to the traffic/transportation impacts;

I. It fails to accurately analyze construction impacts by assuming, without any supporting evidence, that construction will not occur at all allowable times pursuant to the Los Angeles Municipal Code;

J. It fails to outline and describe site sampling measures to determine the proximity of fault lines;

K. It fails to adequately analyze impacts of Alternative 4 and support its findings regarding this alternative with substantial supporting evidence; and

L. It relies on general thresholds to brush aside and ignore possible and existing environmental impacts.

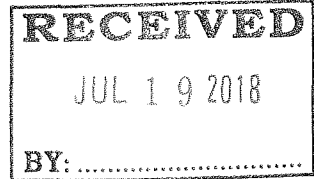


LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUL 18 2018



Case No. CPC-2016-3853-GPA-VZC-HD-ZAD-SPR
CEQA: ENV-2016-1795-EIR, SCH No. 2016111043
Plan Area: Central City North
Related Case: VTT-74529-1A

Council District: 14 – Huizar

Project Site: 520, 524, 528, 532 Mateo Street;
1310 East 4th Place

Applicant: CP V 520 Mateo, LLC
Representative: Brad Rosenheim, Rosenheim & Associates, Inc.

At its meeting of **June 14, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

A mixed-use live/work development comprising 475 live/work dwelling units, and approximately 125,000 square feet of commercial retail (including approximately 10,000 square feet of restaurant space and 10,000 square feet of retail space) and office floor area (105,000 square feet) in a 35-story structure centered on the site with office space in an adjacent six-story building. The project would have an FAR of 6:1 and a height of up to 370 feet above street grade for the residential tower and 91 feet for the office tower along Mateo Street. Eleven percent of the total units will be set aside Very Low Income Households.

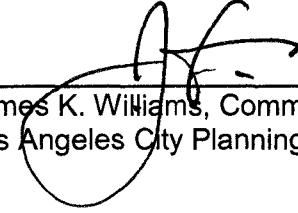
1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the 520 Mateo Project EIR; ENV-2016-1795-EIR, SCH No. 2016111043, dated December 21, 2017, certified on June 14, 2018; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved and recommended** that the Mayor and City Council **approve**, pursuant to Section 555 of the City Charter and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Central City North Community Plan to change the Land Use Designation of the site project site from 'Heavy Manufacturing' to 'Regional Center Commercial' land use;
3. **Approved and recommended** that the City Council **adopt**, pursuant to LAMC Section 12.32, a Vesting Zone Change and Height District Change from M3-1-RIO to [T][Q]C2-2D-RIO;
4. **Approved**, pursuant to LAMC Section 12.24 X.13(c)(2), a Zoning Administrator's Determination to reduce parking for Joint Living and Work Quarters;
5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project that creates 50 or more guest rooms and/or 50,000 gross square feet of non-residential floor area;
6. **Adopted** the attached Conditions of Approval, as modified by the Commission, including staff's Technical Modification dated June 12, 2018; and

7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe
Seconded: Dake Wilson
Ayes: Ambroz, Khorsand, Millman, Mitchell, Padilla-Campos, Perlman
Absent: Mack

Vote: 8 – 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission regarding the General Plan Amendment, Vesting Zone Change and Height District Change is not appealable.* The remainder of the determination letter is appealable to the City Council within 20 days of the mailing of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 20-day period shall not be considered by the Council.

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: AUG 07 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: Zone Change and Height District Change Ordinance, Modified Conditions of Approval, Findings, Resolution, Land Use Map

c: Charles Rausch Jr., Zoning Administrator
Heather Bleemers, Senior City Planner
Sergio Ibarra, City Planner