

City Council File #: 15-0302

Address/Site: 853/859 Lucerne Blvd., Windsor Village HPOZ

CD4

**SUPPLEMENTAL REPORT OF R.J. STROTZ, dated
December 1, 2015**

**In Support of CEQA Appeal Filed by
WINDSOR VILLAGE HISTORIC PRESERVATION COMMITTEE**

PLUM HEARING: 12/8/15

Appellant, WINDSOR VILLAGE HISTORIC PRESERVATION COMMITTEE,
supplements its appeal by presenting the following reports which are submitted for review by
the PLUM Committee and City Council:

- (1) Report by Charlie Fisher, Historic Preservation Consultant
- (2) Report by Frank Parrello, City Planner/Architect/Historic Preservation Consultant
- (3) Report by Daniella Arellano, CEQA Consultant
- (4) Architectural alternative, prepared by Louisa Van Leer, Architect. Shown as Exhibit 6.9 hereto.

Louisa Van Leer is a licensed architect in the state of California. She has over 20 years of professional experience in the field of architecture. In the area of Historic Preservation, Ms. Van Leer's notable projects have included the design of additions to the historic Freeman A. Ford residence, a Pasadena Landmark Structure by Greene and Greene, designs for new historically sensitive dwellings with master planning for the Los Angeles Cultural Landmark Monterey Trailer Park and lead community driven design efforts to rehabilitate the Southwest Museum, a Sumner Hunt designed museum listed on the National Register. She has consulting expertise in the preparation Historic Structures Reports as well as Cultural Landscape Master Plans and preparation of Mills Act applications. She is President of Louisa Van Leer Architecture, based in Highland Park in Northeast Los Angeles. Ms. Van Leer has served since 2011 as Vice President of the Highland Park Heritage Trust, a 33 year old preservation non-profit. Ms Van Leer received her Bachelor of Architecture (B'Arch) and Bachelor of Fine Art(BFA) from Rhode Island School of Design and her Masters of Fine Art (MFA) from California Institute of the Arts and a Fellow at the Skowhegan School of Painting and Sculpture.

Also, attached hereto are exhibits, identified in the EXHIBIT LIST, which depict the subject property and project, representative historic structures in Windsor Village, and other exhibits which depict the negative impact of the Morumbila project.

Dated: 12/1/15

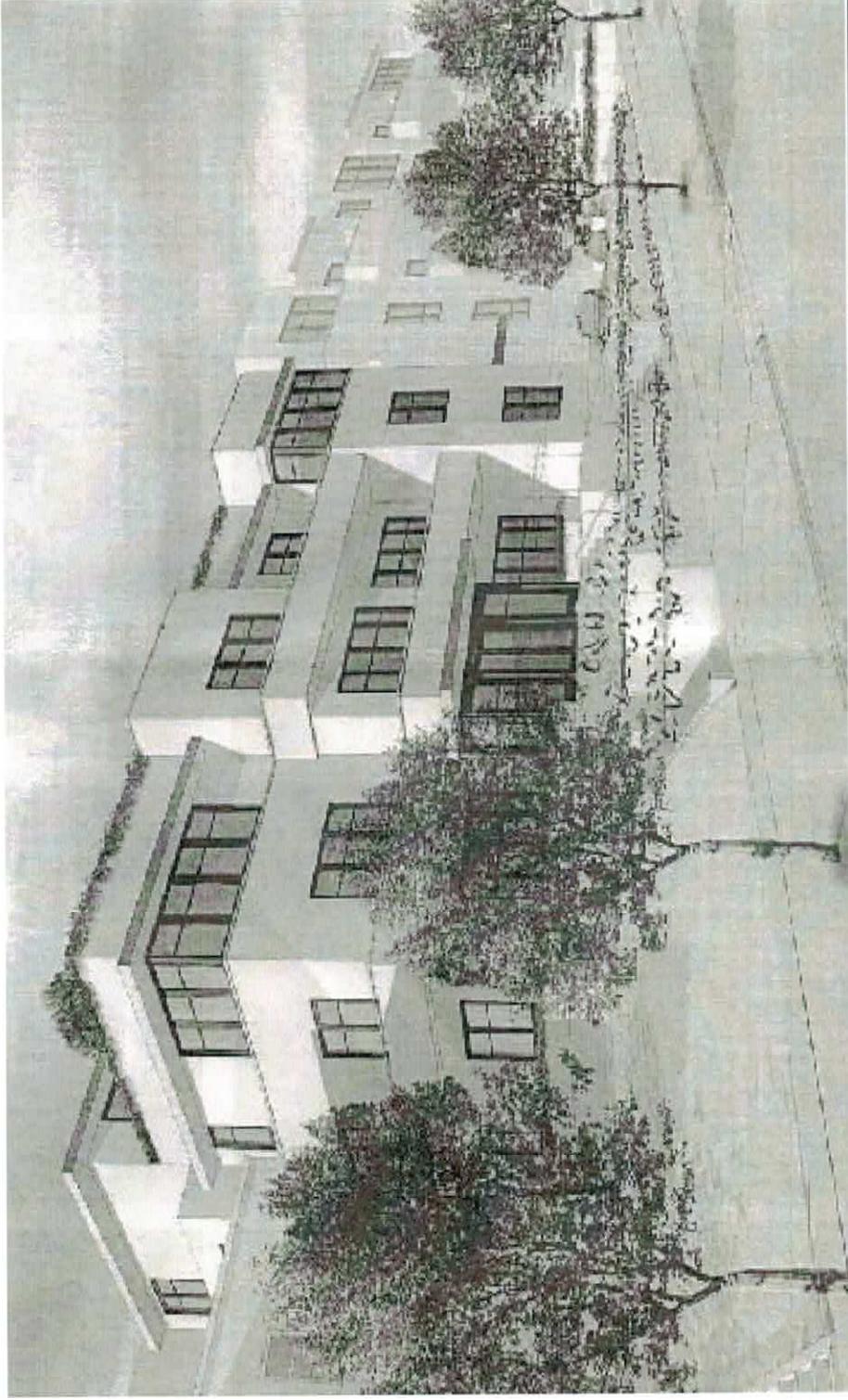
Respectfully submitted,



R.J. Strotz, Esq. Appellant's Representative

Lucerne

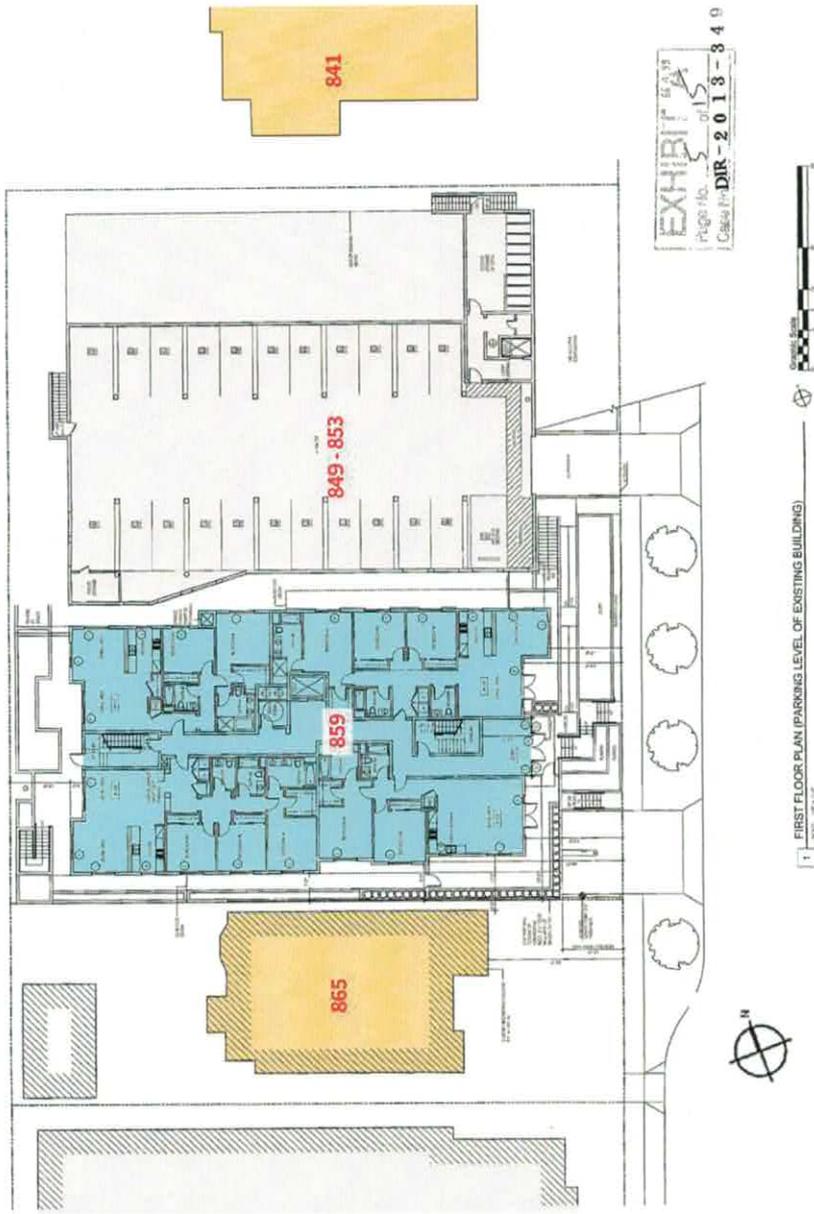




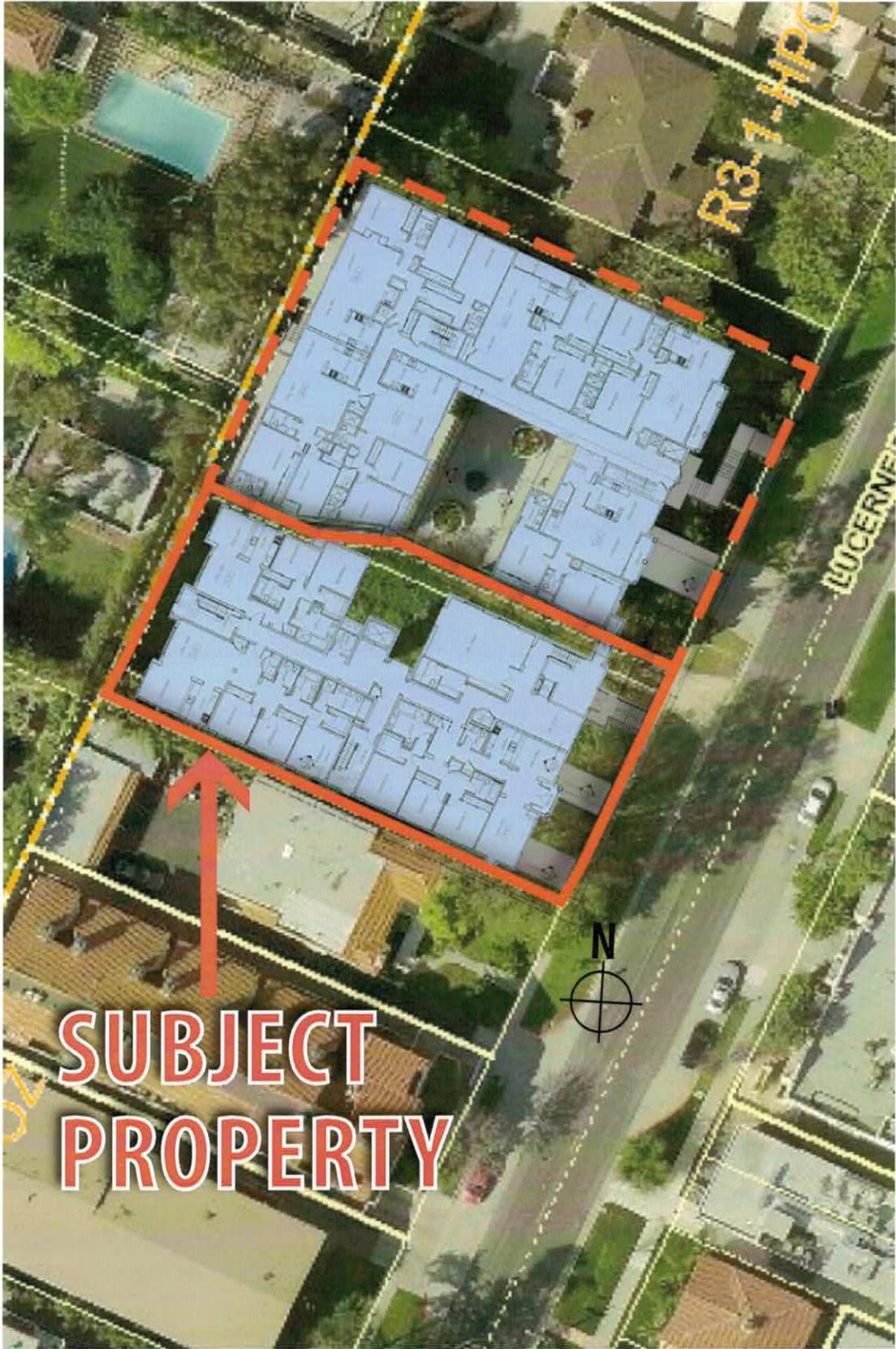
Original rendering as supplied by developer. Approved by Director of City Planning on May 29, 2014.



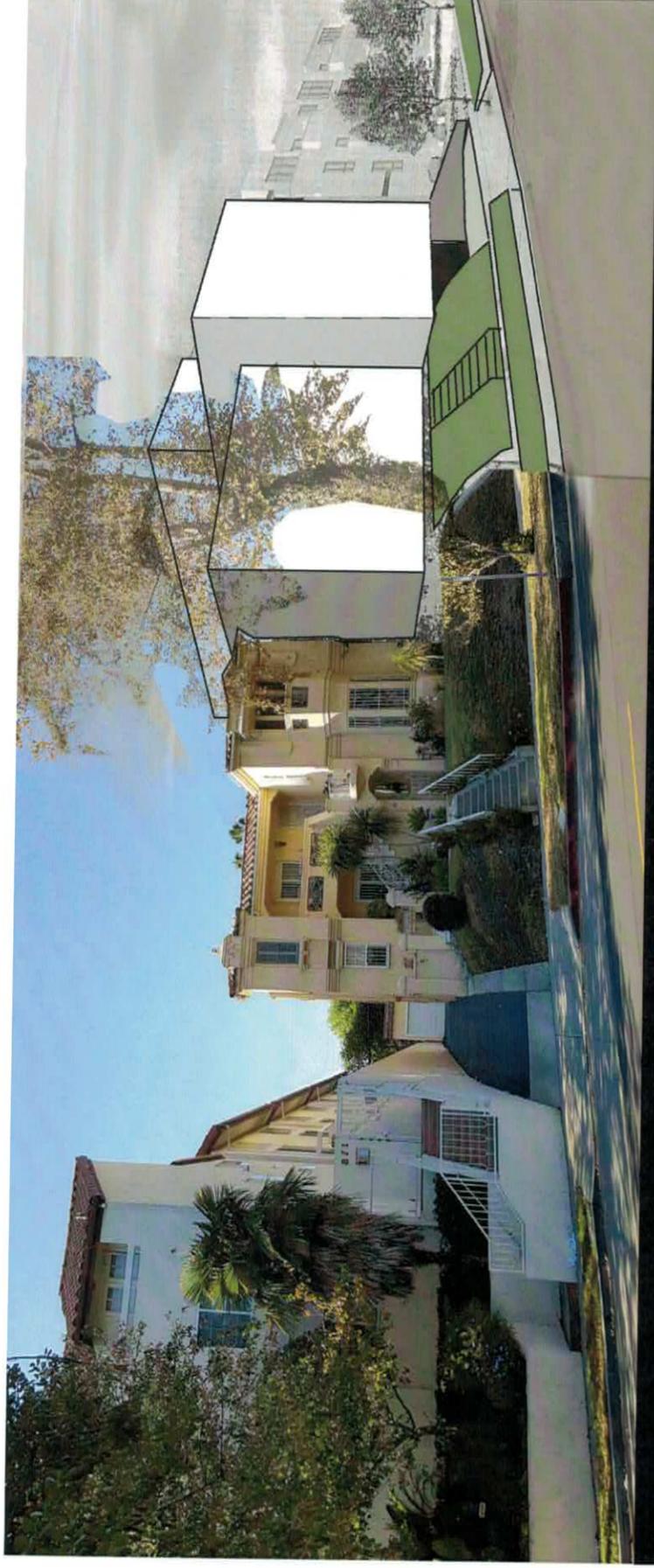
Massing and Scale of Proposed Development Relative to Block Setting; relationship to duplex and "true" 4th floor depth.



Setbacks and Sizes of Adjacent Contributors [865 and 841 Lucerne on same block, west side]. Developer's Exhibit A, page 5 of 15, plan view A-2.2 CONTRIBUTORS: 865 Lucerne; 841 Lucerne



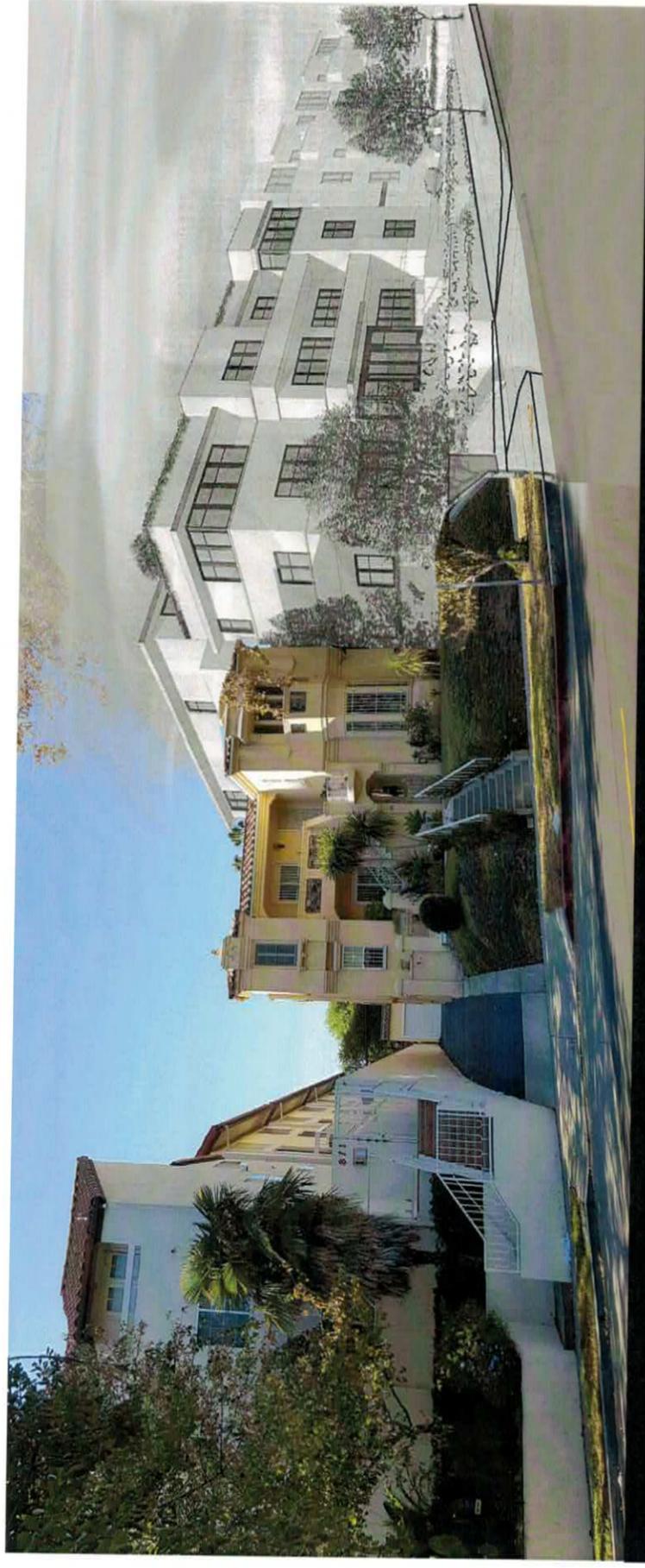
**SUBJECT
PROPERTY**



“Suggested Re-Design”

Illustration of Massing, Scale and Streetscape of Preferred Development

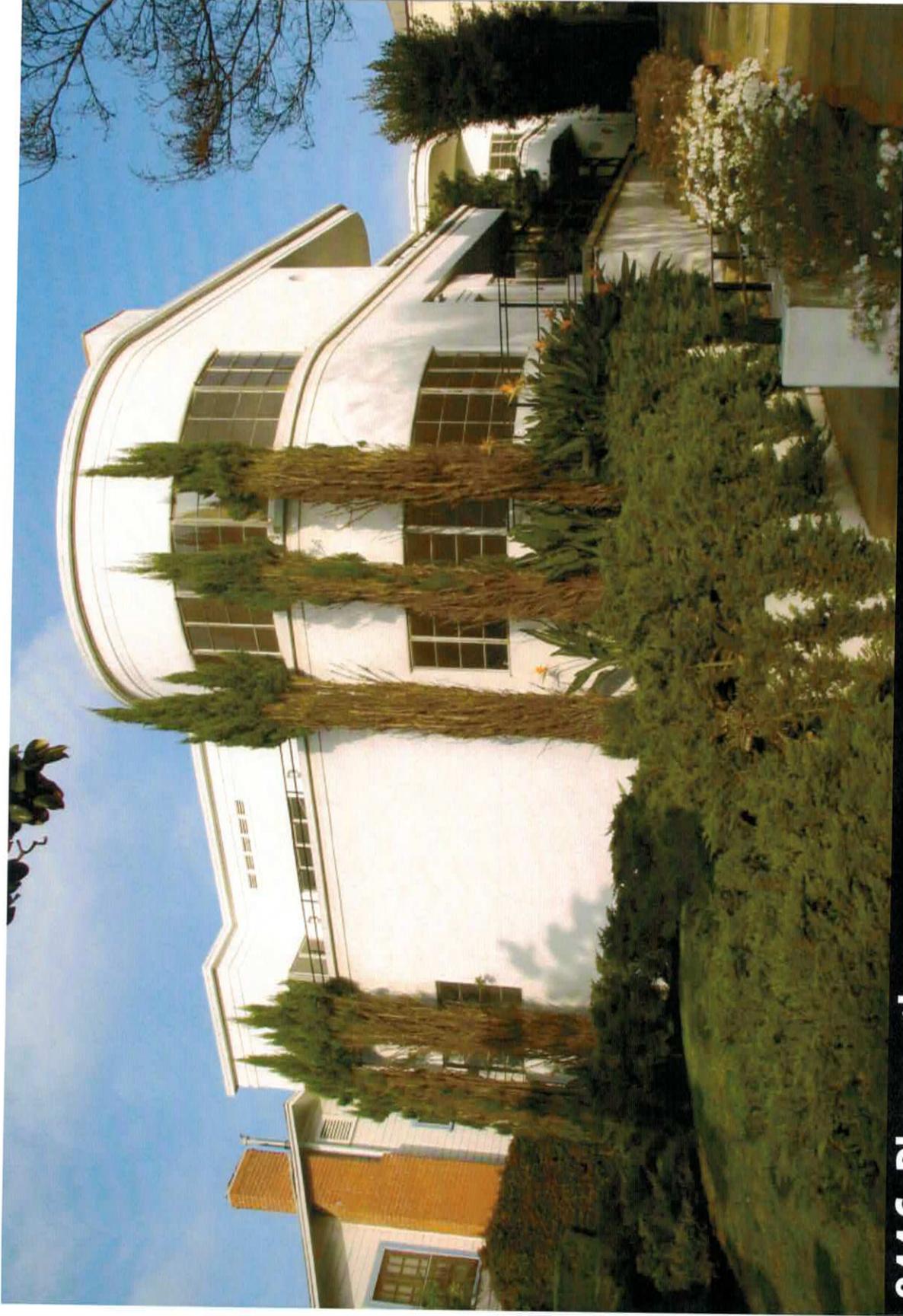
6.9



“Negative Impact on Duplex with current Plans”

Illustration of Massing, Scale and Streetscape of Proposed Development

6.8



844 S. Plymouth

Contributor

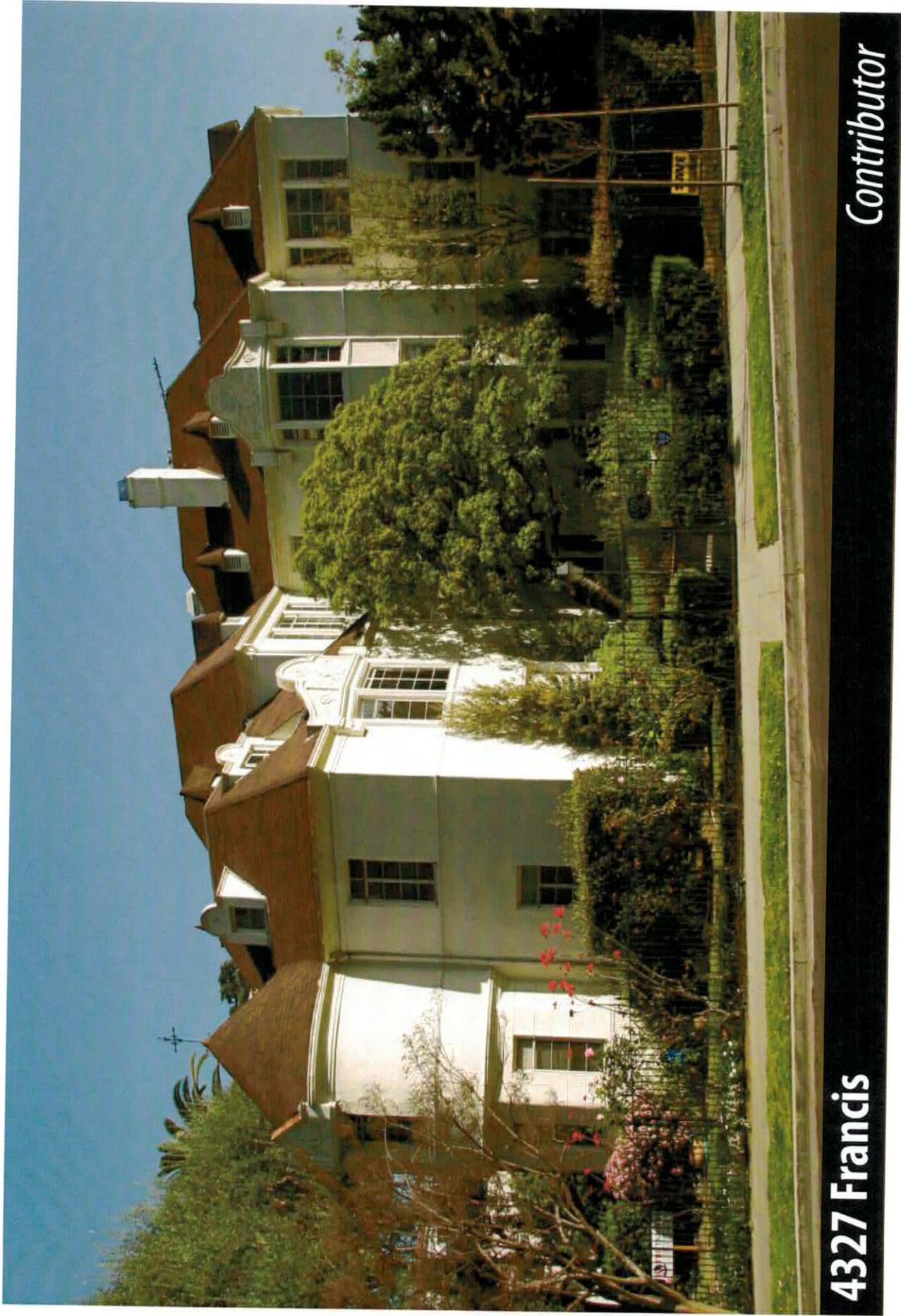
6-11



801 S. Lucerne

Contributor

6-10



4327 Francis

Contributor

6.12

12

*Charles J. Fisher, Historian
140 S. Avenue 57
Highland Park, CA 90042
Phone: 323/256-3593 Fax: 323/255-0041
Email: arroyoseco@hotmail.com*

December 7, 2015

Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street, Room 350
Los Angeles, CA 90012

Attn: Jose Huizar, **PLUM HEARING: 12/8/15**
Committee Chair

RE Morumbila Project: **CITY COUNCIL FILE #15-0302**
859 S. Lucerne Boulevard
DIR-2013-3495-SPP & ENV-2005-8131-MND-REC1

Dear Councilmember Huizar and Committee,

I am a professional historian who has written over 150 successful Historic Cultural Monument applications within the City of Los Angeles, as well as Ventura County and the cities of Ojai and Sierra Madre. I have written numerous historic assessment reports in Southern California that are used to determine the level of significance of historic structures for environmental evaluation purposes under the California Environmental Quality Act. I am also the chairman of the Highland Park Historic Preservation Zone board.

I have been asked to review the proposal for the new building at 859 S. Lucerne Boulevard to help determine if the current project is in compliance with the preservation plan for the Windsor Village Historic Preservation Overlay Zone (HPOZ), as well as compliance with the requirements of the California Environmental Quality Act (CEQA).

The preservation plan for the Windsor Village HPOZ discusses multi-residential infill beginning on page 84 of the document:.

Many HPOZs contain multi-family structures that were constructed during their period of significance. These may contain a variety of building types, including large apartment buildings, garden-style apartment buildings...In any event, when a multi-family residential project is proposed in an HPOZ the project should follow the Residential Infill Guidelines contained in this section. The...guidelines contain examples of several multi-family building types and architectural styles that may be compatible with the HPOZ. When possible, applicants should pay close attention to what types of multi-family existed in the HPOZ during the period of significance.

Section 9.2 on page 83 further states:

In addition to following these guidelines, successful new construction shall take cues from its context and surroundings. One of the first steps in designing a new building within an historic district is to look at other buildings on the block, and other similar buildings in the neighborhood. In general, new construction should not try to exactly replicate the style of the surrounding historic structures. However, it is important that the design of new construction in an historic district be consistent with the design of surrounding historic structures and sites. Design elements that are usually important in establishing this consistency include orientation on a site; massing and scale; roof form; materials and the patterns of doors and windows.

These requirements are specific in requiring that new construction takes its cue from the historic structures in the neighborhood, rather than the more recent buildings that are outside of the period of significance. HPOZs were established not only to preserve the existing stock of historic structures, but also to ensure that new construction respects those historic buildings. In other words, the current proposal is too large when compared with nearby contributing structures, taking its cue more from existing larger non-contributing elements in the district. This flies in the face of the intent of the HPOZ ordinance.

Furthermore, the construction of a four-story building adjacent to the historic duplex at 865-67 S. Lucerne Boulevard, which already has a large out of scale (non-contributing) building the South side at 871 S. Lucerne Boulevard would put that contributing structure within a canyon between the two large buildings, totally destroying what is left of the historic context of the 1935 Ralph S. Loring designed duplex.

The project also has a number of issues under CEQA that were not adequately addressed by the Addendum to the original 2005 Mitigated Negative Declaration that was issued in 2013, as to whether a substantial change in circumstances [as stated in California Code of Regulations §15162 (a)(2)] occurred between the original 2005 MND and the 2013 Addendum to the MND. I will explain below, my expert opinion is that a substantial change in circumstances did occur, since “new significant environmental effects or a substantial increase in severity of previously identified significant effects were created.” The creation of an HPOZ in Windsor Village significantly changed the allowable size, bulk, height, massing and scale of infill development.

It is my expert opinion that the original 2005 MND and 2013 Addendum to the MND were insufficient in that they did not fully identify significant impacts and did not cite necessary mitigation measures in regard to preserving and protecting the aesthetics and the historic nature of Windsor Village, and more specifically the historic duplex [865 Lucerne] which is immediately south of the Morumbila infill project. As I will more fully explain below, per California Public Resources Code § 21068 a “significant effect on the environment” is a “substantial” or potentially substantial, adverse change in the environment.” CCR §15064(a)(1) states that substantial evidence must be present to determine if a project may have a significant effect. CCR §15064(f)(5) defines “substantial evidence” as facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. As I will more fully explain below, the Morumbila project, specifically the infill project, will have a significant negative effect on Windsor Village historic resources. The infill project will have a severe negative effect on aesthetics.

CEQA REQUIREMENTS WERE NOT MET

1. Feasible Measures to Mitigate Were Stymied by CITY PLANNING: Forced Recusal of An HPOZ Member

Pursuant to CCR §15064.5(4), a lead agency [City Planning] must identify feasible measures to mitigate or avoid significant adverse changes to the significance of an historic resource and the adopted measures should be enforceable through permit conditions and other measures.

The term “feasible” is defined as follows:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. [CCR§21061.1]

In the present case, City Planning compromised all measures of mitigation: At the first round of “feasible measures of mitigation” City Planning destroyed the opportunity of the Cultural Heritage Appointee [licensed architect SUZANNE WILTON] from participating in the final review process on the Morumbila project. Ms. Wilton was “forced” to recuse herself: City Planning disallowed her from participating in the Morumbila Project “merits hearing” of the HPOZ board on November 19, 2013, by accusing her of “advocating” for the neighborhood.

In fact, she was not advocating for the neighborhood: in presenting poster boards of representative architectural samples of the Windsor Village historic contributors, she was complying with her obligations as an HPOZ board member. She resided in Windsor Village and she was providing information for the developer to consider based on her personal knowledge of the Windsor Village HPOZ Survey and Preservation Plan. Ms. Wilton was abiding by the HPOZ Ordinance, Section 12.20.3 of the Los Angeles Municipal Code, Section D, 1,3, and 8:

***1.Establishment and Composition.** There is hereby established for each Preservation Zone a Historic Preservation Board. Each Board shall have, as part of its name, words linking it to its area of administration and distinguishing it from all other boards. A Board shall be comprised of five members. At least three members shall be Renters or Owners of property in the Preservation Zone. ...*

***3. (c) Architect appointed Heritage by Cultural Commission** Two members, one of which shall be an architect licensed by the State of California, shall be appointed by the Cultural Heritage Commission. In the event only one appointment under (a) or (b) above is a Renter or Owner in the Preservation Zone, then at least one of the appointees of the Cultural Heritage Commission shall be a Renter or Owner of property in the Preservation Zone.In predominantly residential Preservation Zones, the Owners or Renters shall also be residents of the Preservation Zone.*

Knowledge of HPOZ survey and Preservation Plan. All members shall have demonstrated a knowledge of, and interest in, the culture, buildings, structures, Historic architecture, history and features of the area encompassed by the Preservation Zone and, to the extent feasible, shall have experience in historic preservation.

8. Power and Duties. When considering any matter under its jurisdiction, the Board shall have the following power and duties:

(d) *Evaluate application.* To evaluate applications for Certificates of Appropriateness or Certificates of Compatibility and make recommendations to the Director or the Area Planning Commission.

(f) *Render advice.* In pursuit of the purposes of this section, to render guidance and advice to any Owner or occupant on construction, demolition, Alteration, removal or relocation of any Monument or any building, structure, Landscaping, Natural Feature or lot within the Preservation Zone it administers. This guidance and advice shall be consistent with approved procedures and guidelines, and the Preservation Plan, or in absence of a Plan, the guidance and advice shall be consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.”

Reviewing and clarifying the potential impacts of a project within an HPOZ is part of the responsibility of the board. Ms. Wilton's prep work for the hearing is certainly within the guideline as outlined above, yet the City Planning somehow came to the following conclusion:

Based on indications that prior to the hearing, it was perceived that Ms. Wilton's involvement in the community and strong position on the outcome of the project would get in the way of hearing the case impartially or with an open mind. Therefore, to ensure a fair public hearing Nora (Dresser) recommended to Ms. Wilton that she recuse herself from voting on this project. This recommendation was based on informal discussions at the staff level and we do not have a written correspondence on this issue.

Instead of following the HPOZ ordinance and allowing Ms. Wilton to provide an unbiased review of the project, the city forced Ms. Wilton's recusal which resulted in a tie vote preventing the HPOZ Board from offering a valid and comprehensive view and recommendation regarding the issuance of a Certificate of Compatibility. This "forced" recusal also prevented Ms. Wilton [who was a well qualified and knowledgeable member of the HPOZ Board, specifically regarding Windsor Village] from sharing her professional expertise as the Board's appointed architect: She was uniquely possessed with the training, skill and experience to interpret two dimensional architectural drawings as three dimensional forms and to fully understand the relationship of design concepts such as bulk, massing and scale.

This conclusion is expressed in **Exhibits 1A, 1B, 1C and 1D** [attached to the supplemental Report of R.J. STROTZ, dated December 1, 2015] Ms. Wilton was not found to have a Conflict of Interest as defined by the HPOZ ordinance as follows:

9. Conflict of Interest. No Board member shall discuss with anyone the merits of any matter pending before the Board other than during a duly called meeting of the Board or subcommittee of the Board. No member shall accept professional employment on a case that has been acted upon by the Board in the previous 12 months or is reasonably expected to be acted upon by the Board in the next 12 months.

Creating exhibits to show the impacts of project to present at a hearing is not a conflict of interest as defined in the above provision, but are in fact a part of her due diligence in evaluating an application and rendering advise in accordance with the HPOZ ordinance as noted above.

In addition, when the change of design for the project was submitted, that change was substantial enough that it required an new review by the HPOZ board. Instead, The Planning Department erred in that the revised project should have been sent back to the HPOZ Board for review. The planning staff prejudged Ms. Wilton vote. If she had been allowed to vote the tie would have been broken and a recommendation for approval or denial by the HPOZ Board would have been sent to the Director of Planning.

Since the revisions to the Morumbila plans were never sent back to the HPOZ Board for consideration, the City Planning Director's May, 2014 decision to approve the revised plans and to issue a Certificate of Compatibility was based solely on the Planning Department's communications with the developer (see **Exhibit 1D** attached to the December 1, 2015 Strotz Report) and resulted in a

larger and less compatible project. This discretionary action was a second major procedural error committed by City Planning: the project plans were dramatically altered, and the project should have been sent back for review by the HPOZ Board. This was contrary to the language and intent of the HPOZ Ordinance.

Attached as **Attachment A** to the **Parrello report** is a full analysis by former Los Angeles City Planner Frank Parrello that compares the November 19, 2013 Morumbila Plans [shown to the HPOZ board for final vote] with the May, 2014 Morumbila Plans which were approved by the Director of City Planning.

The upshot was that City Planning essentially circumvented and usurped the HPOZ Ordinance; moreover, the mitigation measures which the 2013 Addendum to the 2005 MND specifically mentioned [that the HPOZ Board review process would serve as a mitigation measure], were ignored:

*The only significant change in the Environmental Setting has been the adoption of the Windsor village Historic Preservation Overlay District (HPOZ) in the area, which includes the subject site and surrounding properties. The project site is identified in the HPOZ as a Non-contributing Element, meaning that the site itself does not have historic or culturally significant properties. However, **new development on the subject property has the potential to affect the general environment in the area, thus affecting other properties nearby that are contributing elements to the HPOZ. However, because the project is located within the HPOZ and subject to Municipal Code regulations pertaining thereto, the construction of the proposed new building on the site will require review by the Windsor Village HPOZ board and the issuance of a Certificate of Compatibility by the Director of Planning to assure that the construction work is undertaken in a manner that does not impair the essential form and integrity of the historic character of its environment. The requirement of this review and approval process will reduce any potential impacts to the significance of historical resources in the area to a less than significant level.** [June 13, 2013 Addendum to MND Attached as Exhibit 2A to the December 1, 2015 Strotz Report]*

CCR §15064.5 requires City Planning to identify feasible measures to mitigate or avoid significant adverse changes to the significance of an historical resource

and that adopted measures be enforceable. It goes beyond saying that City Planning circumvented the HPOZ Board review process, thus failing to enforce mitigation measures required by the 2013 Addendum to the MND [**Exhibit 2A** to the December 1, 2015 Strotz Report].

2. The Director's Approval Did Not Consider the Potential Negative Effects of the 2014 Morumbila Project Plan on the Historic Characteristics of WINDSOR VILLAGE, and More Specifically Did Not Consider the Potential Negative Impacts on 865 Lucerne, The Historic Duplex Immediately Adjacent to the Morumbila Project

The approval process instigated by City Planning did not adequately consider the potential negative effect on the historic characteristics of the HPOZ in general and on the adjacent contributing structure at 865-867 S. Lucerne Boulevard, in particular. The approval process utilized by City Planning was not undertaken in a manner consistent with the 2013 MND Addendum. The result of bypassing the mitigation process [HPOZ Board participation] is an unmitigated impact on the Windsor Village and in particular the adjacent contributing structure.

The Morumbila project considered by the HPOZ Board [November, 2013] and approved by the Director of City Planning [May 2014] is not compatible with the character of the Windsor Village HPOZ.

The contributing structures in the HPOZ have deep landscaped setbacks including the contributing structures along the west side of Lucerne Boulevard, where this project is located. The Director of Planning erred in using non-contributing structures for a guide in formulating an appropriate setback for this infill project. By definition, non-contributors do not contribute to the historic character of the district to determine a setback (front Yard) for the new building. [See **Attachment B** to the **Parrello Report**, which compares front yard setbacks of structures on the subject block face.]

A review and inspection of Dir-2014-3495 Comp-1a-2a Exhibit I, "Analysis of Front Yard Setbacks" [showing which buildings on lots were used by City Planning to determine the appropriate setback for the new structure] included four buildings that were Non-contributors and whose setbacks of 13 feet, 14 feet, 14 feet and 10 feet were less than the 15 foot front yard required by the Municipal Code in an R3 zone. Because of the non-contributing and non-conforming nature of these properties they should not have been included in the compatibility evaluation.

As can be seen in the architectural exhibits presented in the December 1, 2015 Strotz Report, the new building will have an adverse impact on the adjacent contributing structure at 865-867 S. Lucerne Boulevard. The City's Historic Preservation Overlay Zone Ordinance states under Section 12.20.3A that there are seven associated purposes for the ordinance. The first four are directly relevant to the issues associated with the impact of the proposed project in the HPOZ particularly the adjacent structure.

As stated in the HPOZ Ordinance, the purpose under Section 12.20.3A is to:

- 1. Protect and enhance the use of buildings, structures, Natural Features, and areas, which are reminders of the City's history, or which are unique and irreplaceable assets to the City and its neighborhoods, or which are worthy examples of past architectural styles;*
- 2. Develop and maintain the appropriate settings and environment to preserve these buildings, structures, Landscaping, Natural Features, and areas;*
- 3. Enhance property values, stabilize neighborhoods and/or communities, render property eligible for financial benefits, and promote tourist trade and interest;*
- 4. Foster public appreciation of the beauty of the City, of the accomplishments of its past as reflected through its buildings, structures, Landscaping, Natural Features, and Areas.*

Neither the project presented to the HPOZ Board in November, 2013 nor the project approved by the Director of Planning in May, 2015, respected or followed the stated purposes of the HPOZ Ordinance: both projects cause adverse impacts on the adjacent two story historic duplex.

The project which is twice as tall as the historic duplex, at four stories tall, will dwarf the two-story duplex to the south.

The project's minimum setback of 15 feet will cause the historic structure [with its historic setback of over 30 feet] to exist in a canyon-like atmosphere between the new Morumbila structure and a non-contributing building at 871 Lucerne [that has a non-conforming 10 foot front yard].

The new project calls out generous side yards, but for the most part they are in front of the setback of the historic building. Furthermore, at some time in the past, a portion of lot the historic duplex is set on was acquired by the infill site leaving a distance of only two and one half feet between the duplex and its side property line instead of the minimum 5 feet. While a standard distance between the two buildings along the side yard should be 12 feet (5 feet for the duplex and 7 for a four story building) for the majority of the length of the duplex it will be less than 10 feet.

The project approved by the Director of Planning in May, 2015 is even less sensitive to the historic duplex-contributor than the project as it existed in November, 2013. It has one less unit but is larger than the earlier design with more square footage and therefore more bulk at each floor. See **Attachment A to Parrello Report**. The large open terrace at the fourth floor has been replaced with substantial smaller front deck that gives some **minimal** relief to the three story non-contributing structure to the north.

Once completed the Morumbila project would have an adverse impact not only on the historic quality of the 865-867 Lucerne Duplex, but contrary to the purpose of the HPOZ ordinance, it will diminish not only its setting but its economic value as an historic resource.

Attached as **Attachment C** to the **Parrello report** is a comparison chart listing contributors on the 800 block of Lucerne dividing total floor are by lot area. This presents a bulk comparison that supports the fact that the Morumbila existing building and especially the new construction are not in character with the contributor structures on Lucerne within the Windsor Village HPOZ.

CCR §15064.5(b)(1) states that a substantial adverse change in the significance of a historic resource means “alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” There can be no doubt that the Morumbila project, as it existed in November, 2013 and as it exists today causes a **substantial adverse change in the significance of Windsor Village, a historic district, and more specifically on the adjacent historic duplex.**

The fact that the city zoning laws allow multi-residential structures north of Francis in Windsor Village has no impact on the strength and integrity of the HPOZ Ordinance and the Windsor Village Preservation Plan.

The Wilshire Community Plan, in setting planning goals and objectives to maintain a community’s distinctive character, bolsters the HPOZ Ordinance by its promotion of:

*...enhancing the positive characteristics of residential neighborhoods...
preserving and enhancing the positive characteristics of existing uses
which provide the foundation for Community identity, such as scale,
height, bulk, setbacks and appearance.*

The Wilshire Community Plan states, in pertinent part:

Policies

1-1.1 Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life

1-3.1 Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.

1-3.2 Support historic preservation goals in neighborhoods of architectural merit and/or historic significance

1-3.3 Promote the preservation and rehabilitation of individual residential buildings of historic significance.

***GOAL 17 PRESERVE AND RESTORE CULTURAL RESOURCES,
NEIGHBORHOODS AND LANDMARKS WHICH HAVE
HISTORICAL AND/OR CULTURAL SIGNIFICANCE.***

Objective 17-1 *Ensure that the Wilshire Community's historically significant resources are protected, preserved, and/or enhanced*

Policies

17-1.1 Encourage the preservation, maintenance, enhancement and reuse of existing historic buildings and the restoration of original facades.

Objective 17-3

Preserve and enhance neighborhoods having a distinctive and significant historical character.

GOAL AND PURPOSES V-2

In Multiple-Family Residential areas, the emphasis is on the promotion of architectural design that enhances the quality of life, living conditions,

and neighborhood pride of the residents.”

CONCLUSION

For all of the reasons stated in this letter, I urge the Planning and Land Use Management Committee and City Council, to grant the appeal and deny the Morumbila Project a Certificate of Compatibility at this time so that the legally mandated process for review and approval be followed, as required by the City's HPOZ Ordinance, the Windsor Village Preservation Plan, and the California Environmental Quality Act.

Sincerely,

A handwritten signature in blue ink that reads "Charles J. Fisher". The signature is written in a cursive style with a large initial "C".

Historian

EXHIBIT LIST

- 1A Declaration of Suzanne Wilton re “forced recusal”
- 1B Email Correspondence 6/4/15 from A. Sapunor to City Planning regarding recusal
- 1C Email Correspondence 6/5/15 from A. Sapunor to City Planning regarding recusal
- 1D Email Correspondence 6/5/15 from City Planning regarding recusal
- 2A 6/13/13 Addendum to 2005 MND
- 3A Declaration of Tina Paik re failure of Morumbila to adequately consult with Residents
- 4A Declaration of Victoria Bascoy re failure of Morumbila to adequately consult with Residents
- 5 Pertinent sections of CALIFORNIA CODE OF REGULATIONS and California Public Resources Code
- 6 Photographs
 - 6.1: Two Story Single Family Dwelling that used to exist at 859 Lucerne pre 2006
 - 6.2: Existing Location Showing 865 859 853 Lucerne—side by side
 - 6.3: Side View of Location Showing 865 859 853 Lucerne—side by side
 - 6.4: Morumbila Project Approved by Director on 5/29/15
 - 6.5: Morumbila Project next to Southern Historic Duplex
 - 6.6: Comparison of Historic Setbacks adjacent to Morumbila Project
 - 6.7: Aerial View of Morumbila Project: both lots
 - 6.8: Photo Showing NEGATIVE IMPACTS of Morumbila and existing Non-contributor on historic duplex
 - 6.9: Suggested “re-design” removing bulk/height from the southern end
 - 6.10: 801 Lucerne: Contributor, the only 4 story historic structure in the HPOZ
 - 6.11: 844 Plymouth: Contributor, 3 story, with 1st level as parking
 - 6.12: 4327 Francis: Contributor, 3 stories on one façade only

DECLARATION OF SUZANNE WILTON

I, Suzanne Wilton, hereby declare as follows:

1. I am over the age of 18 and a resident of the City and County of Los Angeles, State of California .
2. I have been a licensed architect in the State of California since 1986.
3. In 2011 I was nominated by the Los Angeles Cultural Heritage Commission to serve on the HPOZ Board for three historic communities known as "the triplets" consisting of Wilshire Park, Country Club Park and Windsor Village. I am a long time resident of Windsor Village and have been a resident for 31 years.
4. I have consistently served on the HPOZ Board since 2011.
5. Being a member of the HPOZ Board, I am familiar with Board member obligations to learn about the three neighborhoods, including the historic nature of neighborhoods. Since I have lived in Windsor Village for 31 years, I am intimately familiar with the historic nature of this community, including its history and I am familiar with the various residential structures in Windsor Village.
6. When the Morumbila Condo Project (hereinafter also referred to as "the condo project") came before our HPOZ Board for various consultations, it became obvious to me that my fellow Board members who are not residents of Windsor Village were not familiar with the neighborhood. Thus, in an effort to "educate" them and to aid their compliance with their obligation to become familiar with Windsor Village, I used portions of a public document, which document is available to the public and to HPOZ Board members, known as the Windsor Village Historic Survey Book. This Survey Book contains various pictures and descriptions of historic structures located in Windsor Village, which are representative of the types of structures which the Windsor Village Preservation Plan seeks to preserve and seeks to encourage infill construction to emulate.
7. The representative pictures in the Survey Book were made into display boards with the aid of a neighbor, whose business consists of making these display boards for various clients. I asked him to make the display boards, without ever discussing with him the merits of the Morumbila project. The Windsor Village neighbor made these display boards free of charge. Exhibits 6, 7, and 8 (attached to the Windsor Village APPEAL) are pictures of the display boards which are referenced in paragraphs 6, 7 and 8 of this Declaration.
8. I brought the display boards to an HPOZ Board consultation meeting on May 7, 2013 when the Morumbila project was on the agenda in order to educate my fellow board members of the types of historic structures in Windsor Village which our Preservation Plan sought to preserve and have emulated in new construction.

EXHIBIT 1A

9. My intent and purpose in my use of the display boards and in all of my HPOZ board discussions during consult meetings regarding the condo project was to aid my fellow Board members in following the Preservation Plan and to educate the Morumbila applicant how compliance can be achieved. As an HPOZ Board member, it is my obligation to advocate for the Preservation Plan.

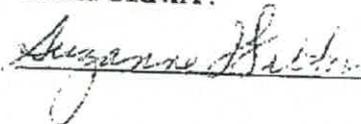
10. Prior to the vote on the Morumbilia Project, Nora Dresser, L.A. City Planning Assistant, asked me to recuse myself from the final HPOZ Board vote on the issuance of a Certificate of Compatibility regarding the Morumbila project. She told me that I had been "advocating for the neighborhood" and that, therefore, I had to recuse myself.

11. In response, I told her that I had not advocated for my neighborhood, but that I merely sought to show my fellow Board members, and also the Morumbila applicant what the requirements were for compliance with the Preservation Plan. Ms. Dresser did not accept my explanation and she and her supervisor, Michelle Levy, stated that I must recuse myself from the Morumbila project vote. I felt that I had no choice but to recuse myself from the final vote.

12. Had I not been directed to recuse myself, I would have voted against the grant of a Certificate of Compatibility to the Morumbila project.

13. A photocopy of this signed Declaration shall have the same force and effect as the original.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED THIS 12th DAY OF JUNE, 2014 IN THE CITY AND COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

 SUZANNE WILTON

From: allison sapunor <asapunor@hotmail.com>
Date: June 4, 2014 at 8:22:15 AM PDT
To: Nora Dresser <nora.dresser@lacity.org>
Cc: Ken Bernstein <ken.bernstein@lacity.org>, "Michelle.levy@lacity.org" <michelle.levy@lacity.org>
Subject: Morumbila Project/Windsor Village - Our Discussion on 6/3/14

Dear Nora,

Thank you for taking the time to speak with Ros Strotz and me about Morumbila on June 3, 2014. We were asked by our Windsor Village Association Board of Directors to find out the reasons why HPOZ Board member Suzanne Wilton recused herself from the final HPOZ vote regarding an issuance of a Certificate of Compatibility for the Morumbila project (859 Lucerne).

You informed us that she was asked to recuse herself based on your perception that she had been advocating for Windsor Village against the project and that your perception was based on various statements that she made in prior HPOZ consult meetings regarding this project, and also based on the fact that she did a "presentation" at a consult meeting which you perceived to be biased in favor of Windsor Village. You also told us that you had conferred with Michelle Levy and Ken Bernstein about your perception and that they agreed with you that Ms. Wilton should be asked to recuse herself. You also stated that neither Ms. Levy nor Mr. Bernstein had been given any audio-recordings of HPOZ sessions wherein Ms. Wilton's statements were recorded.

Further, you stated that no documents exist which evidence communications between/amongst you, Mr. Bernstein, Ms. Levy, any other employee of the City's Office of Historic Resources or Ms. Wilton concerning the need for her recusal, the reasons for her recusal, or any written demand/request that she recuse herself. Further you stated that there were no documents received from Ms. Wilton wherein the topic of her recusal is referenced or discussed.

When Ros and I appeared in your office yesterday, we had asked to see whatever file your Office of Historic Resources maintains concerning the Morumbila project, which is separate and independent from the DIR, ENV, and Zoning files. We told you that we were especially interested in seeing any and all documents concerning, involving, and referencing Ms. Wilton's recusal; you stated that no such documents exist now or have ever existed. You told us that all documents pertaining to 859 Lucerne (including documents regarding HPOZ consults, meetings, and hearings) had already been turned over to room 575.

Also, when we asked you whether any notes or other documents exist evidencing the content of all discussions you, Ms. Levy, Mr. Bernstein, and any other employee of the Office of Historic Resources had with the Morumbila applicant, you stated that no such documentation exists.

Finally, when we asked whether any accusations (by anyone at any time) had been made that Ms. Wilton had violated the Brown Act, by discussing the Morumbila project on the merits, outside of the HPOZ meeting forum (for example, with Windsor Village residents), you stated that no such accusations had been made against her and that there was no evidence or information showing that she engaged in any such discussions with members of Windsor Village or anyone else.

Please advise me whether this email fully and accurately summarizes the substance and content of our discussions on June 3, 2014. I want to make sure that when I report to our board of directors that my information is fully accurate.

One question we forgot to ask is the identities of the individuals (who were advocating for Morumbila) who met with your Office of Historic Resources prior to and after the final HPOZ vote on this project. I know that Mr. Peter Wilson was the applicant's primary representative, but I have heard that there were others involved, and at least one resident of Windsor Village (other than Mr. Uhm, who is a Morumbila partner). Please advise me of the identities; I need to confirm this information for the Windsor Village Association Board.

On behalf of our Windsor Village Board of Directors, I thank you for your kind professional courtesies rendered. I appreciate the time you spent speaking with me.

Sincerely,
Allison Sapunor
Member of WVA Board of Directors

From: asapunor@hotmail.com
 To: ken.bernstein@lacity.org; michelle.levy@lacity.org; lambert.giessinger@lacity.org
 CC: nora.dresser@lacity.org
 Subject: Morumbila Project/Windsor Village HPOZ
 Date: Thu, 5 Jun 2014 11:29:24 -0700

On June 3, 2014 Ros Strotz and I (as board members of the Windsor Village Association) met with Nora Dresser regarding the Morumbila Condo Project (859 Lucerne). We were both requested by our WVA Board to find out certain information regarding this matter. Below you will find my confirming email to Nora (copies were also emailed to Ken and Michelle), wherein I ask that she correct any information that I might have misunderstood. I have not heard back from her or anyone else.

In my email I also told Nora that one question we forgot to ask is the identities of the individuals (who were advocating for Morumbila) who met with your Office of Historic Resources (including the three of you and others) prior to and after the final HPOZ vote on this project. I know that Mr. Peter Wilson was the applicant's primary representative, but I have heard that there were others involved, and at least one resident of Windsor Village (other than Mr. Uhm, who is a Morumbila partner, and resident of 911 Plymouth). Please advise me of the identities (names); I need to confirm this information for the Windsor Village Association Board. Nora did confirm that no documentation exists or has ever existed referring to, relating to or concerning these private meetings with the Morumbila applicants and proponents.

Our WVA board will be having our neighborhood board meeting soon and I need to be sure that the information I have is accurate and complete.

Would one of you please get back to me (via email) on the inquiries posed in this email as well as my email of June 4, 2014? I am not sure if Nora is out of the office and unable to respond to these emails; our board requires this information as soon as possible in order to keep our residents fully informed and in order to answer questions that our residents have been asking us for the past week.

Thank you for your help and our WVA board awaits your prompt responses.

Very truly yours,
 Allison Sapunor
 Member of the Windsor Village Association Board of Directors

From: asapunor@hotmail.com
 To: nora.dresser@lacity.org
 CC: ken.bernstein@lacity.org; michelle.levy@lacity.org
 Subject: Morumbila Project/Windsor Village - Our Discussion on 6/3/14
 Date: Wed, 4 Jun 2014 08:22:15 -0700

Dear Nora,

Thank you for taking the time to speak with Ros Strotz and me about Morumbila on June 3, 2014. We were asked by our Windsor Village Association Board of Directors to find out the reasons why HPOZ Board member Suzanne Wilton recused herself from the final HPOZ vote regarding an issuance of a Certificate of Compatibility for the Morumbila project (859 Lucerne).

You informed us that she was asked to recuse herself based on your perception that she had been advocating for Windsor Village against the project and that your perception was based on various statements that she made in prior HPOZ consult meetings regarding this project, and also based on the fact that she did a "presentation" at a consult meeting which you perceived to be biased in favor of Windsor Village. You also told us that you had conferred with Michelle Levy and Ken Bernstein about your perception and that they agreed with you that Ms. Wilton should

be asked to recuse herself. You also stated that neither Ms. Levy nor Mr. Bernstein had been given any audio-recordings of HPOZ sessions wherein Ms. Wilton's statements were recorded.

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When Ros and I appeared in your office yesterday, we had asked to see whatever file your Office of Historic Resources maintains concerning the Morumbila project, which is separate and independent from the D1R, ENV, and Zoning files. We told you that we were especially interested in seeing any and all documents concerning, involving, and referencing Ms. Wilton's recusal; you stated that no such documents exist now or have ever existed. You told us that all documents pertaining to 859 Lucerne (including documents regarding HPOZ consults, meetings, and hearings) had already been turned over to room 575.

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Please advise me whether this email fully and accurately summarizes the substance and content of our discussions on June 3, 2014. I want to make sure that when I report to our board of directors that my information is fully accurate.

One question we forgot to ask is the identities of the individuals (who were advocating for Morumbila) who met with your Office of Historic Resources prior to and after the final HPOZ vote on this project. I know that Mr. Peter Wilson was the applicant's primary representative, but I have heard that there were others involved, and at least one resident of Windsor Village (other than Mr. Uhm, who is a Morumbila partner). Please advise me of the identities; I need to confirm this information for the Windsor Village Association Board.

On behalf of our Windsor Village Board of Directors, I thank you for your kind professional courtesies rendered. I appreciate the time you spent speaking with me.

Sincerely,
Allison Sapunor
Member of WVA Board of Directors

From: Michelle Levy <michelle.levy@lacity.org>
Date: June 5, 2014 at 3:00:18 PM PDT
To: allison saporon <asapunor@hotmail.com>
Cc: Ken Bernstein <ken.bernstein@lacity.org>, "Lambert.giessinger@lacity.org" <lambert.giessinger@lacity.org>, Nora Dresser <nora.dresser@lacity.org>
Subject: Re: Morumbila Project/Windsor Village HPOZ

Allison, thanks for your emails.

The project applicants and their representatives did meet with staff on several occasions before and after the Board's action. The purpose of these meetings was to discuss concerns that were brought up at the public hearing. Staff worked with the applicant to redesign the project in a way that would better address these concerns. As is typical on a large project like Morumbila, staff met with the Applicant throughout the process to provide guidance on achieving a more compatible design that would meet the stated objectives of the Preservation Plan.

Based on indications that prior to the hearing, it was perceived that Ms. Wilton's involvement in the community and strong position on the outcome of the project would get in the way of hearing the case impartially or with an open mind. Therefore, to ensure a fair public hearing Nora recommended to Ms. Wilton that she recuse herself from voting on this project. This recommendation was based on informal discussions at the staff level and we do not have any written correspondence on this issue.

I hope this helps to answer your questions. Please call if you have any additional questions.

Sincerely,
Michelle Levy



Michelle Levy, City Planner
Historic Preservation Overlay Zones (HPOZ) Program Supervisor
Office of Historic Resources | City Planning Department | City of Los Angeles
michelle.levy@lacity.org | 213.978.1198

EXHIBIT 1D

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

**DEPARTMENT OF
CITY PLANNING**
MICHAEL LOGRANDE
DIRECTOR

**OFFICE OF
ZONING ADMINISTRATION**
200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

June 13, 2013

Morumbila, LLC (A)(O)
911 South Plymouth Boulevard
Los Angeles, CA 90019

Steve Nazemi (R)
DHS & Associates, Incorporated
375 Centennial Way, Suite 205
Tustin, CA 92780

**RE: Addendum to ENV-2005-8131-MND;
853-859 South Lucerne Boulevard, Los Angeles, CA**

Dear Sir or Madam,

Pursuant to Section 15164 of the State of California Environmental Quality Act (CEQA) Guidelines, the Department of City Planning has issued an addendum (Reconsideration) of the previously issued Mitigated Negative Declaration (ENV-2005-8131-MND). In 2005, ENV-2005-8131-MND was published with the following project description:

"Tentative Tract Map to allow the construction of a new 14-unit condominium building with 48 parking spaces and the conversion of an existing 18-unit apartment to condominium building with 23 parking spaces all on a 26,599 square-foot R3-1 zoned lot, with a single family home to be demolished and the grading of 4,000 cubic yards of dirt, requiring haul route approval."

At that time the MND supplemented Tentative Tract Map No. 63468, which was approved on June 30, 2006.

On May 6, 2013, the City Planning Department received a request for the reconsideration of the MND to modify the project description in conjunction with Case No. **TT-63468-CC-M1**. The requested action involves a requested Tract Modification to allow one additional dwelling unit in the proposed new condominium building, for a total of 15 units in the new building and 33 total units in the overall project, including the existing 18-unit apartment building to be converted.

The Advisory Agency previously approved a one-lot subdivision to permit 32 condominium units, with 14 units in a proposed new building and 18 units in an existing three-story apartment building to be converted to condominiums. Now, the current request seeks approval to construct 15 units in the proposed new building for a total of 33 units in the entire project.

The revised project description includes the same amount of land area and the number of dwelling units requested is within the density permitted on the site by the existing R3-1 Zone and Medium Residential land use designation of the Wilshire Community Plan. The height, setbacks, open space, parking and other requirements of the revised project will be similar to that approved in the original Tentative Tract Map No. 63468, and will comply with the Municipal

EXHIBIT 2A

Code requirements. The environmental impacts caused by the construction of a new 15-unit condominium building and 33 total units in the overall project are nearly identical to the impacts that would be created through construction of a new 14-unit building with 32 total units in the overall project. In addition, all of the Mitigation Measures required in the original Mitigated Negative Declaration will apply to the revised project, including the proposed additional new dwelling unit.

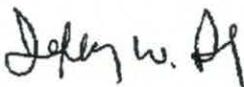
The only significant change in the Environmental Setting has been the adoption of the Windsor Village Historic Preservation Overlay District (HPOZ) in the area, which includes the subject site and surrounding properties. The project site is identified in the HPOZ as a Non-contributing Element, meaning that the site itself does not have historic or culturally significant properties. However, new development on the subject property has the potential to affect the general environment in the area, thus affecting other properties nearby that are contributing elements to the HPOZ. However, because the project site is located within the HPOZ and subject to the Municipal Code regulations pertaining thereto, the construction of the proposed new building on the site will require review by the Windsor Village HPOZ Board and the issuance of a Certificate of Compatibility by the Director of Planning to assure that the construction work is undertaken in a manner that does not impair the essential form and integrity of the Historic character of its environment. The requirement of this review and approval process will reduce any potential impacts to the significance of historical resources in the area to a less than significant level.

Therefore, the improvements proposed by the current project, the potential environmental impacts that could be created, and the Mitigation Measures required to address said potential impacts, remain virtually the same as the original project approved in 2006.

The proposed changes currently requested are consistent with the previously requested action and do not represent a significant increase in intensity of use. The present request does not represent a "substantial revision" to the originally proposed project, as defined by the California Environmental Quality Act (CEQA Guidelines). The previously issued Mitigated Negative Declaration (ENV-2005-8131-MND) still addresses all areas of potential environmental impact due to the project as proposed. Likewise, the Tract Modification request will be reviewed and conditioned by the Deputy Advisory Agency. Since the project, as revised, does not create any new impacts that were not addressed in the previous MND, the mitigation measures imposed still serve to mitigate the impacts of the project to less than significant levels as required by the California Environmental Quality Act (CEQA).

Due to the fact that the project does not require revisions to the previous Mitigated Negative Declaration, a public circulation period is not required (CEQA Guidelines 15164 (b) & (c)).

Sincerely,



Jeffrey W. Pool
City Planner
Department of City Planning

JWP:jjq

1 was not compliant with the neighborhood's Preservation Plan. Further, we told Mr.
2 Wilson that the proposed building was not setback sufficiently since the front of the new
3 building jutted out far too much and beyond my duplex's setback and the setbacks
4 of other historic structures on the block.
5

6
7 6. **This one and only meeting lasted less than ten minutes.** During the meeting
8 we recommended to Mr. Wilson that the front setbacks be increased so that the
9 front setbacks of the new structure be aligned with the setbacks of my duplex [at least the
10 setbacks at the southern end which would be immediately adjacent to my duplex],
11 that the new infill project be no taller than two stories, that the side yard
12 setbacks immediately adjacent to my duplex be kept at no less than 11 feet, and that the
13 859 Lucerne lot be leveled. The 859 Lucerne lot has the highest elevation of any
14 lot on the westside of the block and is much higher than my lot.
15

16
17
18 7. The only response that Mr. Wilson gave to these suggestions was "This is
19 impossible and it is too late anyway." It was obvious to all of us that
20 Morumbila was not going to even try to modify its plans to make it
21 compatible with our Preservation Plan.
22

23
24 8. He never incorporated any of the changes we recommended and he never made himself
25 available to discuss this project any further.
26
27
28

1 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
2 CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED THIS
3 FIFTH DAY OF DECEMBER, 2015, IN LOS ANGELES, CALIFORNIA.
4

5
6 *Tina Paik*

TINA KYUNG PAIK

1 the historic structure to the south.

2 8. I recommended to Mr. Wilson that he tour the Windsor Village neighborhood so
3 that he could get an idea of what our historic structures looked like, so that he would know
4 that his building was far too large and did not match our historic fabric. He said he would
5 tour the neighborhood. But, it turns out that he obviously did not tour the neighborhood
6 because his building does not match in any way our historic character and is monstrously
7 large.
8

9 9. During this short meeting, Mr. Wilson took notes, but did not engage the board
10 in conversation as to whether our recommendations would be seriously considered.
11

12 10. At the final HPOZ merits hearing on November 19, 2013, it became obvious that
13 the owner/developer did not incorporate our neighborhood's suggestions into
14 the plans, nor was there any attempt made to address our neighborhood's
15 concerns about the project.
16
17
18
19

20 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
21 CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED THIS
22 THIRD DAY OF DECEMBER, 2015, IN LOS ANGELES, CALIFORNIA.
23

24 
25 _____ VICTORIA BASCOY
26
27
28

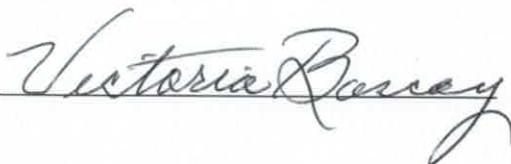
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23

24
25  VICTORIA BASCOY
26
27
28

CALIFORNIA PUBLIC RESOURCES CODE—Pertinent Sections

21060. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

21060.5. "Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.

21061. "Environmental impact report" means a detailed statement setting forth the matters specified in Sections 21100 and 21100.1; provided that information or data which is relevant to such a statement and is a matter of public record or is generally available to the public need not be repeated in its entirety in such statement, but may be specifically cited as the source for conclusions stated therein; and provided further that such information or data shall be briefly described, that its relationship to the environmental impact report shall be indicated, and that the source thereof shall be reasonably available for inspection at a public place or public building. An environmental impact report also includes any comments which are obtained pursuant to Section 21104 or 21153, or which are required to be obtained pursuant to this division.

An environmental impact report is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.

In order to facilitate the use of environmental impact reports, public agencies shall require that such reports contain an index or table of contents and a summary. Failure to include such index, table of contents, or summary shall not constitute a cause of action pursuant to Section 21167.

21061.1. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

21064. "Negative declaration" means a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

21064.5. "Mitigated negative declaration" means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

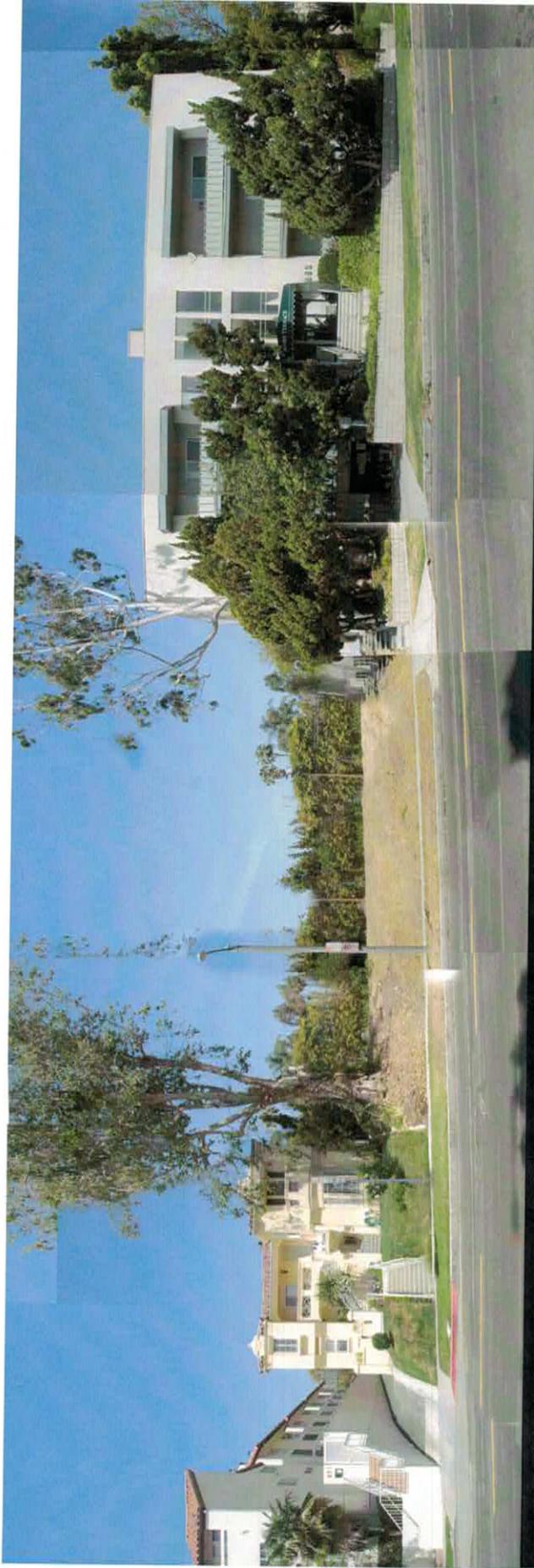
21065. "Project" means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

21068. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment.



859 Lucerne: Prior historic structure demolished in 2006. LAFD staging a "practice run" prior to demolition.



859 S. Lucerne - Existing

b.2