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 Application Invoice No: 31711



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LA Department of Building and Safety
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NOTICE: The staff of the Plannir
 your application.

Receipt #: 0203346769 \$106.80
 Total: \$106.80
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ie full and impartial consideration to
 ne to represent you.

Applicant: JDR CRESCENT, LLC CRESCLES, OFER (B:818-9078755)
Representative: LUNA & GLUSHON - GLUSHON, ROBERT L. (B:818-9078755)
Project Address: 1435 1/2 N CRESCENT HEIGHTS BLVD, 90046

NOTES:

CPC-2013-2551-CUB-DB-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$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

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PLAN & LAND USE \$106.80
 Sub Total: \$106.80

Receipt #: 0203346769

Council District: 5
 Plan Area: Hollywood
 Processed by SKOLNICK, DANIEL on 08/29/2016

Signature:



APPLICATIONS:

APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

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

Regarding Case Number: CPC-2013-2551-MCUP-DB-SPR; ENV-2013-2552-EIR

Project Address: 8148-8182 W. Sunset Blvd.; 1438-1486 N. Havenhurst Dr.; 1435-1443 N. Crescent Heights Blvd.

Final Date to Appeal: 09/01/2016

- 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): JDR Crescent, LLC; IGI Crescent, LLC

Company: JDR Crescent, LLC; IGI Crescent, LLC

Mailing Address: 420 Lexington Avenue, Suite 1610

City: New York State: NY Zip: 10170

Telephone: _____ E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: _____

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

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

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd. Suite 950

City: Encino State: CA Zip: 91436

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

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

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

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

- The reason for the appeal
- 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: Robert L. Glushko

Date: 8/29/16

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>Daniel Skolnek</u>	Date: <u>8/29/16</u>
Receipt No: <u>0203346769</u>	Deemed Complete by (Project Planner): <u>Daniel Skolnek</u>	Date: <u>8/29/16</u>
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**ATTACHMENT TO APPEAL
CPC-2013-2551-MCUP-DB-SPR
ENV-2013-2552-EIR**

Appellants: JDR Crescent, LLC; IGI Crescent, LLC

Appellants are the property owners of the three story apartment building at 1425 N. Crescent Heights Boulevard, immediately to the south of the proposed 16-story, 333,903 sq. foot mixed-use development at 8150 Sunset Boulevard ("Proposed Project"), thus immediately impacted thereby.

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

The legally required findings for Site Plan Review cannot be made

1. The Proposed Project IS NOT in substantial conformance with the purposes, intent and provisions of the General Plan and Hollywood Community Plan:

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

- i. To *nurture neighborhood character* (p. 4);
- ii. To *encourage projects appropriate to the context* of the City's climate and urban environment; facilitate safe, functional, and attractive development; and foster a sense of community and encourage pride of ownership (p. 4);
- iii. To *establish height and massing transitions* from multi-family uses to commercial uses or less dense single-family residential (p. 7);
- iv. To highlight the role that quality building design can play in creating visually interesting and attractive multi-family buildings by *contributing to existing neighborhood character* and creating a "sense of place" (p. 7);
- v. To *consider neighborhood context* and linkages in building and site design (p. 8); and
- vi. To *ensure that new buildings are compatible in scale, massing, style, and/or architectural materials* with existing structures in the surrounding neighborhood (p. 15);

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

The Hollywood Community Plan further provides for the following purposes and objectives:

i. To promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community;

ii. To *balance growth and stability*;

iii. To encourage the *preservation and enhancement* of the varied and distinctive *residential character* of the Community;

iv. To *promote economic well-being and public convenience* through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns *based on accepted planning principles and standards*; and

v. To encourage the preservation of open space consistent with property rights when privately owned and to *promote the preservation of views*.

Inconsistent with all of these principles, goals and objectives, the Proposed Project consists of a maxed-out, over-height, and over-dense building. Indeed, it proposes, as an “Off-Menu” Density Bonus item, a 3:1 FAR in lieu of the otherwise 1:1 FAR imposed by the “D” limitation on the Subject Property (*three times what the zoning designation otherwise allows*). What’s more, the Proposed Project seeks to replace an 80,000 square foot, three-level structure with a 333,903 sq. foot, 16-story megaplex all of which will be built directly adjacent to 2-3 story residential dwellings with which it will be completely inconsistent.

The Project includes the closing off and withdrawal of a public street based on a “B” permit rather than a discretionary Street Vacation or Withdrawal from Public Use process. A “B” permit, though appropriate for improvements such as curb, gutter, sidewalks, is inadequate to close off a public street. Appellants further contend that they have easement rights, as abutting owners to the public street, which would be impaired by closing off access to the public street.

2. The Proposed Project **DOES NOT** consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be *compatible* with existing

and future development on adjacent properties and neighboring properties:

The Proposed Project is 13 stories higher than the immediately adjacent, existing multi-family residential community and exceeds the otherwise planned density on the site three times. In an attempt to appear compatible, the Applicant has provided a “spin” that the location of the Project is one that is “highly urbanized” and built out; in the more “active” regional center of Hollywood with a mixed-use blend of commercial, restaurant, bars, studio/production, office, and entertainment. But the reality is that the entirety of the properties to the south of the proposed Project are low-height multi-family residential. When taken in context with these low-height residential buildings, the Project completely fails with regard to consistency and compatibility and does not consist of an arrangement of buildings and structures that is or will be *compatible* with existing and future development on adjacent properties and neighboring properties.

The legally required findings for Conditional Use cannot be made

1. The Proposed Project **WILL NOT** enhance the built environment in the surrounding neighborhood, nor will perform a function or provide a service that is essential or beneficial to the community, city or region:

The scope of the Master Conditional Use is directly tied to the size and scale of the Proposed Project, which will not enhance the built environment, but will, instead overshadow and make unlivable the low-height multi-family residential buildings immediately adjacent thereto. It will further degrade the traffic at the site in its immediate surroundings where per the very traffic study relied upon in the EIR, *almost all* of the intersections are at an existing LOS of D or lower, including 10 which are *already* at an LOS of E or F.

2. The Proposed Project's location, height, operations and other significant features **WILL NOT** be compatible with and **WILL** adversely affect or further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare and safety:

Again, the scope of the Master Conditional Use is directly tied to the size and scale of the Proposed Project. Here, the Proposed Project is 13 stories higher than the immediately adjacent, existing multi-family residential community and exceeds the otherwise planned density on the site three times. It will overshadow and make unlivable the low-height multi-family residential buildings immediately adjacent thereto and will further degrade the traffic (and inevitably impact emergency response times) at the site in its immediate surroundings, putting the health, welfare and safety of the public in danger.

3. The Proposed Project **DOES NOT** substantially conform with the purpose, intent and provisions of the General Plan and Hollywood Community Plan:

For the reasons stated above, the Proposed Project does not substantially conform with the purpose, intent and provisions of the General Plan or the Hollywood Community Plan.

4. The Proposed Project **WILL** adversely affect the welfare of the pertinent community:

Again, the Proposed Project's location, scale and mass will overshadow and make unlivable the low-height multi-family residential buildings immediately adjacent thereto and will degrade the traffic at the site in its immediate surroundings, putting the health, welfare and safety of the public in danger. Therefore, it will adversely affect the welfare of the pertinent community.

The EIR is inadequate

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

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

The proposed EIR fails as an informational document for the following reasons (as more fully set forth in Luna & Glushon's letter to the Advisory Agency and City Planning Commission dated June 7, 2016, as well as Luna & Glushon's separate letter to the City Planning Commission dated July 20, 2016):

A. It fails to provide information/context regarding the imposition of the "D" limitation on the Property Site;

B. It fails to analyze inconsistencies with applicable land use and environmental plans/policies in violation of *CEQA Guidelines Section 15125(d)*;

C. It fails to analyze at the existing environment (including the "D" Limitation) as the applicable baseline when evaluating land use impacts;

D. It fails to analyze consistency with the land use policy/plan impacts it identifies, instead it provides conclusory statements with no evidence to substantiate them;

E. It fails to analyze consistency with the City's Mobility Plan 2035;

F. It fails to analyze compatibility with respect to the entire multi-residential community immediately to the south of the Proposed Project Site;

G. It fails to provide why and how the use of general traffic thresholds, where traffic at all nearby intersections is already at LOS of D or lower, is an appropriate measure of transportation impacts for the Proposed Project;

H. It fails to provide why and how the use of general noise thresholds is an appropriate measure of noise impacts for a Proposed Project of this scale;

I. It skews and ignores the plain words of thresholds, including Threshold TR-6;

J. It proposes unenforceable mitigation measures including Mitigation Measure TR-1, installation of a traffic signal at Fountain/Havenhurst, which is entirely in the City of West Hollywood; and "phantom" Mitigation Measures TR-3 and TR-4 which are not in the EIR or Mitigation Monitoring Plan;

K. It proposes illusory Mitigation Measures which do not actually mitigate the impact they are intended to mitigate, including Mitigation Measures TR-1 and TR-2 and the Project's TDM Program, which are supposed to mitigate the potential impacts to inadequate emergency vehicle response times, but all which have to do with traffic circulation on-site and along Havenhurst;

L. It relies on a January 8, 2014 Preliminary Alquist-Priolo Earthquake Fault Zone Map which is outdated. A subsequent map shows the Site on the active fault line. What's more, there is no way to accurately tell how close the fault line is to the site without sampling the entire site, which the Applicant has failed to do. If a property is located in an earthquake zone, a geologic fault hazard investigation is necessary before any development may be permitted. Therefore, the Applicant has not met the requirements of the Alquist Priolo Act;

M. It improperly requires adoption of mitigation measures from *future* studies (e.g. Mitigation Measure GS-1), deferring environmental assessment;

N. It fails to address the fact that a discretionary Street Vacation process will be necessary and analyze its impacts.