

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: ENV-2006-6302-MND-REC1

Project Address: 850 S. Hill Street

Final Date to Appeal: _____

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Eastern Colombia Homeowners' Association, Sheila Swanson

Company: Eastern Colombia Homeowners' Association

Mailing Address: 849 S. Broadway

City: Los Angeles State: CA Zip: 90014

Telephone: _____ E-mail: _____

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

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Robert L. Glushon, Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Boulevard, Suite 950

City: Encino State: CA Zip: 91436

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

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

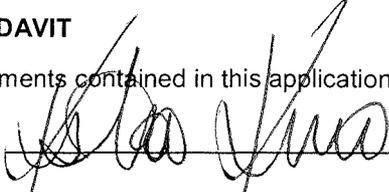
If Yes, list the condition number(s) here: _____

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 11/18/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

| This Section for City Planning Staff Use Only | | |
|-----------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Base Fee: <u>#89</u> | Reviewed & Accepted by (DSC Planner): <u>Anna M. Vidal</u> | Date: <u>11/29/16</u> |
| Receipt No: <u>33407</u> | Deemed Complete by (Project Planner): | Date: |
| <input type="checkbox"/> Determination authority notified | | <input type="checkbox"/> Original receipt and BTC receipt (if original applicant) |

ATTACHMENT TO APPEAL

ENV-2006-6302-MND-REC1

Appellants: Eastern Colombia Homeowners' Association, the homeowners' association for the Eastern Colombia building located at 849 S. Broadway, immediately adjacent to 850 S. Hill Street, the site of the proposed Project, and therefore immediately impacted thereby.

Proposed Project: A 27-story, mixed-use residential project with 305 dwelling units and 6,171 square feet of ground floor commercial space.

ENV-2006-6302-MND-REC1 Fails to Comply with CEQA

1. This is not a "Modified" Project

Pursuant to the California Environmental Quality Act ("CEQA") Guidelines §15162, an Addendum to a previously adopted MND is not appropriate where:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

1 of 4 and
r.s

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Here, the Project is not in any way related to the original 2007 mixed-use project which contained 167 residential condominium units and 7,107 square feet of lobby/retail space. It is 6 stories and 74 feet taller than the 2007 Project; includes over 67,000 sq. feet more floor area; almost doubles the amount of residential units; proposes apartments rather than condominiums; maintains completely new architecture and a completely new design; and requires completely different findings.

Most importantly, it has environmental effects which are completely different than those of the 2007 Project, especially as it relates to historical resources, effects which have not have been adequately analyzed and cannot be mitigated to a level of insignificance. First, as a result of the City's Downtown Design Guidelines being adopted in 2009, the 2007 project did not even (or have to) address such Guidelines, while the new Project does, although failing to adequately analyze the Guidelines with which it is inconsistent. Additionally, the 2007 Project was specifically designed to allow for unobstructed views to and from the Eastern Colombia Building to ensure its continued visual prominence. In contrast, the current Project places a 27-story tower directly in front of the Eastern Colombia thereby partially blocking this *visual* landmark, with a proposed size and scale that will dwarf the height and prominence of the Eastern Columbia Building, some of its major, defining, historically significant features.

Additionally, Traffic impacts today and almost 10 years ago are also completely different. In fact, the Addendum to the MND admits as much by conducting a new traffic study.

Such changes to the Project and analysis are substantial and introduce previously unstudied and potentially significant environmental effects which require the preparation of an EIR.

2. The Addendum to the MND Improperly Defers Mitigation Measures

Under CEQA requiring adoption of mitigation measures from a *future* study is impermissible. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-07.

Here, the Addendum to MND requires a *future* assessment and report by a preservation architect, in violation of CEQA.

2014
V.S.

3. Substantial Evidence Supports a Fair Argument that the Project May have a Significant Effect on Historical Resources

The Eastern Colombia Building, Historic Monument No. 294, is noted by the Los Angeles Historic Resources Inventory as a *visual landmark* representative of the vitality of Los Angeles' retail and commercial core. Indeed the height and prominence of the Eastern Columbia Building are some of its major, defining, historically significant features.

Here, the Project will partially block this *visual landmark* and the size and scale of the Project will dwarf the Eastern Colombia. Therefore, it will materially impair the historical significance of the Eastern Colombia Building. As such, substantial evidence supports a fair argument that the Project may have a significant impact on Historic/Cultural Resources and an EIR is required.

4. The Thresholds for Historic Resources are Incomplete and Inaccurate

The Addendum to the MND incorrectly concludes that the new project would not impact the significance of an historic building or district because it would not cause a "material" impact on existing historic resources. However, the impacts to adjacent historic resources are not adequately analyzed.

Moreover, the thresholds are misapplied as they only apply to individual historic *buildings*, not new infill development within historic *districts*. The thresholds for infill development in a historic district require analysis that the proposed project does not cut a district in half resulting in a loss of continuity as a district; overshadowing a district with new construction so its principal formal structure is compromised; or creating such an offence or distraction that the continuity and features of a district are obscured. Such thresholds and the Projects' impacts on the district resources must be analyzed.

5. Impacts on Land Use/Planning are Inadequately Evaluated

The Addendum to the MND fails to identify and discuss any *inconsistencies* between the proposed Project and applicable general plans and regional plans including "relevant environmental policies in other applicable plans." See *CEQA Guidelines Section 15125(d)*.

In fact, the Project is inconsistent with the following land use policies, objectives and goals:

1. To *preserve key landmarks* which highlight the history and unique character of the City, blending old and new in an aesthetic realization of change or growth with distinction, and facilitating the adaptive reuse of structures of architectural, historic or cultural merit [City's Redevelopment Plan];

3/14/04
V.S.

2. To create a modern, efficient and *balanced* urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing [City's Redevelopment Plan];

3. To *preserve* and *enhance* the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance [City Center Community Plan, II-2];

4. New construction should *respect* historically significant districts and buildings, including massing and scale, and neighborhood context [City's Downtown Design Guidelines, p. 7].

5. Construct new buildings, of *compatible design* with the surrounding neighborhood, on existing surface parking lots [Historic Downtown Los Angeles Design Guidelines, pgs. 11, 131];

6. Carefully maintain and restore terra cotta, the most prevalent decorative building material in Historic Downtown [Historic Downtown Los Angeles Design Guidelines, p. 101];

7. Design new buildings to respond to existing building context within a block, provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design [Historic Downtown Los Angeles Design Guidelines, p. 131]; and

8. Use *compatible types of masonry such as terra cotta* when constructing new structures in the Historic Downtown [Historic Downtown Los Angeles Design Guidelines, p. 132].

As such, substantial evidence supports a fair argument that the Project may have a significant impact on Land Use/Planning and an Environmental Impact Report is required.

6. Additional Reasons:

CEQA requires strict compliance with the procedures and mandates of the statute. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118. For the following reasons, the within Addendum to the MND further fails to abide to the CEQA procedures and mandates:

1. The historic resource identification is incomplete;
2. The Project location is misstated and incomplete;
3. Compatibility is not accurately and correctly analyzed.

4 of 4
V.S.

Office: Van Nuys
Applicant Copy
 Application Invoice No: 33407

City of Los Angeles
 Department of City Planning



LA Department of Building and Safety
 VN ZABE 202104889 11/29/2016 10:49:22 AM

PLAN & LAND USE \$106.80

Sub Total: \$106.80

City Planning Request

Receipt #: 0202370515

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

| |
|----------------------------------------------------------------------|
| Applicant: EASTERN COLOMBIA HOMEOWNERS ASSOCIATION (B:818-9078755) |
| Representative: LUNA & GLUSHON - GLUSHON, ROBERT (B:818-9078755) |
| Project Address: 850 S HILL ST, 90014 |

NOTES: Appeal of MND-REC after Central APC decision of Nov. 15, 2016

| ENV-2006-6302-MND-REC1 | | | |
|-----------------------------------------------------|---------|------|----------------|
| Item | Fee | % | Charged Fee |
| Other with Surcharges (per Ordinance No. 182,106) * | \$89.00 | 100% | \$89.00 |
| Case Total | | | \$89.00 |

| Item | Charged Fee |
|------------------------------------------------------------------|-----------------|
| *Fees Subject to Surcharges | \$89.00 |
| Fees Not Subject to Surcharges | \$0.00 |
| Plan & Land Use Fees Total | \$89.00 |
| Expediting Fee | \$0.00 |
| OSS Surcharge (2%) | \$1.78 |
| Development Surcharge (6%) | \$5.34 |
| Operating Surcharge (7%) | \$6.23 |
| General Plan Maintenance Surcharge (5%) | \$4.45 |
| Grand Total | \$106.80 |
| Total Invoice | \$106.80 |
| Total Overpayment Amount | \$0.00 |
| Total Paid (this amount must equal the sum of all checks) | \$106.80 |

LA Department of Building and Safety
 VN ZABE 202104889 11/29/2016 10:49:22 AM

PLAN & LAND USE \$106.80

Sub Total: \$106.80

Receipt #: 0202370515

Council District: 14
 Plan Area: Central City
 Processed by VIDAL, ANNA on 11/29/2016

Signature: