



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-74529

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

Final Date to Appeal: 07/30/2018

- 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: 7/30/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

This Section for City Planning Staff Use Only		
Base Fee: \$ 89.00	Reviewed & Accepted by (DSC Planner): Daisy Benicia	Date: 7-30-18.
Receipt No: 0203545096	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

VTT-74529-1A

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”).

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

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

General Plan

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

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

- i. To nurture neighborhood character (p. 4);
- ii. To encourage projects appropriate to the context of the City's climate and urban environment; facilitate safe, functional, and attractive development; and foster a sense of community and encourage pride of ownership (p. 4);
- iii. To establish height and massing transitions from multi-family uses to commercial uses or less dense single-family residential (p. 7);

iv. To highlight the role that quality building design can play in creating visually interesting and attractive multi-family buildings by contributing to existing neighborhood character and creating a “sense of place” (p. 7);

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

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

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

As it relates to Commercial projects, the Guidelines provide the following applicable goals and objectives:

viii. Consider neighborhood context and linkages in building and site design (objective 1, p. 8); and

ix. Ensure that new buildings are compatible in scale, massing, style, and/or architectural materials with existing structures in the surrounding neighborhood. In older neighborhoods, new developments should likewise respect the character of existing buildings with regards to height, scale, style, and architectural materials (relationship to adjacent buildings, objective 1, p. 15).

The proposed Project fails with regard to all of these Residential Citywide Design Guidelines. The area surrounding and adjacent to the proposed Project (including buildings on Mateo, Molino and Hewitt Street) is comprised of historic distressed brick buildings that form the unique architectural community of the Arts District. These buildings are older, one to five stories, and made mostly of brick and concrete.

The within Project, **at 370 feet**, in no way considers or respects its neighborhood context of one to five story buildings. It does not ensure compatibility of scale or massing and fails to provide the adequate height and massing transitions necessary to contribute rather than take away from the neighborhood character. It is in no way, shape or form compatible in architectural details. Indeed, it specifically conflicts with the historic, brick and concrete surrounding neighborhood.

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

- i. New multi-family residential projects that are out of scale and incompatible with the character of existing residential neighborhoods (p. I-5);
- ii. Cumulative effects of permitted development which exceeds infrastructure capacity (p. I-5);
- iii. Lack of continuity of complementary uses and cohesiveness along commercial frontages (p. I-6);
- iv. Lack of overall parking and access within commercial strips due to such physical constraints as shallow commercial depths (p. I-6);
- v. Unsightliness of new construction due to lack of landscaping, architectural character and scale (p. I-6);
- vi. **Intrusion of commercial and residential uses into previously industrial areas** (p. I-7);
- vii. Scale, density, and character of buildings that complement surrounding uses (p. I-8); and
- viii. Effects of residential development on commercial corridors (I-9).

and prescribes the following Commercial and Residential Policies:

- ix. Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design (p. III-2);
- x. Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods (p. III-3);
- xi. 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 (p. III-3);
- xii. New commercial uses shall be located in existing established commercial areas or existing shopping centers (p. III-5);
- xiii. Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development (p. III-5);

xiv. Require that any proposed development be designed to enhance and be compatible with adjacent development (p. III-7); and

xv. Preserve community character, scale and architectural diversity (p. III-7).

The within Project is the model demonstration of all of the issues already identified as plaguing the Central City North Community Plan area. It is literally an intrusion of commercial and residential uses into previously industrial areas; it constitutes a new multi-family residential project that is out of scale and incompatible with the scale, density and character of its surroundings; and it exacerbates the overall lack of parking existing in the area.

At its mass and scale it fails to protect the quality of the residential environment through attention to the appearance of communities and completely ignores the requirement for architectural compatibility and consideration of neighborhood character and identity or compatibility of land uses. It is antithetical to the Central City North Community Plan.

Notably, in analyzing the Project, City staff has taken the inconsistent positions that, on the one hand, the existing Community Plan goals for the area no longer reflects current development trends for the area thereby “excusing” compliance therewith, but, on the other, that the Project would conform to the goals, objectives, and land uses identified in the Community Plan.

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

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

2. The EIR is inadequate

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

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

286; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.

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

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

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

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

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

E. 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. VTT-74529-1A

Council District: 14 – Huizar

CEQA: ENV-2016-1795-EIR, SCH No. 2016111043

Plan Area: Central City North

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

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

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

Appellant: Laborer's International Union of North America Local Union 300
Representative: Richard Drury, Lozeau Drury LLP Law Firm

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:

Vesting Tentative Tract for the merger and re-subdivision for condominium purposes of a 2.23-acre site into one Master Lot and 14 airspace lots for the development of a mixed-use live/work development comprising 475 live/work dwelling units and up to 125,000 square feet of commercial and office floor area.

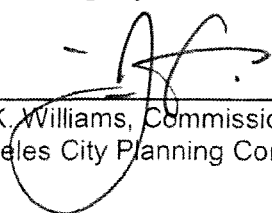
1. **Found** pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, **found**, that the City Planning Commission, has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-1795-EIR, SCH No. 2016111043, dated December 21, 2017, and the Final EIR, dated April 12, 2018, (collectively, the 520 Mateo Project EIR) as well as the whole of the administrative record; **Certified** that:
 - a. The 520 Mateo Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
 - b. The 520 Mateo Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
 - c. The 520 Mateo Project EIR reflects the independent judgment and analysis of the lead agency;**Adopted** the following:
 - a. The related and prepared 520 Mateo Project Environmental Findings and directed staff to amend the CEQA findings to address issues raised with the appeal and public comment;
 - b. The Statement of Overriding Considerations; and
 - c. The Mitigation Monitoring Program prepared for the 520 Mateo Project;

2. **Denied** the appeal in part and **granted** the appeal in part, to allow staff to make technical corrections;
3. **Sustained** the Deputy Advisory Agency's determination to **approve** the Vesting Tentative Tract;
4. **Adopted** the attached Conditions of Approval, including the technical corrections recommended by staff; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe
Seconded: Perlman
Ayes: Ambroz, Khorsand, Millman, Mitchell, Padilla-Campos, Dake Wilson
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 is appealable to the City Council within 10-days of the mailing date 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 10-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: JUL 30 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.

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, Findings

c: Heather Bleemers, Senior City Planner
 Sergio Ibarra, City Planner