

May 20, 2019

Doug Haines
The La Mirada Ave. Neighborhood Assn. of Hollywood
P.O. Box 93596
Los Angeles, CA 90093-0596

Date: 5-21-19
Submitted in PLUM Committee
Council File No: 18-0717
Item No.: 7
Deputy: Communication from Appellant

Los Angeles City Council
Planning and Land Use Management Committee
200 N. Spring St.
Los Angeles, CA 90012

RE: Item #7 on the May 21, 2019 PLUM agenda. Appeal of CEQA Case No.: ENV-2017-5248-CE;
Council File: 18-0717
Project Address: 1269 N. Lyman Pl., 4576 Fountain Ave.

Chair Marqueece Harris-Dawson and Honorable Council members:

Two other appeals pursuant to Section 21151(c) of the California Environmental Quality Act (CEQA) are also on this committee's May 21 agenda: Item #8 for Case No. ENV-2015-3567-MND, and item #9 for Case No. ENV-2018-2765-CE. We incorporate the objections of those two other appeals into our appeal of the instant case, as they show a pattern and practice by the city of discriminatory actions against certain community groups, while granting preferential treatment to others.

This appeal involves the demolition of two historic Craftsman duplexes, dated 1910 and 1916, and the piecemealing of the broader construction project by the applicant, CHS Property holdings, L.P., which is the owner of Hollywood Presbyterian Hospital. The site, which is within the Vermont/Western Transit Oriented District Specific Plan, received approval in 2018 under Case No. DIR-2017-5247-SPP for a 20-stall surface parking lot that was to be paved and landscaped, surrounded by wrought iron perimeter fencing, and with no physical structures allowed.

On July 26, 2018 La Mirada filed a timely CEQA appeal of the July 10, 2018 determination by the Central Area Planning Commission to uphold the project's approvals for the demolition of the duplexes and deny our appeal of the Director of Planning's grant of a Project Permit Compliance Review. Yet on August 29, 2018 the Planning Department issued clearances for the demolition of the two duplexes on the project site, despite our pending appeal. Subsequently, on August 30, the Los Angeles Department of Building and Safety (LADBS) issued a demolition permit, and the duplexes were destroyed (see **Exhibit 1**).

The city issued demolition clearances despite the City Planning Commission's approval on August 30, 2018 of a CEQA appeal ordinance that would impose a stay on all building permits and other project sign-offs while a CEQA appeal is considered by the City Council (see **Exhibit 2**). The proposed stay on the issuance of permits while an appeal is pending -- which is consistent with all other types of city discretionary entitlement appeals -- was also approved by this committee at its October 30, 2018 hearing of the proposed ordinance.

It is fundamental that once an agency determines that an activity is subject to CEQA, that it must not allow any action that changes the physical environment until it renders a decision on the case. The city determined that the project was subject to CEQA, but that it was exempt. La Mirada appealed this decision, yet the City issued demolition permits anyway and the duplexes were destroyed. This violates CEQA and La Mirada's equal protection rights.

It's important to note that the planning department's clearance of demolition and construction permits while CEQA appeals are pending is an unwritten policy that is left to the individual planner to follow. It is therefore arbitrary and capricious, clearly undermining the ability of an objector to an administrative decision to obtain a fair hearing before an elected decision maker, thereby making the process futile.

The City has previously halted construction activity during the pendency of a CEQA appeal. On May 2, 2018, the City issued a Notice of Intent to Revoke and Stop Work Order for a grading permit at 3314 N. Lugano Pl., due to a pending CEQA appeal. The order to stop work stated that building permits were issued prematurely because of the pending CEQA appeal. Planning staff informed the applicant that until action was taken on the appeal, no construction activity would be allowed (see Exhibit 3).

The city cannot discriminate against one community group while favoring another. The federal equal protection clause under the 14th Amendment to the Constitution and its California counterpart provide that persons must be treated alike under the law.

Hollywood Presbyterian Hospital previously received approval in 2015 for the construction of a 654-stall parking garage (Case No. DIR-2015-309-SPPA-SPP), and in 2016 received approval for a 134,750 sq. ft. hospital addition (Case No. DIR-2016-3207-SPP-SPR). (See Exhibit 4). These projects are tied together with the approved surface parking lot, yet planning staff has allowed piecemeal review of the "whole of the action," rather than properly requiring an environmental impact report to assess the potential impacts. This issue has been completely ignored by staff in its Appeal Recommendation Report.



Note that the site has not been developed as approved for a 20-stall, paved and landscaped surface parking lot with wrought iron fencing, no physical structures, and buried utility lines. Instead, the site has two modular construction offices placed on the dirt lot, surrounded by chain link fencing topped with barbed wire, and with a temp power pole. The use of the site is therefore completely illegal, yet planning department staff have chosen to turn a blind eye to it. (See Exhibit 5)



1269 N. Lyman Place. Photos taken May 12, 2019.

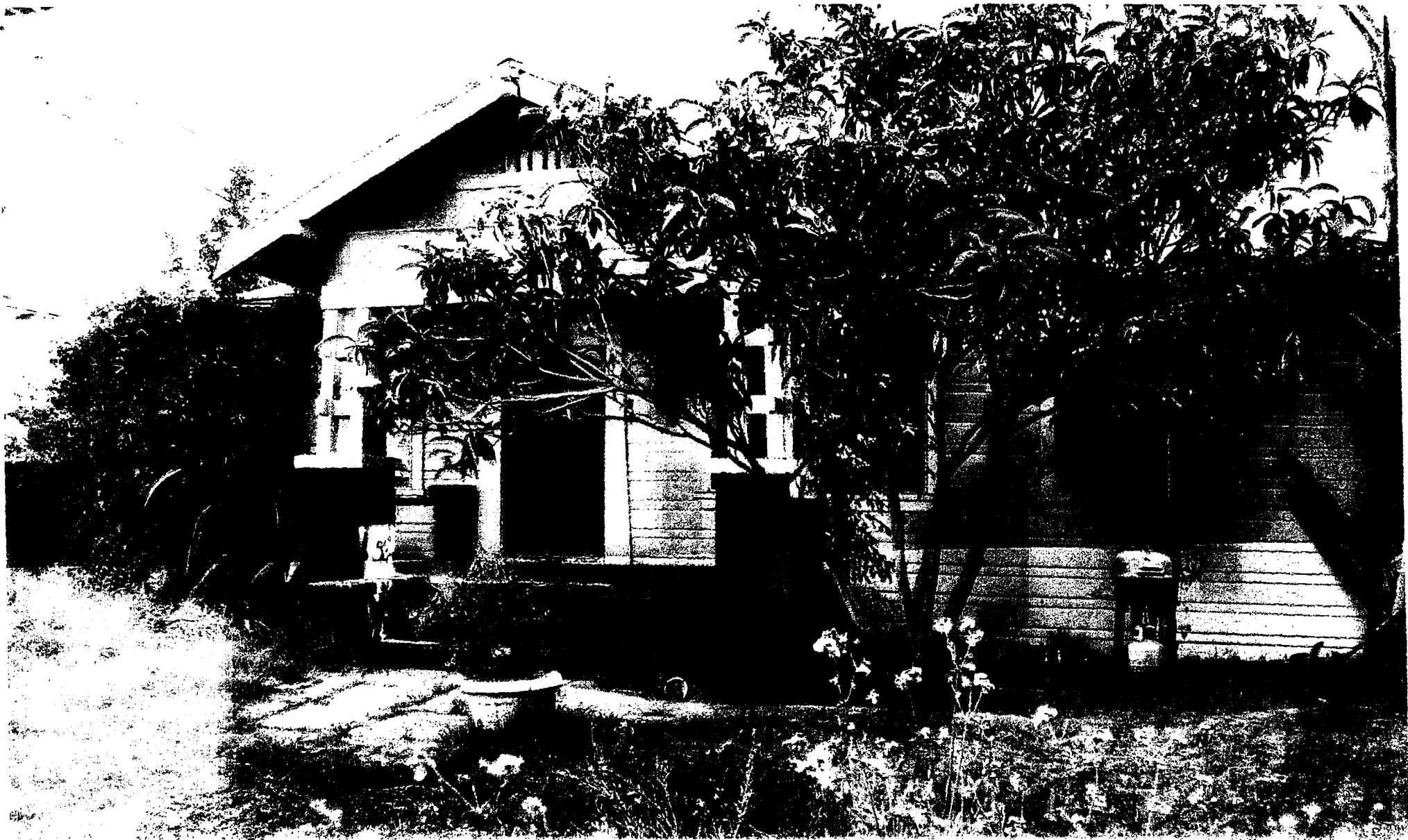
The Appeal Recommendation Report cites to Valley Advocates v. City of Fresno to assert that appellant Charles Fisher is not a qualified expert of historic resources, claiming that appellants have no substantial evidence placed into the record regarding the significance of the demolished duplexes.

Yet staff fails to reveal that: 1) the City of Fresno lost in Valley Advocates, and 2) the Fifth District of the Court of Appeal, in deciding the case, determined that credentials, experience and familiarity with the subject establishes expertise regarding the preservation of historic resources, and therefore constitutes substantial evidence. In the case of historian Fisher, the President of the Los Angeles Cultural Heritage Commission, Richard Barron, has also stated in a July 30, 2018 letter that has “no doubt that Mr. Fisher is a qualified historic preservation professional,” pointing out that Mr. Fisher “has over 30 years of experience working in the historic preservation field.” This view is shared by others. (See Exhibit 6).

For the above reasons, we ask that this committee reverse the decision of the Central Area Planning Commission, and grant our appeal. Thank you.

[Handwritten signature]
for all appellants

EXHIBIT 1



Lyman Place Surface Parking Site Photographs



Los Angeles Department of Building and Safety

Certificate Information: 1269 N LYMAN PL 1-2 90029

Application / Permit

18019-10000-04066

Plan Check / Job No.

B18LA17142

Group

Building

Type
Bldg-Demolition
Sub-Type

1 or 2 Family Dwelling

Primary Use

(2) Duplex

Work Description

DEMO (E) REAR DUPLEX PER HANDWRECKING METHOD. FENCE AND SEWER CAP ARE REQUIRED. "Comply with Department Order effective date 06/12/2018."

Permit Issued
Issued on 8/30/2018
Issuing Office

Metro

Current Status

Permit Finaled on 9/12/2018

Permit Application Status History

Submitted	8/15/2018	APPLICANT
Assigned to Plan Check Engineer	8/15/2018	DEVIN GORDON
Corrections Issued	8/15/2018	DEVIN GORDON
Plan Check Approved	8/29/2018	KEVIN MORALES
Issued	8/30/2018	LADBS
Permit Finaled	9/12/2018	JEFFREY CORPUZ

Permit Application Clearance Information

Demo/Removal of Rental Units	Cleared	8/29/2018	MATTHEW CABRERA
Miscellaneous	Cleared	8/29/2018	EDBER MACEDO
Specific Plan	Cleared	8/29/2018	EDBER MACEDO

Contact Information

Contractor G C L Eng'G Inc; Lic. No.: 944758-C21 4055 WILSHIRE BLVD. #501 LOS ANGELES, CA 90010

Inspector Information

EDMUND LUM, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI
JOHN STEPHENS, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI
RICHARD SIMONS, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI
JEFFREY CORPUZ, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI
DUANE JOHNSON, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI
DONALD GALLAGHER, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI
NEVILLE REID, (213) 252-3962	Office Hours: 7:00-8:00 AM MON-FRI

Pending Inspections

No Data Available.

Inspection Request History

Final 9/12/2018 Permit Finaled JEFFREY CORPUZ

Los Angeles Department of Building and Safety

The information below was found on the following address:

1269 N LYMAN PL

Parcel Profile Report:

1

Permit Information found:

5

1269 N LYMAN PL 1-2 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
18019 - 10000 - 04066	B18LA17142	Bldg-Demolition	Permit Finaled 9/12/2018	DEMO (E) REAR DUPLEX PER HANDWRECKING METHOD. FENCE AND SEWER CAP ARE REQUIRED. "Comply with Department Order effective date 06/12/2018."

1269 N LYMAN PL 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
16019 - 10000 - 01301	B16LA04783	Bldg-Demolition	Application Submittal 4/5/2016	***DPI AND POSTING ONLY*** DEMOLISH EXISTING DUPLEX, TWO BUILDING (49.5 FT X 44 FT 1298 SQ FT; 57 FT X 44 FT 1564 SQ FT)
16019 - 10000 - 02350	B16LA08629	Bldg-Demolition	Corrections Issued 6/10/2016	DEMOLISH EXISTING DUPLEX (49.5 FT X 44 FT 1298 SQ FT) BY HANDWRECKING @ REAR OF LOT (SEWER CAP REQUIRED)
18019 - 10000 - 03527	B18LA14776	Bldg-Demolition	Application Submittal 7/19/2018	DPI and posting for demo existing duplex.
96041 - 20000 - 03844	--	Electrical	Permit Expired 11/28/2006	No work description available

1269 N LYMAN PL TMP 1 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
19041 - 20000 - 09438	X19VN05084	Electrical	Issued 3/15/2019	200 AMP TEMP POWER

1269 N LYMAN PL TMP 2 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
19041 - 20000 - 09442	X19VN05085	Electrical	Issued 3/15/2019	200 AMP TEMP POWER POLE

1269-1279 N LYMAN PL 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
16019 - 10000 - 01301	B16LA04783	Bldg-Demolition	Application Submittal 4/5/2016	***DPI AND POSTING ONLY*** DEMOLISH EXISTING DUPLEX, TWO BUILDING (49.5 FT X 44 FT 1298 SQ FT; 57 FT X 44 FT 1564 SQ FT)
16019 - 10000 - 02350	B16LA08629	Bldg-Demolition	Corrections Issued 6/10/2016	DEMOLISH EXISTING DUPLEX (49.5 FT X 44 FT 1298 SQ FT) BY HANDWRECKING @ REAR OF LOT (SEWER CAP REQUIRED)
18019 - 10000 - 03527	B18LA14776	Bldg-Demolition	Application Submittal 7/19/2018	DPI and posting for demo existing duplex.
96041 - 20000 - 03844	--	Electrical	Permit Expired 11/28/2006	No work description available

Code Enforcement Information:

1

Certificate of Occupancy Information:

0

Retrofit Program Information:

2

EXHIBIT 2

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
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CAROLINE CHOE

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DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
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CITY OF LOS ANGELES
CALIFORNIA



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<http://planning.lacity.org>

September 26, 2018

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

UPDATED ORDINANCE FOR CEQA APPEALS CODE AMENDMENT; CF 18-2657

On August 30, 2018, the City Planning Commission recommended that the City Council adopt a proposed ordinance adding CEQA (California Environmental Quality Act) provisions to the Zoning Code. The intent of the ordinance was to codify a process for appealing CEQA clearances, such as an Environmental Impact Report (EIR), a Negative Declaration (ND), a Mitigated Negative Declaration (MND), a Sustainable Communities Environmental Assessment (SCEA), or an Exemption. Since the Commission's action, the Department of City Planning has continued to work closely with the Office of the City Attorney and has continued to refine the details of the ordinance in light of the requirements of state law. As a result, the Department recommends adoption of the attached updated proposed ordinance, which reflects the following recommended changes.

Enforcement

The updated ordinance includes provisions that address improper segmentation of projects, also known as "piece-mealing". CEQA requires that projects be described in their entirety, including site preparation, construction, and operations. Descriptions that omit segments of a project, such as the demolition of an existing structure, are in violation of CEQA. The revised proposed ordinance contains added provisions that prohibit any representation of a project intended to circumvent its CEQA review and provide enforcement options. If the Director of Planning finds that there is substantial evidence that the project has been misrepresented, the Director may request that the Department of Building and Safety take enforcement action, such as stop work or revoke permits. In addition, the revised ordinance provides that if a project was improperly segmented and project activity has occurred prior to the City's CEQA review, the City may use a

project description that is based on the physical conditions of the property prior to its improper segmentation.

Effect on Related Projects

The updated ordinance contains provisions that require a project approval and any discretionary or ministerial permits issued in reliance on the project approval be stayed upon the filing of an appeal to the CEQA clearance. In order to accommodate the stay, the revised proposed ordinance adds language to clarify that the count of days within which the decision-maker must act on any related project approval stops and does not restart until after the CEQA appeal is decided by the City Council.

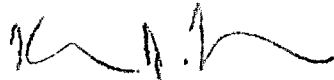
Technical Modifications

The revised ordinance also contains several technical modifications to bring the ordinance into compliance with state law.

Should you have any questions regarding this transmittal, please contact Phyllis Nathanson, Senior City Planner at (213)978-1474.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kevin J. Keller, AICP
Executive Officer

VPB:KJK:pjn

Attachment: Updated Proposed Ordinance, dated September 26, 2018.

ORDINANCE NO. _____

An ordinance adding Section 11.5.13 to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to allow appeals to the City Council from CEQA clearance approvals by lower decision-making bodies.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 11.5.13 is added to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 11.5.13. CEQA Appeals.

A. Purpose. This section is intended to implement California Public Resources Code Sections 21151(c) and 21155.2(b)(5).

B. Appeal. When any decision-maker in any action authorized by this Chapter, other than the City Council, certifies an environmental impact report, adopts a negative declaration, mitigated negative declaration or a sustainable communities environmental assessment, or determines that the project subject to approval under this Chapter is not subject to the California Environmental Quality Act, that certification, approval, or determination may be appealed to the City Council provided no further appeals are available on the project approval for which the certification, approval or determination under CEQA was made, the appeal is filed with the Department of City Planning within 15 days of the project approval becoming final, and the appeal is filed in a form and manner required by the Department of City Planning.

C. Stay. Upon the filing of an appeal pursuant to Subsection B, there shall be a stay on the project approval and any discretionary or ministerial permits issued in reliance upon the project approval.

D. Hearing and Decision. The City Council shall act on the CEQA appeal within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the City Council. The City Council shall hold a hearing before acting on the appeal. Notice of the hearing shall be given at least 10 days before the hearing. Notice by mail shall be given to the applicant, appellant, any person or entity that has requested notice in writing of CEQA notices, and responsible and trustee agencies, if any. Failure by the City Council to render a decision within 75 days shall result in the denial of the appeal.

Sec. 2. The City Clerk shall certify....

LA CityClerk Connect

Council File Management System

Council File: 18-0066

NEW

Title
Public Hearing Conditions / Sustainable Communities Environmental Assessment (SCEA) / Ordinance

Date Received / Introduced
01/23/2018

Last Changed Date
10/30/2018

Expiration Date
10/26/2020

Reference Numbers
Case: CPC-2018-2657-CA
Environmental: ENV-2018-2658-CE

Pending in Committee
Planning and Land Use Management Committee

Mover JOSE HUIZAR **Second** PAUL KORETZ

File Activities

Date	Activity
10/30/2018	Planning and Land Use Management Committee continued item to/for for a date to be determined to request the City Attorney to prepare the final ordinance.
10/26/2018	Planning and Land Use Management Committee scheduled item for committee meeting on October 30, 2018.
09/28/2018	Department of City Planning document(s) referred to Planning and Land Use Management Committee.
09/27/2018	Document(s) submitted by Department of City Planning, as follows: Department of City Planning report, dated September 26, 2018, relative to a proposed Ordinance adding California Environmental Quality Act (CEQA) provisions to the Zoning Code.
09/04/2018	Los Angeles City Planning Commission document(s) referred to Planning and Land Use

Online Documents (Doc)

Title	Doc Date	
Attachment to Report dated	08/30/2018	
Select Online Document		X
Report from Department of City Planning	09/26/2018	118
Attachment to Report dated 09/26/2018 - Proposed Ordinance	09/26/2018	118
Attachment to Report dated 08/30/2018 - Findings	08/30/2018	
Report from Los Angeles City Planning Commission	08/30/2018	
Attachment to Report dated 08/30/2018 - Mailing List	08/30/2018	
Attachment to Report dated 08/30/2018 - Proposed Ordinance	08/30/2018	
Attachment to Report dated 08/30/2018 - Staff Report	08/30/2018	
Attachment to Report dated 08/30/2018 - Environmental	08/30/2018	
Motion	01/23/2018	

EXHIBIT 3

Los Angeles Department of Building and Safety

Certificate Information: 3314 N LUGANO PL 90068

Application / Permit	17030-10000-05959
Plan Check / Job No.	B17LA15704
Group	Building
Type	Grading
Sub-Type	1 or 2 Family Dwelling
Primary Use	(70) Grading - Hillside
Work Description	GRADING FOR EXCAVATION BASEMENT AND R WALL
Permit Issued	Issued on 4/2/2018
Issuing Office	San Pedro
Current Status	Issued on 4/2/2018

Permit Application Status History

Submitted	8/30/2017	APPLICANT
Assigned to Plan Check Engineer	9/14/2017	ZAW HAN
Corrections Issued	9/21/2017	ZAW HAN
Reviewed by Supervisor	9/25/2017	ARMEN SARKISIAN
Building Plans Picked Up	9/26/2017	APPLICANT
Green Plans Picked Up	9/29/2017	APPLICANT
Applicant returned to address corrections	11/28/2017	ZAW HAN
Applicant returned to address corrections	12/11/2017	ZAW HAN
Applicant returned to address corrections	12/19/2017	ZAW HAN
Applicant returned to address corrections	4/2/2018	ZAW HAN
Plan Check Approved	4/2/2018	Zaw Han
Issued	4/2/2018	LADBS
Intent to Revoke-Status Void	5/3/2018	VICTOR CUEVAS
Re-Activate Permit	6/6/2018	BILL STUTSMAN

Permit Application Clearance Information

Miscellaneous	Cleared	10/17/2017	DAISY BENICIA
Grading Pre-Inspection	Cleared	4/2/2018	VASIL MIHALEV
Miscellaneous	Cleared	4/2/2018	BRIDGETTE WOOTEN
Specific Plan	Cleared	4/2/2018	BRIDGETTE WOOTEN

Contact Information

Architect	Swischuk, Michael; Lic. No.: C32780	2107 GROVELAND DRIVE	LOS ANGELES, CA 90046
Contractor	Owner-Builder		
Engineer	Lee, Sang Youck; Lic. No.: S3821	3531 BROOKHILL ST	GLENDALE, CA 91214

Inspector Information

ROBERT HUGHES, (213) 482-7452

Office Hours: 7:00-8:00 AM MON-FRI

Pending Inspections

EXHIBIT 4

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
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CITY OF LOS ANGELES
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<http://planning.lacity.org>

VERMONT/WESTERN SNAP
PROJECT PERMIT COMPLIANCE REVIEW
SITE PLAN REVIEW

December 15, 2016

Property Owner/Applicant
CHS Property Holdings, LP
3731 Wilshire Blvd., Unit #850
Los Angeles, CA 90010

Project Representative
Francis Park
Park & Velayos
801 S. Figueroa St., Unit #450
Los Angeles, CA 90017

Case No.: DIR-2016-3207-SPP-SPR
CEQA: ENV-2016-3208-MND
Specific Plan Subarea: C – Community Center
Location: 1300, 1305, 1310, 1314, 1322
North Vermont Avenue and 4575
West Fountain Avenue
Council District: 13 – O'Farrell
Neighborhood Council: East Hollywood
Community Plan Area: Hollywood
Land Use Designation: Community Commercial
Zone: C2-CSA1
Legal Description: Lots: VAC 05-0463668, 1 Arb 1 &
2, Condo 3 & 4; Block: None; Tract:
Dunscomb Tract, TR 31120

Last Day to File an Appeal: December 30, 2016

DETERMINATION—PROJECT PERMIT COMPLIANCE REVIEW

Pursuant to LAMC Sections 11.5.7 C and the Vermont/Western Station Neighborhood Area Specific Plan Ordinance No. 184,414, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance Review for the demolition of an existing 1,150-square-foot building, portion of an on-site parking structure, outdoor courtyard, and canopy of an existing Patient Tower; and the construction, use and maintenance of a five-story, 134,750-square-foot hospital building with one subterranean level and a maximum height of 85 feet, 2 inches located in the center of the Hollywood Presbyterian Medical Center (HPMC) hospital campus. The project includes five (5) channel letter signs and one (1) monument signs. The project site is located within Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Transit Oriented District Specific Plan.

DETERMINATION—SITE PLAN REVIEW

Pursuant to the Los Angeles Municipal Code (LAMC) Section 16.05, I have reviewed the

proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Site Plan Review for a development project that creates an increase of 134,750 square feet of nonresidential floor area.

Adopt Mitigated Negative Declaration ENV-2016-3208-MND, and the corresponding Mitigation Monitoring Program (MMP) as the project's environmental clearance pursuant to the California Environmental Quality Act (CEQA) and Section 21082.1(c)(3) of the California Public Resources Code.



Department of City Planning

Case Summary & Documents

Los Angeles, CA
 Fair
 59.0 F
 Wind: 0.0 mph
 City / County Traffic

Case Number Ordinance Zoning Information CPC Cards ZA Cards

Case Number: DIR 2015 309 SPPA SPP Search Format: AA-YYYY-1234 Example: ZA-2011-3269 Advanced Search Help

Case Number: DIR-2015-309-SPPA-SPP
Case Filed On: 01/20/2015
Accepted for review on: 07/14/2015
Assigned Date: 12/09/2015
Staff Assigned: MINDY NGUYEN
Hearing Waived / Date Waived: No /
Hearing Location:
Hearing Date / Time: 12:00 AM
DIR Action: APPROVED WITH CONDITIONS
DIR Action Date: 09/30/2015
End of Appeal Period: 10/15/2015
Appealed: Yes
BOE Reference Number:
Case on Hold?: No

Primary Address

Address	CNC	CD
4470 W DE LONGPRE AVE 90027	East Hollywood	13

[View All Addresses](#)

Project Description: PROPOSED 654-SPACE PARKING STRUCTURE TO SUPPORT PARKING NEEDS OF CHA HOLLYWOOD PRESBYTERIAN MEDICAL CENTER TO REPLACE (E) STORAGE AND PARKING

Requested Entitlement: PURSUANT TO LAMC 11.5.7.E, APPLICANT REQUESTS A PROJECT PERMIT ADJUSTMENT TO ALLOW A 5-FT HORIZONTAL CLEARANCE AND 8'-9" VERTICAL CLEARANCE FOR PEDESTRIAN PATH, WHERE 10-FT AND 12-FT WOULD BE RESPECTIVELY REQUIRED; AND PURSUANT TO LAMC 11.5.7.C, APPLICANT REQUESTS A PROJECT PERMIT COMPLIANCE TO ALLOW FOR A 654-SPACE PARKING STRUCTURE TO SUPPORT PARKING NEEDS OF CHA HOLLYWOOD PRESBYTERIAN MEDICAL CENTER TO REPLACE (E) STORAGE AND PARKING WITHIN THE VERMONT/WESTERN SNAP.

Applicant: [Company: CHS PROPERTY HOLDINGS, LP]
Representative: FRANCIS PARK [Company: PARK & VELAYOS]

33 Case Documents found for Case Number: DIR 2015 309 SPPA SPP

Type *	Scan Date	Signed
• Initial Actions (21)		
Correction Letter	02/13/2018	View
Demolition	02/05/2016	View
Determination Letter	02/05/2016	View
Elevation Plan	02/05/2016	View
Elevation Plan	08/17/2017	Yes View
Elevation Plan	06/21/2017	Yes View
Floorplan	02/05/2016	View
Floorplan	06/21/2017	Yes View
Irrigation Plan	06/21/2017	Yes View
Landscape Plan	06/21/2017	Yes View
Landscape Plan	08/17/2017	Yes View
Landscape Plan	02/05/2016	View
Plot Plan	02/05/2016	View
Roof Plan	02/05/2016	View
Sign Plan	02/05/2016	View
Sign Plan	10/30/2018	Yes View
Sign Plan	12/07/2018	Yes View
Site Plan	02/05/2016	View
Site Plan	12/07/2018	Yes View
Site Plan	06/21/2017	Yes View

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401
CITY PLANNING COMMISSION
DAVID H. J. AMBROZ
PRESIDENT
RENEE DAKE WILSON
VICE-PRESIDENT
ROBERT L. AHN
CAROLINE CHOE
RICHARD KATZ
JOHN W. MACK
SAMANTHA MILLMAN
DANA M. PERLMAN
MARTA SEGURA
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CITY OF LOS ANGELES
CALIFORNIA



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JAN ZATORSKI
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FAX: (213) 978-1275

INFORMATION
<http://planning.lacity.org>

**VERMONT/WESTERN SNAP
PROJECT PERMIT COMPLIANCE REVIEW & PROJECT PERMIT ADJUSTMENT**

September 30, 2015

Property Owner / Applicant
CHS Property Holdings, LP.
1300 North Vermont Avenue,
Los Angeles, CA 90027

Representative
Francis Park
Park & Velayos
801 South Figueroa Street,
Suite 450
Los Angeles, CA 90017

Case No. DIR-2015-309-SPPA-SPP
CEQA: ENV-2015-310-MND
Specific Plan Subarea: C – Community Center
Location: 4470, 4472, 4474, 4480, 4480 ½,
4482, 4484, 4490, 4494 W. De
Longpre Avenue; 1318 N. Lyman
Place; and 1321, 1323 N. Virgil
Avenue
Council District: 13 – O’Farrell
Neighborhood Council: East Hollywood
Community Plan Area: Hollywood
Land Use Designation: Neighborhood Office Commercial
Zone: R4-1D, C4-1D, [T][Q]C2-1
Legal Description: Tract: Thoren Place, Lot: FR 7,
Block: None; Tract: Thoren Place,
Lot: FR 8, Block: None; Tract:
Thoren Place, Lot: FR 9, Block:
None; Tract: Thoren Place, Lot: FR
10, Block: None; Tract: Thoren
Place, Lot: FR 11, Block: None;
Tract: Thoren Place, Lot: FR 12,
Block: None; Tract: East Hollywood
Heights, Lot: PT 5, Block: None;
Tract: Grider and Hamiltons Olive
Place, Lot: PT 4, Block: None

Last Day to File an Appeal: October 15, 2015

DETERMINATION

Pursuant to Los Angeles Municipal Code (LAMC) Sections 11.5.7 C and 11.5.7 E, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance Review for the demolition of two 1-story metal maintenance facilities and an adjacent 1-story single family home along North Lyman Place; and the construction, use and maintenance of a seven-level, 56 foot tall parking structure to contain 654 parking spaces in the R4-1D, C4-1D, and [T][Q]C2-1 zones within Subarea C (Community Center) of the Vermont/Western Transit Oriented District Specific Plan.

Approve with Conditions a Project Permit Adjustment from Development Standard No. 4 Pedestrian/Vehicular Circulation to allow for the reduced pedestrian path minimum horizontal clearance from 10 feet in width to 5 feet in width and to allow for the reduced minimum vertical clearance from 12 feet in height to a range of 8 to 9 feet in height.

Adopt Mitigated Negative Declaration ENV-2015-310-MND, and corresponding Mitigation Monitoring Program, as the project's environmental clearance pursuant to the California Environmental Quality Act and Section 21082.19(c)(3) of the California Public Resources Code.

FINDINGS

The applicant proposes to construct a new parking structure on an approximately 1.02-acre (44,500-square-foot) site bounded by De Longpre Avenue to the north, Virgil Avenue to the east, and Lyman Place to the west. The Applicant proposes to redevelop the site with a parking structure that would provide parking for patients, visitors, and employees of the Hollywood Presbyterian Medical Center (HPMC).

The applicant proposes the demolition of two 1-story maintenance buildings, an adjacent 1-story single-family home, and surface parking lots; and the construction, use and maintenance of a seven-level parking structure that contains 654 parking spaces located at-grade, above-ground, and in subterranean levels in the R4-1D, C4-1D, and [T][Q]C2-1 zones within Subarea C (Community Center) of the Vermont/Western Transit Oriented District Specific Plan.

The Project will include seven levels of parking with four levels above ground, two and a half to three levels of subterranean parking, and an additional level of parking on the roof deck; and will not exceed 56 feet in feet in height.

Project Permit Compliance Review Findings

1. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**
 - a. **Use.** Section 9.A. of the Vermont/Western Specific Plan states that Hospital and Medical Uses permitted in the C4 Commercial Zone are allowed by right within Subarea C of the Specific Plan area. The proposed parking structure is part of the hospital and therefore complies with Section 9.A of the Specific Plan.
 - b. **Height and Floor Area.** Section 9.B of the Vermont/Western Specific Plan states Hospital and Medical Uses shall not exceed a maximum building height of 100 feet and a maximum floor area ratio (FAR) of 3.0. The maximum height of the proposed project is 56-feet, far less than the maximum height specified in the Specific Plan. Additionally, the Los Angeles Municipal Code does not consider parking areas, and associated driveways and ramps, as 'floor area' (see Section 12.21.1.A.5 and the definition of Floor Area in Section 12.03). Therefore the project complies with the height regulation and is not subject to the FAR regulation.
 - c. **Transitional Height.** Section 9.C. of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea C shall not exceed specified transitional height limits set forth when located within specified distances of a lot within Subarea A. The Specific Plan specifies that the transitional height limits shall only apply to lots adjoining or abutting a lot in Subarea A and shall not apply to lots separated by a public street. The project site does not abut lots in Subarea A, therefore Section 9.C. of the Specific Plan does not apply.
 - d. **Usable Open Space.** Section 9.D. of the Vermont/Western Specific Plan states that mixed-use and residential projects must provide specified amounts of common and private open space. Since the project does not contain residential or mixed-use, Section 9.D does not apply.
 - e. **Project Parking Requirements.** Section 9.E. of the Vermont/Western Specific Plan states that hospital and medical uses shall provide a minimum of one, and a maximum of two, parking spaces for each patient bed for which the hospital is licensed. When accounting for hospital beds and other ancillary hospital uses, HPMC

EXHIBIT 5

1269 N LYMAN PL

Date Received: 5/7/2019
Description: BUILDING OR PROPERTY CONVERTED TO ANOTHER USE
Inspector: PATRICK QALEY
Phone: (213)269-4055
Status: REFERRED TO INSPECTION BUREAU

1269 N LYMAN PL 90029

Please provide a description of the problem and any details that may assist us in our investigation. If you have several complaints on one property, it is important that you list each one in this box.

This site received approval in 2018 under Case No. DIR-2017-5247-SPP for a paved, 20-stall surface parking lot. The site is within the Vermont/Western Transit Oriented District Specific Plan. The approved floor plan, elevation plan and landscape plan only allow a paved, landscaped surface parking lot with wrought iron perimeter fencing and no physical structures on the site. The owner/applicant (Hollywood Presbyterian Hospital) has instead graded the site, installed a perimeter chain-link fence topped with barbed wire, and placed two illegal modular construction offices on the lot. The applicant has also installed a power pole, in violation of Condition of Approval #5, which requires that all utilities be placed underground. The construction offices do not conform with approvals for Case No. DIR-2017-5247-SPP, and the offices are in violation of the specific plan's Development Standards and Design Guidelines. The City Planning Department contact is Jason Hernandez.

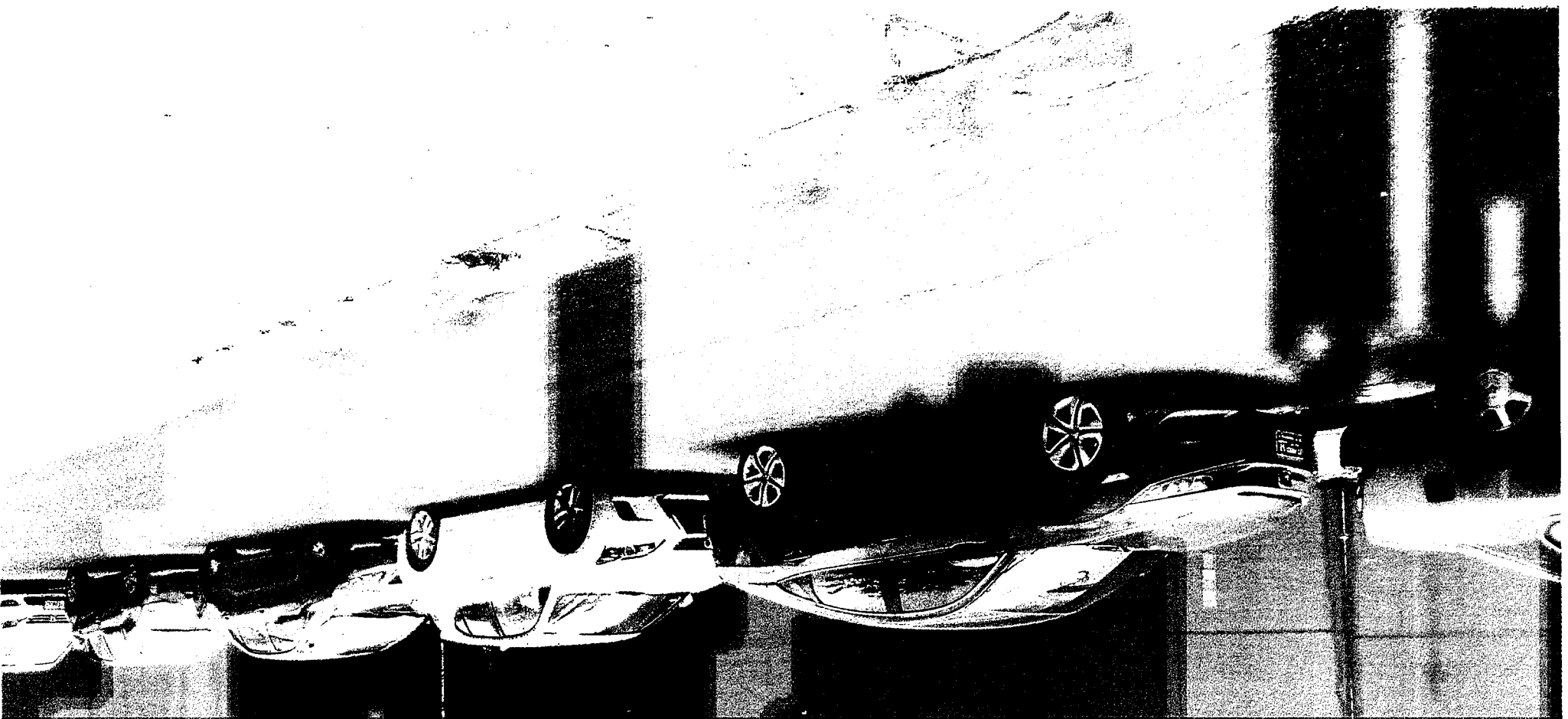
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SKANSKA
1289 LYMAN PLACE
LOS ANGELES CA 90029

CALARIS

REDCAT



SIKANSKA
1269 LYMAN PLACE
LOS ANGELES, CA 90029

SUNBELT
ROAD

SKANSKA
1269 LYMAN PLACE
LOS ANGELES, CA 90029

WILLCOT

WILLCOT

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SKANSKA
1269 LYMAN PLACE
LOS ANGELES, CA 90029

SKANSKA
1269 LYMAN PLACE
LOS ANGELES, CA 90029

844-285-8052

WILLCOFF

Lyman 1269

TELEPHONE
PL
US

EXHIBIT 6

Richard **BARRON** / Architects Inc

4925 Sycamore Terrace
Los Angeles CA 90042
Telephone 213 304 4428
Fax 323 254 6417
Email info@richardbarron.com
Url <http://richardbarron.com>

July 30, 2018

Los Angeles Planning Department
LA City Hall
200 N Spring Street
Los Angeles CA 90012

RE: Charles Fisher, Historic Consultant

To Whom It May Concern:

I have known Mr Fisher for over 30 years, I first met Charles when we were both community activists in Highland Park. We worked together on creating the seventh & largest HPOZ in the city of Los Angeles.

I believe Mr Fisher has successfully been the applicant for more Cultural Monuments than any other consultant.

I realize that Mr Fisher does not have a degree in preservation. But he has over 30 years of experience working in the historic preservation field.

I have been on the Cultural Heritage Commission for 14 years and have worked with many people who are considered preservation professionals. It has been relatively recently that planning and architectural schools have offered education in building preservation. Many of the people I work with at the Commission do not have specific education in preservation. I for one, have a degree in architecture, but I never had a class in historic preservation. My office has won many awards in historic preservation. I like many have a fondness for persevering our architectural heritage and I learned on the job. I believe I am qualified to call myself a historic preservation professional.

I have no doubt that Mr Fisher is a qualified historic preservation professional and he has learned this craft by his love and devotion to the subject, which in my mind is more important than any degree.

When Charles called and asked for a letter of support, I was humored. I can think of so many successful people that are not degree holders that have made major contributions to our well being and culture. Charles Fisher is just another one on that list.

I support Mr Fisher as a Historic Consultant to the fullest degree.

Sincerely



Richard Barron

Cultural Heritage Commission, President

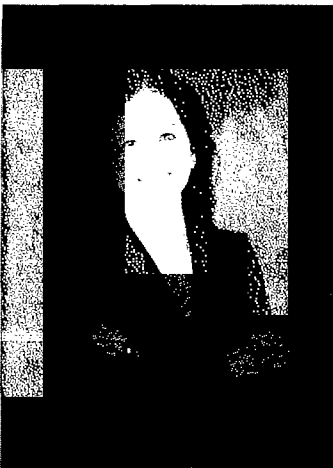
Office of HISTORIC RESOURCES

Home » Cultural Heritage Commission

Cultural Heritage Commissioners



Richard Barron, AIA is a registered architect and has practiced architecture in Los Angeles for 30 years. Since 1987, he has been Principal of Richard Barron/Architects Inc., where he has specialized in the rehabilitation of historic structures for affordable housing. He has won Preservation Awards from the Los Angeles Conservancy and California Preservation Foundation for the rehabilitation of St. Andrew's Bungalow Court in Hollywood, for the adaptive reuse of downtown Los Angeles' St. George Hotel as affordable housing, and for the adaptive reuse of Hollywood's Palomar Hotel, site of a tragic, deadly fire in 2001, as senior apartments. As a founding member of the Highland Park Neighborhood Association, he helped spearhead the passage of a Historic Preservation Overlay Zone (HPOZ) for Highland Park, and has served on the Highland Park HPOZ Board since its inception.



Pilar Buelna has extensive experience in the non-profit sector and currently serves as Divisional Director of Social Services for The Salvation Army Southern California. She was previously the Director of the Parent Information & Resource Center at Families in Schools, with a focus on increasing student achievement through parental involvement. She has also served as board secretary for Equitas Academy Charter School, located in the Pico Union area where she was raised, and as president of the Parent Leadership Board for Sacred Heart High School. In September 2013, Mayor Eric Garcetti appointed her to the El Pueblo de Los Angeles Historic Monument Authority, where she served as vice president of the Commission. She received a Master's in Social Work from San Diego State University, a Bachelor's in English Literature from California State University Northridge, and is a licensed psychotherapist in the state of California.



Diane Kanner brings to the Commission a background in journalism and public relations. Her interests in history and historic preservation have led to significant involvements with the Junior League of Los Angeles, First Congregational Church of Los Angeles, the Los Feliz Improvement Association and the Los Angeles City Historical Society. She is the author of the book [Wallace Neff and the Grand Houses of the Golden State](#), about which a Los Angeles Times reviewer wrote, "it is unusual to find such good, clear writing in a picture book. Kanner captures the spirit of Neff's work." She is currently preparing a manuscript on Dorothy Buffum Chandler's role in the creation of

OFFENHAUSER / MEKEEL ■ ARCHITECTS

Clerk for PLUM Committee
City of Los Angeles
Council File #18-0659
VTT-73056-SL-1A
Re 4321-23 W. Burns Ave.

September 16, 2018

To the PLUM Committee:

You are taking under consideration a project for a small lot subdivision which proposes demolishing an existing Craftsman duplex. I am writing to address the alarming rate of demolishing these characteristic early Los Angeles buildings, and the missed opportunity of saving them by prejudging them in the City Planning process.

An historian who is one of the most familiar experts to prepare historic evaluations for the Los Angeles Cultural Heritage Commission has reported to you that the integrity of this Craftsman duplex is greater than what has been reported by the developer's hired historians, and that the increasing rarity of buildings of this age and type in central Los Angeles neighborhoods should be analyzed to understand the significance of its demolition. . His report calls for a more thorough investigation than afforded so far.


This VTT application was processed with a Categorical Exemption. In their appeal of the VTT approval, the appellant called for a more thorough investigation of historic status and the effect of the proposed demolition in an EIR.

In denying the appeal, the City argues that the appellant's historian has not delved far enough into the description of the property's integrity or into the cumulative loss of buildings of this type and style. That is precisely the point. The appellant shouldn't have to do the work of an EIR. Our City is catching up, but we don't have thorough-enough historic listings yet to skip the investigation in an EIR.

I encourage you to take the appellant's request seriously, and allow further facts to be evaluated on the significance of this building through the requested EIR. (An EIR also affords a critical step of looking at project alternatives, which in this case might include retaining the duplex as a part of the new small lot project.)

My office is very close to a project where the developer's historic consultant (Kaplan) integrated two quotidian West Hollywood Craftsman homes into a new development -- when the Commission I served on would not allow their demolition. The project was a great success.

Respectfully submitted,


James Offenhauser

OFFENHAUSER/MEKEEL
ARCHITECTS

Firm Profile

HOME
FACILITY
PRODUCTS
Etc.

1-800-541-1234
1-800-541-1234



Offenhauser/Mekeel Architects is one of a small number of Los Angeles firms specializing in architectural design in authentic styles. Built from a love of the Los Angeles region and an appreciation of historical achievements, they infuse beauty and strong design into preservation and new construction projects. They have a unique knowledge of construction materials and issues, and manage their projects carefully and knowledgeably.

Hands-on: The OMA principals are unusually skilled in construction and development issues. They bring a real-world approach to their architecture because they have performed every role on the building team. Half of the practice involves real estate development and construction contracting. The other is a professional architectural practice focusing on high-end residential and landmark historic rehabilitation. Their skills are also successfully applied to urban design and community planning, and historic consulting.

The office stays generally at 10 persons so that both Offenhauser and Mekeel can give personal attention to their projects. Individual projects currently range from \$1 million to \$10 million. Their development portfolio is currently at \$12 million.

Quality Design: The hallmark of the firm, however, is high-quality design. The firm has been honored with many local and national awards for preservation and design; has been published in *Architectural Digest* and other prestigious magazines; has an extraordinary record of repeat clients; and has commissions for the higher end of architectural work.

They are fortunate to have continuing commissions from the Academy of Motion Picture Arts and Sciences. For the Academy, they transformed the Spanish Revival "Beverly Hills Waterworks" into the Fairbanks Center for Motion Picture Study – the world's premier library of print materials about film. They served as Academy architect liaison for the Oscars production in the Kodak Theatre. And they renovated the Academy's headquarters office building, accomplished without moving the staff while they were producing the Oscars! They currently are transforming Cloud Beelman's historic 120,000 sf Mutual Don Lee Studios into the Academy's Pickford Center for Motion Picture Study.

Landmark Projects: Offenhauser/Mekeel Architects have been involved with some of the region's most important landmarks, such as Los Angeles' Union Station; the California Science Center façade reconstruction; the L.A. Armory Building; the 1932 Olympic Swim Stadium and Clubhouse in Exposition Park; the Pan Pacific Auditorium; the Mt. Whitney Fish Hatchery; the downtown Broadway department store; the Santa Barbara Armory; the Clark Library; the Hollywood Heritage Museum fire damage repair; and many more. Recently they have been architected for two Deco office building restorations in Hollywood.

Residential Estates: Offenhauser and Mekeel are fortunate to have designed homes and estates at the high end of Los Angeles residential work, with a lengthy list of film and music industry celebrity clients. The firm has been involved both as architect, design/build contractor, and developer of many historic residences and estates, including Frank Lloyd Wright's La Miniatura; the UCLA Chancellor's residence; design/build restorations of four Victorians for USC Real Estate Development; two Paul Williams landmark estates; and restoration of the Buckland Studios. Almost all of this work included seismic retrofits.

Prior Work: Both principals of Offenhauser/Mekeel gained their experience in design and management of projects in the \$15- \$100 million range at Gruen Associates prior to opening their own office. There they were responsible for such notable local designs as the reuse of the Streamline Moderne Pan Pacific Auditorium and the flagship J.W. Marriott Hotel in Century City.

ATTACHMENTS

Greg Wittmann
Attorney at Law

310 S. St. Andrews Pl. #208
Los Angeles, CA 90020
Phone: 814-323-3892
greg.t.wittmann@gmail.com

September 10, 2018

Cora Johnson, Board Secretary
Los Angeles Dept. of Building and Safety
201 N. Figueroa, Suite 880
Los Angeles, CA 90012

Re: Appeal of Demolition Permits at 1269-1275 N. Lyman Pl.;
Permits 18019-10000-04066; 18019-10000-04064;
Related Planning Case: DIR-2017-5247-SPP;
Related CEQA Appeal ENV-2017-5248-CE; C.F. 18-0717

APPEAL OF LADBS'S ERROR AND ABUSE OF DISCRETION

I represent Appellant La Mirada Avenue Neighborhood Association of Hollywood. Appellant hereby respectfully submits this appeal. The Los Angeles Department of Building and Safety ("LADBS") erred and/or abused its discretion in issuing demolition permits for two Craftsman duplexes at 1269-1275 N. Lyman Place. Specifically, LADBS erred and/or abused its discretion as summarized below:

	Appealed Permits	Alleged Violation	Authority
1	18019-10000-04066; 18019-10000-04064	Issuance of demolition permits for a project subject to pending CEQA appeal, thereby nullifying petitioner's ability to make claims and be afforded meaningful relief.	Pub. Res. § 21151(c)

RELEVANT CHRONOLOGY

- December 13, 2017 Applicant files Project Permit Compliance Review application with Department of City Planning for demolition of two duplexes and construction of a surface parking lot.
- April 16, 2018 Letter of Determination approving project mailed.
- May 1, 2018 Appeal of Project Permit Compliance approval filed with Department of City Planning.
- July 10, 2018 Central Los Angeles Area Planning Commission denies appeal and sustains approval of Project Permit Compliance Review.

- July 16, 2018 Letter of Determination of appeal denial mailed.
- July 27, 2018 Joint CEQA appeal filed by Appellant, Charles Fisher and Alex Kondracke.
- August 15, 2018 Applicant files for demolition permits 18019-10000-04066 and 18019-10000-04064.
- August 30, 2018 LADBS issues demolition permits.

ISSUE 1: ISSUING PERMITS FOR A PROJECT SUBJECT TO A PENDING CEQA APPEAL

LADBS erred and abused its discretion by issuing demolition permits for the project while a CEQA appeal is pending before the City Council, in violation of Pub. Res. § 21151(c) which guarantees an effective right to appeal a CEQA determination to a public agency's elected decision making body.

A. Authority: CEQA Requires a Meaningful Right of Appeal to City Council.

CEQA requires public agencies to allow an aggrieved party to appeal a CEQA determination to a public agency's elected decision making body. Pub. Res. § 21151(c). The fundamental purpose of this right of appeal is to force a "real confrontation" on the sufficiency of the CEQA determination of the non-elected decision maker. "Elected decision makers faced with appeals under CEQA from unelected bodies thus do not have the luxury of" shirking responsibility for deficiencies in a CEQA determination. *Vedanta Soc'y of So. Cal. V. Cal Quarter* (2000) 84 Cal. App. 4th 517, 529. Thus, the City has a mandatory, non-discretionary duty to timely schedule and hear Appellant's appeal as to CEQA *prior to* issuance of demolition permits for the appealed project.

B. Violation: Issuance of Demolition Permits Renders Meaningful Relief Impossible and Effectively Denies Right of Appeal.

The City lacks any procedural protocol for such appeals to City Council. Its unwritten policy allows appeals to lie dormant indefinitely, pending hearing before the Planning and Land Use Management (PLUM) Committee until the Council File expires after two years and the appeal is effectively deemed denied. Recognizing that this unwritten policy improperly frustrates petitioners' rights, the City Planning Commission on August 23, 2018 unanimously recommended approval of an ordinance codifying CEQA appeal procedures, including "a stay on the project approval and any discretionary or ministerial permits issued in reliance on the project approval."¹

Defying petitioner's appeal rights and the recommendations of its own Planning Commission, LADBS continues to issue demolition and building permits for projects with pending CEQA appeals. This practice prejudices this Appellant and other petitioners because the statute of limitations on the City's CEQA determination continues to run while being induced to wait for a hearing on their CEQA appeal.

¹ DCP Recommendation Report to City Planning Commission dated August 23, 2018.

The City's pattern and practice of issuing demolition permits for properties subject to CEQA appeals alleging historic impacts is especially prejudicial because unique historic resources are lost while the appeal is pending. In this case, Appellant contends one duplex is an historic resource, but City policy allows issuance of demolition permits before City Council acts on the merits of the appeal. No relief, whether granted by the City or a court, can reconstruct the irreplaceable detail and character of an original Craftsman duplex.

The demolition permits never should have been issued before action on the CEQA appeal. Thus, the City has violated Appellant's right to a meaningful decision by the City Council by allowing the issuance of demolition permits prior to a determination on the CEQA appeal, in violation of Pub. Res. § 21151(c).

C. Request for Relief: Immediate Revocation of Demolition Permits.

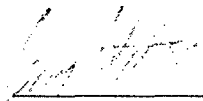
Appellant respectfully requests that LADBS immediately issue a *Notice of Intent to Revoke* the demolition permits until City Council action on the appeal.

CONCLUSION

LADBS erred and abused its discretion in issuing demolition permits in violation of Appellant's right to a meaningful CEQA appeal and contrary to the mandates of the Municipal Code.

Thank you for your courtesy and attention to this important matter.

Sincerely,



Greg Wittmann

Representative

La Mirada Avenue Neighborhood Association of Hollywood

SUPPLEMENTAL APPLICATION FOR APPEALS

TYPE OF APPEAL:

- BUILDING CODE APPEAL
- ZONING CODE APPEAL
- INSPECTION / CODE ENFORCEMENT APPEAL

PROJECT TYPE:

- One or Two Family Residential
- Multi-Family Residential
- Commercial/Industrial

PERMIT APPLICATION #: 18019-10000-04064

ADDRESS: 1275 N Lyman Pl ZIP: 90029

TRACT: Culver's East Hollywood BLK: None LOT: FR 15

OWNER NAME: CHS Property Holdings, L.P. OWNER ADDRESS: 3731 Wilshire Blvd., #850 Los Angeles, CA ZIP: 90010

APPLICANT INFORMATION:

NAME: Greg Wittmann for La Mirada Avenue Neighborhood Association ADDRESS: 310 S. St. Andrews Pl. #208 Los Angeles, CA ZIP: 90020

EMAIL: greg.t.wittmann@gmail.com APPLICANT SIGNATURE: _____ DATE: 9-10-2018

ISSUES:	VIOLATION:	CODE SECTION:
1. <u>Violation of CEQA right of appeal</u>	<u>Issuance of demolition permits for a project subject to a pending CEQA appeal, thereby denying petitioner's ability to make claims and be afforded meaningful relief.</u>	<u>PRC 2115.1(c)</u>
2. _____	_____	_____
3. _____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*For Additional Issues, attach to this application.
 *Attach all applicable exhibits and evidence to this application.

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

**ALSO Admitted in Texas

May 16, 2019

VIA ELECTRONIC MAIL

JENNIFER TOBKIN, DEPUTY CITY ATTORNEY
Office of the City Attorney
Land Use Division
City of Los Angeles
200 N. Main Street, Room 701
Los Angeles, CA 90012

Re: Development Project Located at 4511 West Russell Avenue (Council File No. 16-0185-S1); (*Los Feliz Improvement Association v. City of Los Angeles et al.* (Case No. 19STCP00567))

To Whom It May Concern:

This firm represents the Los Feliz Improvement Association (“LFIA”) with respect to the development at 4511 (“Project”). As you may know, LFIA filed a CEQA appeal of the proposed approval of the development project located at 4511 Russell Avenue. This appeal was filed on February 25, 2019 pursuant to Public Resources Code Section 21151(c). Despite this fact, the City has allowed the developer to proceed with construction of the proposed Project. To that end, the City issued demolition permits to facilitate the project and the developer destroyed the existing structure(s) despite the fact that the CEQA appeal was pending before City Council. This was a violation of the California Environmental Quality Act.

It is fundamental that once an agency determines that an activity is subject to CEQA (i.e. it is a “project”), that it must not take any action that changes the physical environment (including issuance of permits designed to facilitate a project such as demolition permits) until a public agency renders a determination under CEQA. In this case, the City determined that the activity was subject to CEQA, but that the project was exempt. However, as noted above, this exemption determination was appealed by LFIA on or about February 25, 2019. Therefore, the City’s CEQA determination is NOT final. And yet, the City issued demolition permits for the Project and the structure(s) were destroyed – the physical environment irreparably altered. This was a violation of CEQA as well as a violation of LFIA’s equal protection rights.

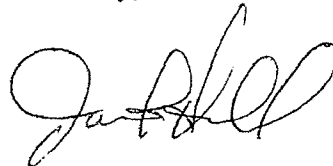
The City has previously acted to prevent construction activity during the pendency of a CEQA appeal. For example, on or about, May 2, 2018, the City issued a Notice of Intent to Revoke and Stop Work Order for a single-family home at 3314 N. Lugano Place, Los Angeles, CA. The applicant had started grading while a CEQA appeal was pending. The City indicated in the Stop Work Order that the building permits for the project were issued “prematurely” because the CEQA appeal was still pending. The assigned staff person told the applicant that “[u]ntil such action is taken by the City Council, there should be no construction activity until the entire process has been completed.”

The City cannot have it both ways. Either the filing of a CEQA appeal prevents an applicant from proceeding with a project during the pendency of an appeal or it doesn't. The City cannot treat similarly situated parties differently. The federal equal protection clause (U.S. Const., 14th Amend.) and its California counterpart (Cal. Const., art. I, § 7, subd. (a)) provide that persons who are similarly situated with respect to the legitimate purpose of a law must be treated alike under the law. (*Cleburne v. Cleburne Living Center, Inc.* (1985) 473 U.S. 432, 439 [87 L. Ed. 2d 313, 105 S.Ct. 3249]; *Cooley v. Superior Court* (2002) 29 Cal.4th 228, 253 [127 Cal. Rptr. 2d 177, 57 P.3d 654].)

The City has violated the equal protection rights of my client. My client intends on amending its Verified Petition for Writ of Mandate to add a cause of action for violation of its equal protection rights (*Los Feliz Improvement Association v. City of Los Angeles et al.* (Case No. 19STCP00567)).

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being the most prominent part.

Jamie T. Hall

Paraplegic man dumped in LA gutter sues hospital

HEALTH NEWS

3 MIN READ



LOS ANGELES (Reuters) - A mentally ill paraplegic man filed a lawsuit on Thursday against a hospital that dumped him in a gutter on Los Angeles' "Skid Row" -- a case that highlighted the plight of the city's vast homeless population.

Gabino Olvera, 42, sued the Hollywood Presbyterian Medical Center for negligence after it discharged him in February 2007, took him across town in a van and left him in a soiled hospital gown without a wheelchair in the heart of the city's homeless area.

Witnesses who came to Olvera's aid said they saw him dragging himself on the ground with hospital papers and documents clenched in his teeth while the driver sat in her van and applied makeup before driving off.

The incident was captured by security cameras at a nearby homeless shelter.

Hernan Vera, a lawyer with Public Counsel, which helped bring the lawsuit on behalf on Olvera, called it "the most obscene and callous example of this practice that we have seen."

The lawsuit was filed in Los Angeles Superior Court and seeks unspecified damages.

Hollywood Presbyterian said in a statement it had thoroughly reviewed its patient discharge policies to ensure nothing of the sort ever happened again.

May 20, 2019

Doug Haines
The La Mirada Ave. Neighborhood Assn. of Hollywood
P.O. Box 93596
Los Angeles, CA 90093-0596

Los Angeles City Council
Planning and Land Use Management Committee
200 N. Spring St.
Los Angeles, CA 90012

RE: Item #8 on the May 21, 2019 PLUM agenda. Appeal of Case No.: ENV-2015-3567-MND
Council File: 18-0673
Project Address: 1276 N. Western Ave. and 5460 Fountain Ave.

Chair Marqueece Harris-Dawson and Honorable Council members:

Two other appeals pursuant to Section 21151(c) of the California Environmental Quality Act (CEQA) are also on this committee's May 21 agenda: Item #7 for Case No. ENV-2015-5248-CE, and item #9 for Case No. ENV-2018-2765-CE. We incorporate the objections of those two other appeals into our appeal of this case, as they show a pattern and practice by the city of discriminatory actions against certain community groups, while granting preferential treatment to others.

This appeal involves a 6-story, 62-foot-tall apartment building on a 21,142 sq. ft. lot located at 1276 N. Western Ave. (at the intersection of Fountain Ave.). On May 23, 2018, the City Planning Commission denied our appeal and sustained the Director of Planning's approval of Case No. DIR-2015-3566-DB-SPR. On July 6, 2018, La Mirada filed a timely CEQA appeal.

Subsequently, on August 8, 2018 the applicant re-filed the project as a 49-unit Administrative Transit Oriented Communities (TOC) development of 45 four-bedroom units that have two guest bedrooms at the entrance of each unit, and 4 three-bedroom units (see **Exhibit 1**). The redesign also features a "rec room" with former bedrooms converted into "meeting rooms," and with a bar sink. Four units also each include a separate counter and bar sink that measures over one square foot in size – in other words a second kitchen. In plain terms, therefore, the building went from 75 units to 49 units, but with 90 Flexible Units as defined by Los Angeles Municipal (LAMC) Code Section 12.21.A.1(b). The project therefore consists of 139 habitable units requiring a lot size of 37,600 sq. ft. Yet on January 16, 2019, the Department of Building and Safety (LADBS) issued permits to allow the project to proceed and for the applicant to begin excavation of the site.

Flexible Units. Whenever a layout within any dwelling unit or guest room is designed with multiple hallway entrances, multiple toilet and bath facilities or bar sink installations, so that it can be easily divided into or used for separate apartments or guest rooms, the lot area requirements and the automobile parking requirements shall be based upon the highest possible number of dwelling units or guest rooms obtainable from any such arrangement. LAMC Section 12.21.A.1(b)

The city issued clearances and permits despite the City Planning Commission's approval on August 30, 2018 of a CEQA appeal ordinance that would impose a stay on all building permits and other project sign-offs while a CEQA appeal is considered by the City Council (see Exhibit 2). The proposed stay on the issuance of permits while an appeal is pending – which is consistent with all other types of city discretionary entitlement appeals -- was also approved by this committee at its October 30, 2018 hearing of the proposed ordinance.

It is fundamental that once an agency determines that an activity is subject to CEQA, that it must not allow any action that changes the physical environment until it renders a decision on the case. The city determined that the project was subject to CEQA and required a Mitigated Negative Declaration. La Mirada appealed this decision, yet the City issued permits anyway and the site is being developed. This violates CEQA and La Mirada's equal protection rights.



Project site shown under construction. Photo taken May 17, 2019.

It's important to note that the city's clearance of demolition and construction permits while CEQA appeals are pending is an unwritten policy that is left to each department to follow. It is therefore arbitrary and capricious, clearly undermining the ability of an objector to an administrative decision to obtain a fair hearing before an elected decision maker, thereby making the process futile.

The City has previously halted construction activity during the pendency of a CEQA appeal. On May 2, 2018, the City issued a Notice of Intent to Revoke and Stop Work Order for a grading permit at 3314 N. Lugano Pl., due to a pending CEQA appeal. The order to stop work stated that

building permits were issued prematurely because of the pending CEQA appeal. Planning staff informed the applicant that until action was taken on the appeal, no construction activity would be allowed (see Exhibit 3).

The city cannot discriminate against one community group while favoring another. The federal equal protection clause under the 14th Amendment to the Constitution and its California counterpart provide that persons must be treated alike under the law.



La Mirada has placed into the record substantial evidence from Dave Roseman of Albert Grover & Associates that the traffic analysis prepared by the Rifkin transportation Planning Group is fatally flawed. (See Exhibit 4). A fair argument has therefore been raised questioning the adequacy of the MND. Under CEQA and CEQA Guidelines, the applicant is required to prepare an environmental impact report. This is especially critical in light of questions regarding the project's true number of dwelling units.

For the above reasons, we ask that this committee grant our appeal. Thank you.

EXHIBIT 1

Los Angeles Department of Building and Safety

Certificate Information: 5460 W FOUNTAIN AVE 90029

Application / Permit	17010-10000-00027
Plan Check / Job No.	B17LA00149
Group	Building
Type	Bldg-New
Sub-Type	Apartment
Primary Use	(5) Apartment
Work Description	New 6-story, Type IIIA, 49-unit apartment building over 2 level, Type IA, subterranean parking garage.
Permit Issued	Issued on 1/16/2019
Issuing Office	Metro
Current Status	Issued on 1/16/2019
Certificate of Occupancy	Pending

Permit Application Status History

Submitted	1/5/2017	APPLICANT
Disabled Access Plans Picked Up	2/13/2017	APPLICANT
Green Plans Picked Up	3/1/2017	APPLICANT
Assigned to Plan Check Engineer	3/2/2017	KESETE HAREGOT
Corrections Issued	3/21/2017	ARMEN SARKISIAN
Reviewed by Supervisor	3/21/2017	BILL STUTSMAN
Building Plans Picked Up	6/16/2017	APPLICANT
Applicant returned to address corrections	10/16/2018	KESETE HAREGOT
Applicant returned to address corrections	10/23/2018	KESETE HAREGOT
Applicant returned to address corrections	11/6/2018	KESETE HAREGOT
Applicant returned to address corrections	11/29/2018	KESETE HAREGOT
Applicant returned to address corrections	12/7/2018	KESETE HAREGOT
Plan Check Approved	1/15/2019	KESETE HAREGOT
Issued	1/16/2019	LADBS

Permit Application Clearance Information

Address approval	Cleared	6/20/2017	CARLA VALLADARES
Eng Process Fee Ord 176,300	Cleared	6/20/2017	CARLA VALLADARES
Permit	Cleared	6/20/2017	CARLA VALLADARES
Hydrant and Access approval	Cleared	8/16/2018	GEORGE SUCHAND
Driveway location	Cleared	8/21/2018	EDUARDO HERMOSO
Highway dedication	Cleared	8/29/2018	ADRIAN SANCHEZ
Sewer availability	Cleared	9/11/2018	ADRIAN SANCHEZ
Project located in CRA area	Cleared	9/28/2018	JIM URQUHART
Frnt yard landscape/Water mgmt	Cleared	10/17/2018	TREVOR MARTIN
Miscellaneous	Cleared	10/17/2018	TREVOR MARTIN
Opn space landscape/Water mgmt	Cleared	10/17/2018	TREVOR MARTIN
ZA Case	Cleared	10/17/2018	TREVOR MARTIN

Los Angeles Department of Building and Safety

Certificate Information: 5460 W FOUNTAIN AVE 90029

Application / Permit

17010-10001-00027

Plan Check / Job No.

B18LA16553

Group

Building

Type

Bldg-Alter/Repair

Sub-Type

Apartment

Primary Use

()

Work Description

SUPPLEMENTAL PERMIT TO 17010-10000-00027 TO REDUCE NUMBER OF UNITS FROM 75 TO 49 (BY RIGHT / NO EXCEPTION 12.22 A25 OR TOC) .REVISE PARKING CHANGES IN AREAS AND PARKING.

Permit Issued

No

Current Status

Reviewed by Supervisor on 9/21/2018

Permit Application Status History

Submitted	8/8/2018	APPLICANT
Green Plans Picked Up	8/21/2018	APPLICANT
Disabled Access Plans Picked Up	8/22/2018	APPLICANT
Assigned to Plan Check Engineer	9/6/2018	KESETE HAREGOT
Corrections Issued	9/13/2018	KESETE HAREGOT
Reviewed by Supervisor	9/21/2018	ARMEN JIVALAGIAN
Building Plans Picked Up	9/21/2018	APPLICANT

Permit Application Clearance Information

Green Code	Cleared	11/28/2018	KHEDER ALRAZAA
DAS Clearance	Cleared	12/5/2018	SHINE LIN

Contact Information

Architect Uriu, Giovanni; Lic. No.: C7487 830 SO GLENDALE AVENUE GLENDALE, CA 91205

Inspector Information

No Data Available.

Pending Inspections

No Data Available.

Inspection Request History

No Data Available.

Los Angeles Department of Building and Safety

The information below was found on the following address:

5460 W FOUNTAIN AVE

Parcel Profile Report:

1

Permit Information found:

3

5460 W FOUNTAIN AVE 1-75 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
17041 - 10000 - 10180	E17LA01359	Electrical	PC Info Complete 12/4/2017	Full Plan check for a new 5 story apartment building over subterranean parking garage. Total of 75 unit apartments, approximately 7 typical units. New 2000 Amps Main Service 120/208V-3PH-4W. New lighting and power. Area is 64,870 SQft. Building application No. 17010-10000-00027.
17041 - 10000 - 10179	E17LA01358	Electrical	Application Submittal 3/29/2017	New building
17020 - 10000 - 00841	B17LA00149	Nonbldg-New	Issued 2/12/2019	New 8' -0"x 53'-7" masonry retaining wall and 4 '-3" x 44'-0 masonry garden wall on the south side yard.

5460 W FOUNTAIN AVE 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
17010 - 10001 - 00027	B18LA16553	Bldg-Alter/Repair	Reviewed by Supervisor 9/21/2018	SUPPLEMENTAL PERMIT TO 17010-10000-00027 TO REDUCE NUMBER OF UNITS FROM 75 TO 49 (BY RIGHT / NO EXCEPTION 12.22 A25 OR TOC) .REVISE PARKING CHANGES IN AREAS AND PARKING.
17010 - 10002 - 00027	B19LA02989	Bldg-Alter/Repair	Issued 5/6/2019	SUPPLEMENTAL PERMIT TO 17010-10K-00027 TO REVISE FOUNDATION DESIGN TO COORDINATE WITH THE SHORING DESIGN
17010 - 10000 - 00027	B17LA00149	Bldg-New	Issued 1/16/2019	New 6-story, Type IIIA, 49-unit apartment building over 2 level, Type IA, subterranean parking garage.
19041 - 10000 - 10727	E19LA01286	Electrical	Reviewed by Supervisor 4/29/2019	Power and energy plan check for a new 6-story, 49-unit apartment building over 2 level, Type IA, subterranean parking garage. Scope includes 1600A service. total affected area is 48,124 sq.ft
17030 - 10000 - 00069	B17LA00149	Grading	Issued 1/16/2019	Site grading, excavation, and back-fill for basement walls for new 6 story apartment building over two level subterranean parking garage.
17020 - 10001 - 00037	B19LA02989	Nonbldg-Alter/Repair	Issued 5/6/2019	SUPPLEMENTAL PERMIT TO 17020-10K-00037 TO REVISE DEADMAN DESIGN OF SHORING FOUNDATION TO COORDINATE WITH THE BUILDING FOUNDATION DESIGN.
17020 - 10000 - 00037	B17LA00149	Nonbldg-New	Issued 1/16/2019	TEMPORARY SHORING FOR NEW 6-STORY, TYPE IIIA, 49-UNIT APARTMENT BUILDING OVER 2 LEVEL, TYPE IA, SUBTERRANEAN PARKING GARAGE, UNDER PERMIT NO. 17010-10K-00027
17042 - 20000 - 15815	M17VN02065	Plumbing	PC Info Complete 9/19/2017	POTABLE WATER (WITH BOOSTER PUMP FOR 5TH, 6TH FLOOR UNITS), WASTE/VENT, AND SUMP PUMP FOR 5 STORY, 75 UNIT APARTMENT.
17042 - 20001 - 15815	M17VN03148	Plumbing	PC Approved 10/19/2017	PLAN CHECK ONLY.REVISION TO PREVIOUSLY APPROVED WATER RISER DIAGRAMS.

5460 W FOUNTAIN AVE TEMP 90029

Application/Permit #	PC/Job #	Type	Status	Work Description
19041 - 20000 - 02875	X19VN01519	Electrical	Permit Closed 2/1/2019	200 AMP TEMP POWER POLE

Code Enforcement Information:

0

Certificate of Occupancy Information:

1

Retrofit Program Information:

2

EXHIBIT 2

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

September 26, 2018

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

UPDATED ORDINANCE FOR CEQA APPEALS CODE AMENDMENT; CF 18-2657

On August 30, 2018, the City Planning Commission recommended that the City Council adopt a proposed ordinance adding CEQA (California Environmental Quality Act) provisions to the Zoning Code. The intent of the ordinance was to codify a process for appealing CEQA clearances, such as an Environmental Impact Report (EIR), a Negative Declaration (ND), a Mitigated Negative Declaration (MND), a Sustainable Communities Environmental Assessment (SCEA), or an Exemption. Since the Commission's action, the Department of City Planning has continued to work closely with the Office of the City Attorney and has continued to refine the details of the ordinance in light of the requirements of state law. As a result, the Department recommends adoption of the attached updated proposed ordinance, which reflects the following recommended changes.

Enforcement

The updated ordinance includes provisions that address improper segmentation of projects, also known as "piece-mealing". CEQA requires that projects be described in their entirety, including site preparation, construction, and operations. Descriptions that omit segments of a project, such as the demolition of an existing structure, are in violation of CEQA. The revised proposed ordinance contains added provisions that prohibit any representation of a project intended to circumvent its CEQA review and provide enforcement options. If the Director of Planning finds that there is substantial evidence that the project has been misrepresented, the Director may request that the Department of Building and Safety take enforcement action, such as stop work or revoke permits. In addition, the revised ordinance provides that if a project was improperly segmented and project activity has occurred prior to the City's CEQA review, the City may use a

project description that is based on the physical conditions of the property prior to its improper segmentation.

Effect on Related Projects

The updated ordinance contains provisions that require a project approval and any discretionary or ministerial permits issued in reliance on the project approval be stayed upon the filing of an appeal to the CEQA clearance. In order to accommodate the stay, the revised proposed ordinance adds language to clarify that the count of days within which the decision-maker must act on any related project approval stops and does not restart until after the CEQA appeal is decided by the City Council.


Technical Modifications

The revised ordinance also contains several technical modifications to bring the ordinance into compliance with state law.

Should you have any questions regarding this transmittal, please contact Phyllis Nathanson, Senior City Planner at (213)978-1474.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kevin J. Keller, AICP
Executive Officer

VPB:KJK:pjn

Attachment: Updated Proposed Ordinance, dated September 26, 2018.

Modified by the City Planning Commission on August 23, 2018

ORDINANCE NO. _____

An ordinance adding Section 11.5.13 to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to allow appeals to the City Council from CEQA clearance approvals by lower decision-making bodies.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. A new Section 11.5.13 is added to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 11.5.13. CEQA Appeals.

A. Purpose. This section is intended to implement California Public Resources Code Sections 21151(c) and 21155.2(b)(5).

B. Appeal. When any decision-maker in any action authorized by this Chapter, other than the City Council, certifies an environmental impact report, adopts a negative declaration, mitigated negative declaration or a sustainable communities environmental assessment, or determines that the project subject to approval under this Chapter is not subject to the California Environmental Quality Act, that certification, approval, or determination may be appealed to the City Council provided no further appeals are available on the project approval for which the certification, approval or determination under CEQA was made, the appeal is filed with the Department of City Planning within 15 days of the project approval becoming final, and the appeal is filed in a form and manner required by the Department of City Planning.

C. Stay. Upon the filing of an appeal pursuant to Subsection B, there shall be a stay on the project approval and any discretionary or ministerial permits issued in reliance upon the project approval.

D. Hearing and Decision. The City Council shall act on the CEQA appeal within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the City Council. The City Council shall hold a hearing before acting on the appeal. Notice of the hearing shall be given at least 10 days before the hearing. Notice by mail shall be given to the applicant, appellant, any person or entity that has requested notice in writing of CEQA notices, and responsible and trustee agencies, if any. Failure by the City Council to render a decision within 75 days shall result in the denial of the appeal.

Sec. 2. The City Clerk shall certify....

EXHIBIT 3

Los Angeles Department of Building and Safety

Certificate Information: 3314 N LUGANO PL 90068

Application / Permit	17030-10000-05959
Plan Check / Job No.	B17LA15704
Group	Building
Type	Grading
Sub-Type	1 or 2 Family Dwelling
Primary Use	(70) Grading - Hillside
Work Description	GRADING FOR EXCAVATION BASEMENT AND R WALL
Permit Issued	Issued on 4/2/2018
Issuing Office	San Pedro
Current Status	Issued on 4/2/2018

Permit Application Status History

Submitted	8/30/2017	APPLICANT
Assigned to Plan Check Engineer	9/14/2017	ZAW HAN
Corrections Issued	9/21/2017	ZAW HAN
Reviewed by Supervisor	9/25/2017	ARMEN SARKISIAN
Building Plans Picked Up	9/26/2017	APPLICANT
Green Plans Picked Up	9/29/2017	APPLICANT
Applicant returned to address corrections	11/28/2017	ZAW HAN
Applicant returned to address corrections	12/11/2017	ZAW HAN
Applicant returned to address corrections	12/19/2017	ZAW HAN
Applicant returned to address corrections	4/2/2018	ZAW HAN
Plan Check Approved	4/2/2018	Zaw Han
Issued	4/2/2018	LADBS
Intent to Revoke-Status Void	5/3/2018	VICTOR CUEVAS
Re-Activate Permit	6/6/2018	BILL STUTSMAN

Permit Application Clearance Information

Miscellaneous	Cleared	10/17/2017	DAISY BENICIA
Grading Pre-Inspection	Cleared	4/2/2018	VASIL MIHALEV
Miscellaneous	Cleared	4/2/2018	BRIDGETTE WOOTEN
Specific Plan	Cleared	4/2/2018	BRIDGETTE WOOTEN

Contact Information

Architect	Swischuk, Michael; Lic. No.: C32780	2107 GROVELAND DRIVE	LOS ANGELES, CA 90046
Contractor	Owner-Builder		
Engineer	Lee, Sang Youck; Lic. No.: S3821	3531 BROOKHILL ST	GLENDALE, CA 91214

Inspector Information

ROBERT HUGHES, (213) 482-7452

Office Hours: 7:00-8:00 AM MON-FRI

Pending Inspections

EXHIBIT 4

>>> "Dave Roseman" <dave@albertgrover.com> 7/5/2018 5:44 PM >>>

I have reviewed the traffic study for the above noted project. The following are my comments categorized in four key areas:

1. **Alley Access:** The study assumes that during the peak period that project traffic will be able to freely exit the alley northbound to make a left onto westbound Fountain Avenue. This left-turn movement is the primary outbound traffic flow amounting to 88% of the project's traffic. The assumption that 88% of all exiting project traffic will be able to make that movement during the peak-period is flawed due to the fact that westbound Fountain is severely congested during both the morning and evening peak periods, thus not providing sufficient gaps in traffic for exiting project traffic to turn left. Exiting project traffic that cannot turn left out of the alley on to Fountain, will then be forced to use other neighborhood streets by either making a northbound right-turn out of the alley or by heading south in the alley to La Mirada Avenue.
2. **3% Ambient Growth:** The study contains conflicting language about the growth factor used. The study's "Introduction" indicates that the annual traffic growth rate in the area is 1% to which they added 2% to account for "related projects". This statement conflicts with Traffic Study Memorandum (MOU) in Exhibit 1 which was executed before the start of the study in September of 2015. In the MOU, LADOT and the developer agreed to a 2% ambient growth plus "related projects". Consequently, the 3% ambient growth rate used in the study only accounts for 1% of "related project" traffic. Is 1% growth in "related project" traffic reasonable with a new "related project" Target and Deluxe Hollywood Project comprised of 203 apartment units two blocks to the north? The 1% "related project" traffic growth outlined in the study at the Western and Fountain intersection amounts to only 11 additional cars per hour per year in the southbound approach to the intersection. The traffic study for the Deluxe Hollywood project alone identifies 35 additional cars along that same southbound approach and that does not include any traffic from the new Target or other developments in the area. The assumed 3% ambient growth rate to include "related projects" underestimates the impacts of traffic growth in the area and thus potential future traffic impacts of the proposed project.
3. **Weekend Analysis:** The study does not analyze the proposed project's weekend traffic impacts. ITE Trip Generation Land Use Code 220, which is used in the study to predict the proposed project's traffic, suggests that apartment projects of small to medium size could have higher Saturday peak-hour trip generation rates than during the weekday peak-period. The traffic study predicts that peak-hour weekday traffic generation would be 33 trips in the morning peak-hour and 40 in the evening peak-hour (including a 15% reduction for transit); however, using the fitted curve equation in the ITE manual, reveals that the proposed project could generate 50 trips during the Saturday peak-hour. While an additional 15% reduction in trip rates for transit may seem reasonable during commute traffic periods, that assumption might not hold true on the weekend. By not studying the

weekend traffic conditions, the study may have overlooked a significant traffic impact of the project.

4. Right-turns on Red: The traffic study assumes that many residents of the new development will walk or take transit and it indicates that Western Avenue is a "Pedestrian Priority Street". However, the study's traffic analysis assumes no pedestrian crossings occur at any of the study intersections. This is significant because pedestrians crossing in crosswalks prevent motorists from making conflicting right-turns. This vehicle-pedestrian conflict can have a significant impact on traffic flow especially when the curb lane is a shared through and right-turn lane as it is on Western Avenue. The traffic analysis conducted assumes that right-turning vehicles will traverse the intersection at the same rate as through traffic without any interference from pedestrians. This is an unreasonable assumption on a "Pedestrian Priority Street" in an urban area and thus underestimates the severity of traffic congestion and the proposed project's traffic impacts.

Respectfully Submitted,

David Roseman
Principal Transportation Engineer

CURRICULUM VITAE

DAVID ROSEMAN

305 PARK AVENUE

LONG BEACH, CA 90814

Office: (714) 992-2990 Mobile: (562) 824-2071

Dave@AlbertGrover.com

EXPERIENCE SUMMARY

**Principal Transportation Engineer
Albert Grover & Associates**

5/2015 - Present

As the Principal Transportation Engineer for Albert Grover & Associates, my primary responsibilities include overseeing business development, client relations, staff supervision, personnel actions, quality assurance and quality control practices. I am also the primary senior staff person in the company that leads public meetings and presentations, provides engineering design review, conducts safety assessments, provides expert witness services, and staff training. In addition, as a project manager for a number of jurisdictions, I also oversee staff working on traffic and transportation projects across Southern California, including but not limited to: transportation planning studies, traffic impact studies, traffic calming projects, alternative transportation projects, and traffic design projects. Key accomplishments include the successful completion of the Citywide Traffic Management Study for the City of Irvine, obtaining consensus on three I-15 freeway interchange improvement projects and associated cost-sharing agreements between Caltrans and the City of Norco, and the development of innovative traffic signal system solutions for the City of West Hollywood.

**Traffic & Transportation Administrator / City Traffic Engineer
City of Long Beach Department of Public Works
Transportation Engineering and Mobility Programs**

4/2002 to 4/2015

As the top transportation official for the City of Long Beach I oversee all aspects of transportation, traffic and parking in the City, including but not limited to traffic control device placement, traffic signal design and operations, geometric street design, transportation improvement projects, work area traffic controls, traffic calming, bicycle and pedestrian facilities, on-street parking regulations, development review and coordination, oversight of transportation grants and funds, inter-agency coordination, oversized and overweight truck permitting, and the operation and management of 29 City owned off-street parking facilities. I direct the day-to-day operations of 65 personal engaged in a wide range of activities and I regularly represent the Department before City Council, the Planning Commission, other agencies, and the public. I am also the City Representative on the Board of Directors for Long Beach Transit and the City's Pedestrian Safety Advisory Committee. I also represent the City on a number of other technical, advisory, and policy committees for METRO and the Gateway Council of Governments. Key accomplishments during my tenure have included a 20% reduction in City-wide traffic accidents; the implementation of the nation's first multi-agency (seven jurisdictions) traffic control system; returning the City's off-street parking facilities to profitability; implementation of various innovative bicycle facilities from separated bike lanes to cycle tracks, to bike boxes; implementation of the Anaheim Transportation Enhancement Project which provides enhanced transit stops and transit priority for buses; creation of more than 400 new on-street parking spaces in parking impacted neighborhoods from downtown to Belmont Heights; and the implementation of several innovative traffic signal operation projects from countdown pedestrian indications, to specialized programing to reduce speeding in neighborhoods, to flashing yellow arrow operations to improve mobility and address elevated accident rates.

**Senior Transportation Engineer
City of Los Angeles Department of Transportation
Regional Surface Transportation Improvement Division****3/2001 to 4/2002**

As the Division Manager of the Regional Surface Transportation Improvement Division, I directed and supervised a staff of engineers and planners in the development and implementation of fifteen major transportation improvement projects with a combined budget of over \$100 million. I represented the Department on a number of multi-agency technical and steering committees and was the Department's lead for all interagency coordination issues. Other duties included developing and approving design plans, technical reports, memorandums of understanding and letters of agreement with funding and operating agencies. I was responsible for the Division's work program, budget, project schedules, and the administration of consultant and construction contracts. I was also engaged in the evaluation and reorganization of the City's Capital Improvement Program and the pursuit of local, state, and federal grant funding for new projects. I regularly conducted public meetings and represented the Department at City Council meetings and other forums.

**Transportation Engineer
City of Los Angeles Department of Transportation
City-wide Special Traffic Operations****10/1996 to 3/2001**

I managed the Department's \$6 million special event program, which provides traffic control services at more than 2,000 special events annually. As the engineer-in-charge, I was responsible for the development and execution of traffic plans and the supervision of up to 800 personnel at high profile events such as the LA Marathon, Academy Awards, and the Hollywood Christmas Parade. I was responsible for leading the Department's efforts in the development and implementation of complex transportation management plans for Dodger Stadium, Staples Center, and Y2K. I was also appointed as the Transportation Director for the 2000 Democratic National Convention. I was instrumental in implementing the Standardized Emergency Management System as Department policy for the response to emergencies and special events. I was a leader in the special event permit reform effort which led to a multi-department reorganization of the process and \$1.6 million increase in the Department's annual program budget and over \$500,000 in additional computers, communication devices, and traffic control equipment. I was responsible for the direction of the Department's supervision engineer-on-call program for three years. I also regularly coordinated activities with the Mayor's Office, Council Offices, private and non-profit organizations, and other agencies. Other duties have also included the supervision and direction of the Claims Liability and Risk Management Unit, Citywide Investigations, the Speed Hump Program, Street Resurfacing Coordination, Traffic Control Device Inspection and School Safety Programs.

**Transportation Engineering Associate
City of Los Angeles Department of Transportation
Bureau of Design and ATSAC****6/1991 to 10/1996**

As project engineer for the multi-agency \$32M Santa Monica Freeway Smart Corridor Project, I managed the development and implementation of intelligent transportation systems and motorist information projects. I prepared designs, specifications, and estimates for advanced traffic control and communications systems. I directed the design and implementation of a multi-agency network of workstations and expert systems for traffic control, automated incident detection, incident management, and motorist information. I developed the request for proposals and administered the \$725,000 consultant contract for the project's multi-agency operations planning element. I represented the Department on a multi-agency project committee and made numerous technical

presentations to local, state and federal officials as well as the print and television media. Responsibilities also include the supervision of a staff of engineers and student interns assigned to the City's Automated Traffic Surveillance and Control (ATSAC) Center. I was part of the team that brought three significant national awards of excellence to the City of Los Angeles for innovation in local government and traffic control systems.

**Transportation Engineering Assistant II
City of Los Angeles Department of Transportation
Bureau of Traffic Management**

1/1991 to 6/1991

I was responsible for responding to constituent and Council Office complaints and service requests for a 300,000 resident area in Northeast Los Angeles. I recommended the installation and modification of traffic control devices, reviewed geometric and traffic signal plans, issued work-orders, inspected field installations, and attended community meetings.

**Transportation Engineering Assistant I
City of Los Angeles Department of Transportation
Bureau of Transportation Planning**

11/1988 to 1/1991

As a part of an engineering team, I was tasked with coordinating community plan revision work with the City Planning Department, consultants, other agencies, and citizen advisory committees. I developed transportation improvement and mitigation programs based on traffic forecasts using the EMME/2 traffic modeling software. I also performed transit service analysis, reviewed and commented on environmental impact reports, and conducted traffic studies. One of my major projects was to conduct transit service analysis for the Northeast Los Angeles community with a population of 300,000 residents and half of all SCRTD bus lines traveling through the community. Ultimately, I made a series of recommendations to a citizen advisory committee that ultimately resulted in new reduced fare shuttle service in Boyle Heights and a reorganization of transit routes to better serve the community.

**Assistant Transportation Engineer
Ekistic Mobility Consultants
Los, Angeles, California**

11/1987 to 11/1988

As a project manager, I was responsible for responding to requests for proposals from public agencies, the development of work plans and cost estimates for private sector clients, the development and management of project budgets, and supervision of technical staff. My projects included the technical analysis of traffic and survey data, technical writing, and presentations at public meetings. Project work included the development of transportation demand management programs for private industry and government agencies and the development of plans for a non-profit public benefit corporation to provide regional ridesharing services for San Diego County.

SIGNIFICANT ACCOMPLISHMENTS AND RECOGNITIONS

State of California Registered Professional Engineer, Traffic; TR 1585 (1991)

Institute of Transportation Engineers (ITE) Southern California Section Young Engineer of the Year 1996-1997

City of Long Beach Acknowledgements

City Council District 1 – Professionalism, Resourcefulness, and Cooperation

City Council District 2 - Steward of the 2nd District

City Council District 5 – “Star” Award

City Council District 7 – Community Outreach

City of Los Angeles Commendations

Media District Specific Plan / Barham Cahuenga Transportation Study

Citizen Request Backlog Reduction

Automated Traffic Surveillance and Control

Northridge Earthquake Response

Special Event Management

Y2K Contingency and Millennium Celebrations

2000 Democratic National Convention

City Council Resolution of Commendation for Service

As a result of my successful development and implementation of the transportation plan for the 2000 Democratic National Convention, I was formally recognized by a number of federal, state, and local politicians and agencies. My highest honor was receiving a Certificate of Appreciation from the Director of the United States Secret Service for my contributions to the fulfillment of their protective responsibilities.

As a member of the Department’s “Traffic Action Team” responding to the Northridge Earthquake, I was assigned responsibility for all traffic operations in the northeast San Fernando Valley. I was responsible for directing repair crews, assigning Traffic Officers, developing detours, installing and modifying traffic control devices, and coordinating response efforts with Caltrans, the California Highway Patrol, County of Los Angeles Department of Public Works, the County Sheriff, City of San Fernando, and numerous other City agencies. Our quick response efforts were critical to restoring mobility and led to numerous state and national Department recognitions and awards.

As a member of the City of Los Angeles’ Affirmative Action Committee, I led an effort to modify class specifications and minimum qualifications to provide advancement opportunities for Traffic Officers, Traffic Signal Electricians, and Traffic Pain and Sign Posters to enter the traffic engineering series. A number of those who have taken advantage of the changes have gone one to obtain college degrees or pass the State of California Engineer-in-Training exam to become associate engineers with the City of Los Angeles.

In response to the civil disturbance of 1992, I helped to organize the City of Los Angeles’ Middle School Outreach Program. The program was conceived as a way for government to connect with low-income neighborhoods and to inspire students to stay in school and seek higher education opportunities. Through my continued efforts while working for LADOT young professionals from throughout the City continued to reach out to students and inspire them to go on to college.

EDUCATION AND TRAINING

Bachelor of Science Degree in Civil Engineering (1988); California State University, Long Beach; National Dean's List Student and Presidents Honor Roll; emphasis on traffic engineering and highway design.

Certificate in Transportation Demand Management (1988); University of California Los Angeles: Public Policy Department of UCLA Extension.

Emergency Management Course; Earthquake (1995); California Specialized Training Institute, San Luis Obispo

Integrated Emergency Management Course (2000); Federal Emergency Management Institute; Emmitsburg, Maryland

I have attended numerous other training and professional development courses including courses on supervisory skills, project management, media relations, interview certification, cultural diversity, work zone safety, emergency preparedness, first aid, and work place related courses.

PROFESSIONAL ACTIVITIES

Memberships

Institute of Transportation Engineers
American Society of Civil Engineers

Educational Endeavors

California State University Long Beach
Civil Engineering & Construction Engineering Management Department
Member of CSULB Advisory and Development Council
Lecturer (2012 – Present): Traffic Engineering
Guest Lecturer at California Polytechnic State University San Luis Obispo
Guest Lecturer at Georgia Tech University

Technical Presentations

Institute of Transportation Engineers (at local, regional, and national levels)
Intelligent Transportation Systems America (regional and national levels)
Association for Commuter Transportation
"Road Gang" of Washington DC
Guest Lecturer for Public Technology, Inc.

Publications

"Vanpool Pricing and Market Penetration"
1989 Transportation Research Board 68th Annual Meeting
"Incident Manager Control Concept Multi-agency Coordinated Traffic Management"
1995 Institute of Transportation Engineers 64th Annual Meeting
"Automated Arterial Incident Detection Santa Monica Freeway Smart Corridor"
1996 Institute of Transportation Engineers 65th Annual Meeting
"Operational Multi-Agency Traffic Management and Expert System"
1997 Intelligent Transportation Society of America 7th Annual Meeting
"Long Beach Area-wide Adaptive Traffic Control System (Douglas Park)"
2011 18th World Congress on Intelligent Transport Systems

#7

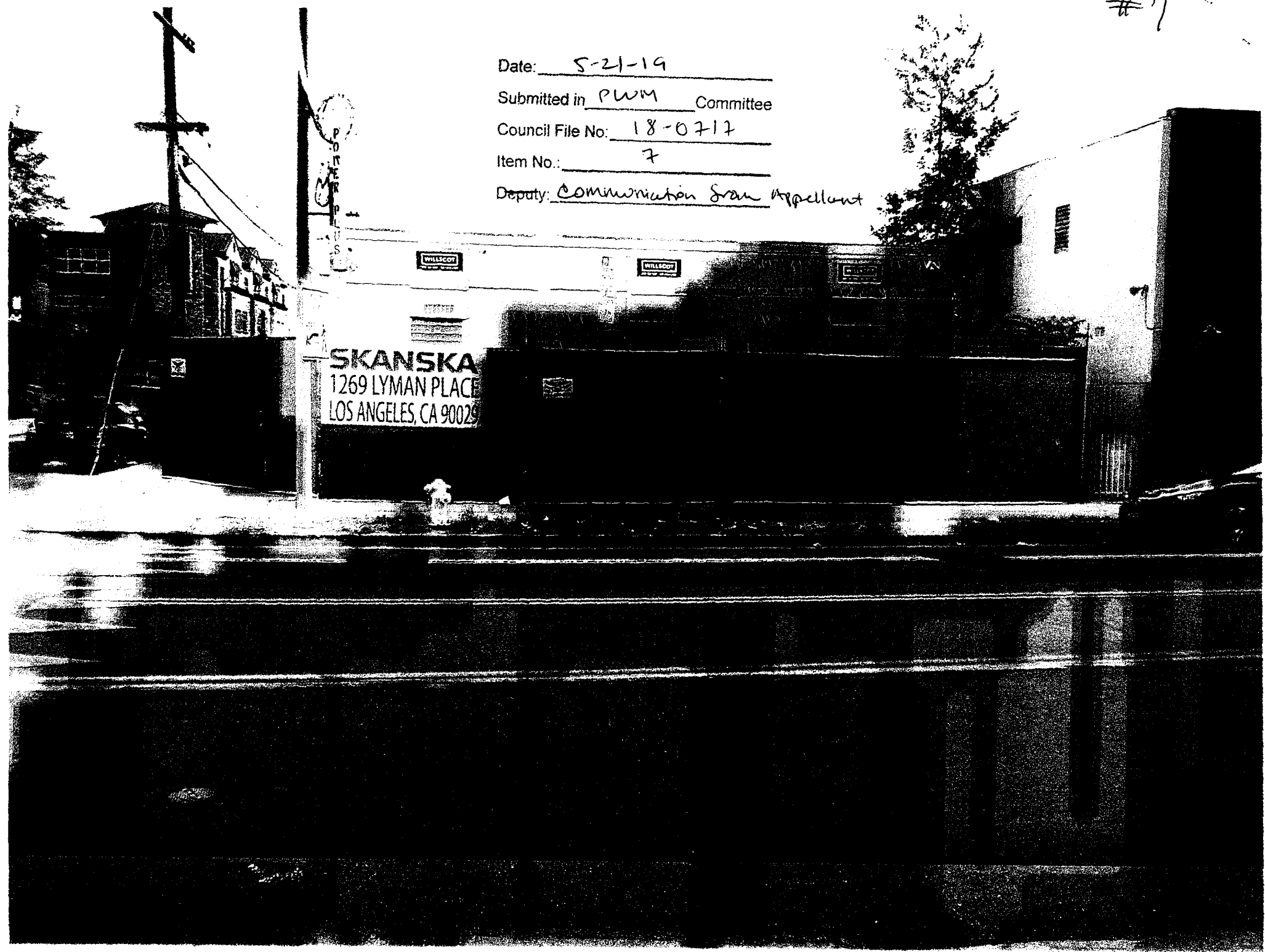
Date: 5-21-19

Submitted in PWM Committee

Council File No: 18-0717

Item No.: 7

Deputy: Communication Grant Appellant



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1269 LYMAN PLACE
LOS ANGELES, CA 90029

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VIEWER PLUS

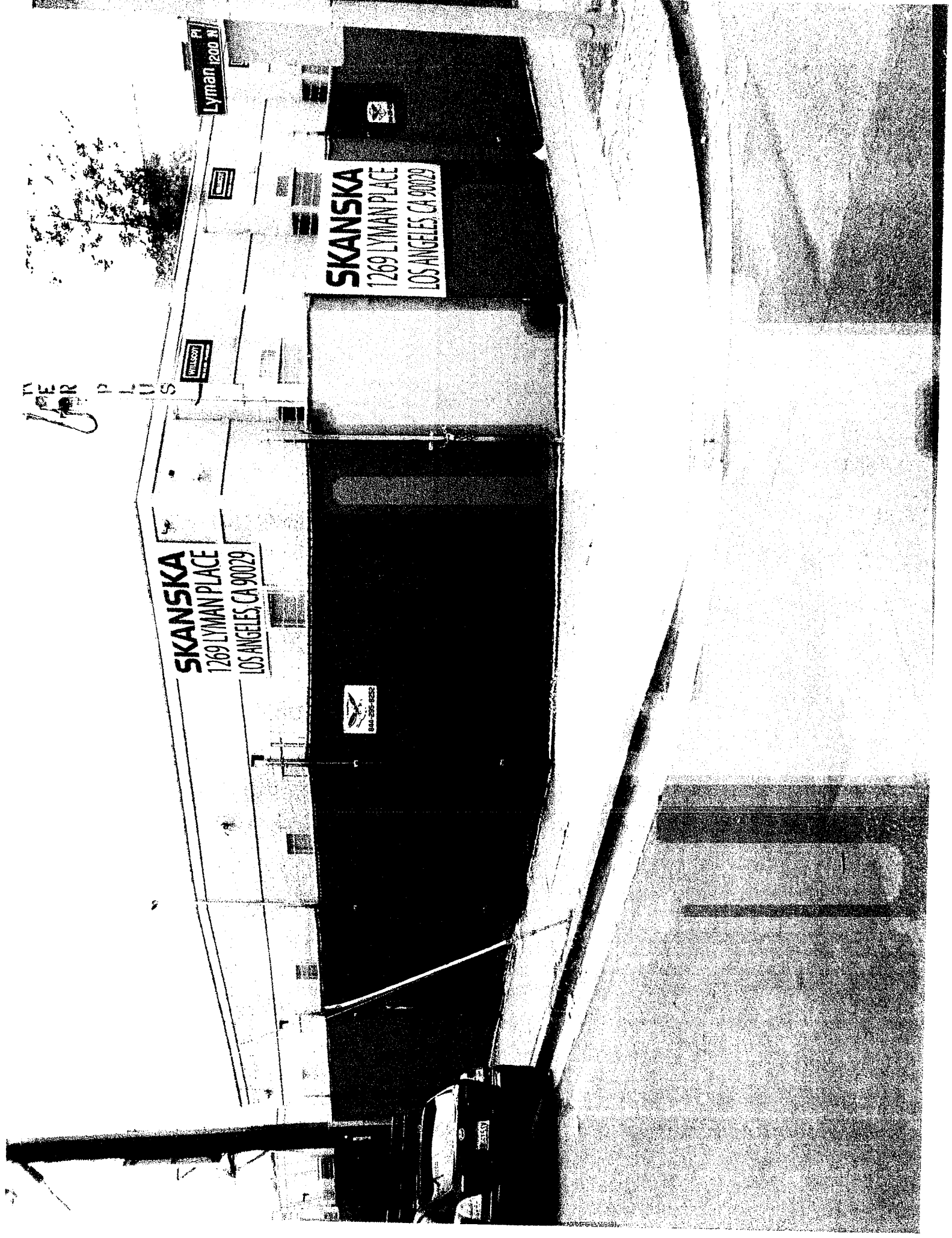
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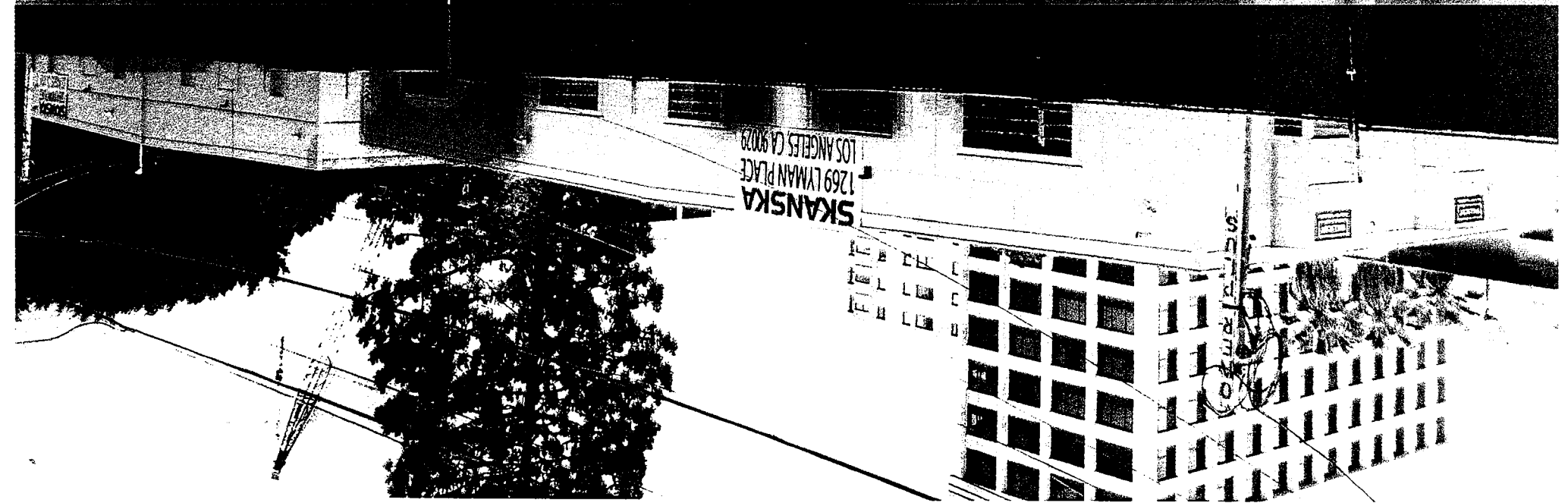
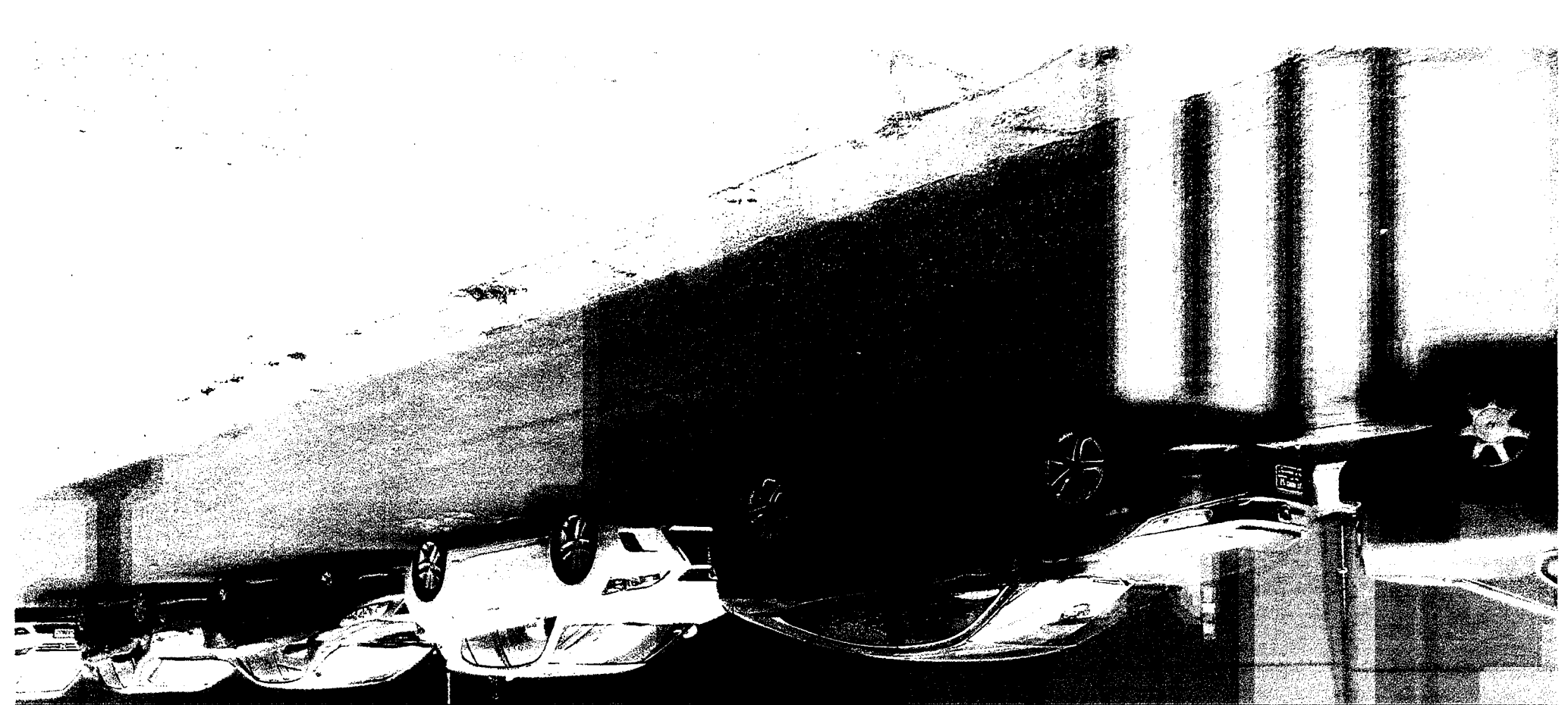
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Paraplegic man dumped in LA gutter sues hospital

By AP

3:11 PM ET



LOS ANGELES (Reuters) - A mentally ill paraplegic man filed a lawsuit on Thursday against a hospital that dumped him in a gutter on Los Angeles' "Skid Row" — a case that highlighted the plight of the city's vast homeless population.

Gabino Olvera, 42, sued the Hollywood Presbyterian Medical Center for negligence after it discharged him in February 2007, took him across town in a van and left him in a soiled hospital gown without a wheelchair in the heart of the city's homeless area.

Witnesses who came to Olvera's aid said they saw him dragging himself on the ground with hospital papers and documents clenched in his teeth while the driver sat in her van and applied makeup before driving off.

The incident was captured by security cameras at a nearby homeless shelter.

Hernan Vera, a lawyer with Public Counsel, which helped bring the lawsuit on behalf on Olvera, called it "the most obscene and callous example of this practice that we have seen."

The lawsuit was filed in Los Angeles Superior Court and seeks unspecified damages.

Hollywood Presbyterian said in a statement it had thoroughly reviewed its patient discharge policies to ensure nothing of the sort ever happened again.