From: Noah McCoy <noah.mccoy@lacity.org>
Sent time: 09/23/2020 04:49:10 PM
To: Mindy Nguyen <mindy.nguyen@lacity.org>; James Williams <james.k.williams@lacity.org>
Cc: Maritza Przekop <maritza.przekop@lacity.org>; Milena Zasadzien <milena.zasadzien@lacity.org>; Luciralia Ibarra <luciralia.ibarra@lacity.org>
Subject: Appeal on VTT-82152

Hello,

The public counter received two online appeals for the entire decision from the an aggrieved person(s), other than the applicant/owner, on case# VTT-82152 (Appeal documents for VTT-82152-1A). The project is located at 1720-1770 North Vine Street; 1746-1764 North Ivar Avenue; 1733-1741 North Argyle Avenue; 6236, 6270, and 6334 West Yucca Street. Today is September 23, 2020 and is the last day to appeal. The appellant body is the City Planning Commission.

Best,

Noah McCoy

--

Noah McCoy
City Planner
Los Angeles City Planning
1828 Sawtelle Blvd.; 2nd Floor
Los Angeles, CA 90025
Planning4LA.org
T: (310) 231-2903
E-NEWS

APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: VTT-82152

Project Address: 1750 N. Vine St., 1720-70 N. Vine St., 1746-64 N. Ivar Ave., 1733-41 Argyle Ave. (etc.)

Final Date to Appeal: 09/23/2020 (per the letter of determination)

2. APPELLANT

Appellant Identity: (check all that apply)
❒ Representative ❒ Property Owner
❒ Applicant ❒ Operator of the Use/Site

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

☐ Person affected by the determination made by the **Department of Building and Safety**

❒ Representative ❒ Owner ❒ Aggrieved Party
❒ Applicant ❒ Operator

3. APPELLANT INFORMATION

Appellant's Name: Ned Pan, Inc.

Company/Organization:

Mailing Address: 6233 Hollywood Blvd.

City: Los Angeles State: CA Zip: 90028

Telephone: (323) 468-1750 E-mail:

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

☑ Self ☐ Other:

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): John M. Bowman, Esq.

Company: Elkins Kalt Weintraub Reuben Gartside LLP

Mailing Address: 10345 W. Olympic Blvd.

City: Los Angeles State: CA Zip: 90064

Telephone: (310) 746-4409 E-mail: jbowman@elkinskalt.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☑ No

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

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Neal Lanzone by Dan Green SVP/CFO Date: 9/21/20

GENERAL APPEAL FILING REQUIREMENTS

B. *ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES*

1. Appeal Documents

a. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- ☑ Appeal Application (form CP-7769)
- ☑ Justification/Reason for Appeal
- ☑ Copies of Original Determination Letter

b. Electronic Copy

☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- ☑ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- ☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC
Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:
- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.

- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:
- Waivers for By-Right Projects, can only be appealed by the owner.

- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

☐ **1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement
☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

☐ **2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement
☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:
- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Attachment to Appeal
Case VTT-82152
Justification/Reason for Appeal

Reason for the Appeal

The Appellant, Ned Pan, Inc. ("Ned Pan" or "Appellant"), is the owner of the Pantages Theater at 6233 Hollywood Boulevard (the "Theater Property"). This appeal concerns the Advisory Agency's September 14, 2020 decision to (1) certify the Hollywood Center Environmental Impact Report (the "EIR"); (2) adopt the Hollywood Center Project EIR Findings, including a Statement of Overriding Considerations, and the mitigation monitoring program prepared for the Hollywood Center Project EIR; and (3) approve Vesting Tentative Tract Map No. 82152 for Project Alternative 8 (the "VTTM") (collectively, the "Decision").

Ned Pan filed this appeal because (1) the proposed Hollywood Center Project – Alternative 8 (the "Project"), as presently proposed and approved by the Advisory Agency, is likely to cause substantial environmental damage, and (2) the Hollywood Center Project Environmental Impact Report (the "EIR"), as certified by the Advisory Agency, is inadequate and does not comply with the requirements of the California Environmental Quality Act ("CEQA").

How Appellant is Aggrieved by the Decision

The Pantages Theater was constructed in 1929 and is a designated Historic-Cultural Monument. The Theater Property adjoins the portion of the Project site located east of Vine Street (the "East Site"). The Theater Property also adjoins the public alley that will be partially merged (vacated) pursuant to Vesting Tentative Tract Map No. 82152.

As presently proposed and approved by the Advisory Agency, the Project will have significant and unmitigated impacts on the Pantages Theater and its operations, including but not limited to the following:

- The Pantages Theater building is potentially susceptible to major physical damage due to vibrations and potential earth movement during construction of the Project. The measures identified in the EIR to mitigate this potential impact are wholly inadequate.

- The Project will adversely affect the ability of the Pantages Theater to operate during construction of the Project due to noise and vibrations that will disrupt performance at the Pantages Theater. The measures identified in the EIR to mitigate this potential impact are wholly inadequate.

- The Project proposes to "merge" (vacate) a portion of the public alley that runs along the north side of the Pantages Theater, and to construct loading facilities for the Project at the western terminus of the alley and along the north side of the alley directly opposite the loading doors for the Pantages Theater building. The Pantages Theater depends on the ability to use this public alley, particularly during load-ins and load-outs of shows. As currently designed, the loading area for the Project would conflict with the Pantages Theater's operations.

- As presently designed and approved by the Advisory Agency, all of the subterranean parking spaces proposed for the East Site Project would be accessed by a single driveway on Argyle Avenue within 50 feet of the existing public alley. The Project will add thousands of additional daily trips to the short segment of Argyle Avenue from Hollywood Boulevard to the 101 Freeway, which is already heavily congested during much of the day. The Project will further exacerbate these conditions by installing a full traffic signal and mid-block pedestrian crossing at the poorly-located driveway on Argyle Avenue. The additional traffic on Argyle Avenue and the proposed signalized driveway and pedestrian crossing will significantly and adversely impact the Pantages Theater's operations.

Specific Points At Issue

The Draft EIR for the Project was issued on April 16, 2020 for a 45-day public comment period ending on June 1, 2020. The City refused to extend the public comment period despite numerous requests for an extension from various interested parties. The City then held a public hearing on the VTTM and related applications for the Project on August 26, 2020, even though the Final EIR had yet to be released to the public (and despite the fact that the hearing notice specifically stated that testimony would be taken on the Final EIR during the public hearing). The Final EIR was subsequently released on September 3, 2020 (8 days after the public hearing). The Final EIR included significant new information, including a substantial amount of new information regarding Project Alternative 8 (including plans and a new traffic assessment). The Advisory Agency then approved the VTTM and certified the EIR just 11 days later on September 14, 2020 – which was the earliest possible date on which the Advisory Agency could lawfully take such action. Moreover, the Advisory Agency approved Alternative 8, which was substantially different from the Project as described in the Draft EIR, based on information that was not contained in the Draft EIR.

Due to (1) the complexity of the Project, (2) the breakneck speed at which the EIR and the Project approvals are being processed by the City, and (3) the sudden and very recent shift from the Project as described in the Draft EIR to Alternative 8, Ned Pan and other interested parties have not had adequate time to fully evaluate the Decision or the information on which it was based. Accordingly, Ned Pan appeals the Decision in its entirety, and reserves the right to supplement the following list of specific points at issue in this appeal:

1. The EIR is inadequate and does not comply with CEQA in the following respects:

a. The measures identified in the EIR to mitigate the potential for damage to the Pantages Theater and other historic resources due to vibrations during Project construction are inadequate. These measures rely exclusively on monitoring and an illusory obligation to "repair" any damage that is caused, which will not mitigate the potential impact to a level of insignificance. Measures must be developed to prevent such damage from occurring in the first place, such as requiring that vibration-producing equipment not be used within specified distances from the Pantages Theater. Moreover, the proposed monitoring program is insufficient. When warning levels are reached, construction must cease until the source is identified and addressed.

b. The EIR's analysis of the Project's potential noise impacts on the Pantages Theater was based on a flawed measurement of ambient noise levels at the rear of the Pantages Theater. As a result of this flawed measurement, the EIR understates and fails to fully mitigate the Project's noise impacts on the Pantages Theater.

c. The EIR fails to adequately evaluate or mitigate the potential for noise and vibrations associated with construction of the Project to cause "annoyance" impacts on the Pantages Theater, which is a critical listening place. Among other things, the EIR improperly dismisses the potential for high, short-term noise levels to disrupt performances at the Pantages Theater. The EIR also improperly relies on a mitigation measure that requires a construction liaison to "coordinate" with the owner/operator of the Pantages Theater to "minimize disruptions" to performances. This measure is impermissibly vague and does not constitute adequate mitigation.

d. The EIR fails to adequately address or mitigate the potential for damage to the Pantages Theater due to earth movement during Project construction. Among other things, the EIR fails to identify an adequate program to monitor excavation activities and shoring displacements during construction.

e. The EIR fails to adequately address or mitigate the Project's potential to disrupt the baseline conditions of the public alley. Among other things, the EIR fails to evaluate the operational aspects of the Project's two proposed loading areas on the public alley, which as presently designed would directly interfere with the operations of the Pantages Theater, particularly during load-in and load-out of shows. The EIR also fails to address the potential hazards associated with the proposed signalized driveway and mid-block crosswalk on Argyle Avenue.

f. The Project, together with various related projects, will result in significant cumulative traffic impacts on Argyle Avenue and other streets in the area (and on the operations of the Pantages Theater) that have not been adequately addressed or mitigated. The related projects include, but are not limited to, the following:

- The proposed mixed-use development project proposed for 6220-24 W. Yucca Street (Related Project No. 4) (CPC-2014-4705-ZC-HD-DB-MCUP-CU-SPR);

- The proposed Ametron mixed use project proposed for 1546 Argyle Avenue (Related Project No. 14) (CPC-2016-3742-GPA-VZC-HD-DB-MCUP-SPR);

- The proposed M Hotel project at 1718 N. Vine Street (Related Project No. 2) (CPC-2016-2845-VZC-HD-MCUP-ZAA-SPR); and

- The Crescent Heights Palladium Residences project at 6215-21 Sunset Boulevard (Related Project No. 32) (CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR).

g. The EIR fails to adequately evaluate the feasibility of providing additional driveway access to the proposed East Site subterranean parking structure on either Vine Street or Yucca Street, which would potentially alleviate the Project's traffic impacts on Argyle Avenue.

h. The EIR's conclusions regarding the Project's potential impacts on the environment are not supported by substantial evidence relative to noise and vibrations, historic resources, and traffic.

2. After public notice was given of the availability of the Draft EIR for public comment and prior to certification of the Final EIR by the Advisory Agency, new information was added to the EIR that changed the EIR in a way that deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project *(i.e.*, Alternative 8) or a feasible way to mitigate or avoid such an effect. The new information includes, among other things, a new traffic assessment for Alternative 8 which indicates that Alternative 8 will generate even more traffic than the Project as proposed in the Draft EIR, and new development plans for Alternative 8 that include additional and reconfigured loading areas that would be accessed via the public alley. Consequently, the EIR must be recirculated for public comment pursuant to CEQA Guideline section 15088.5.

3. The design of the proposed subdivision and the proposed improvements are likely to cause substantial damage to the historic Pantages Theater and other environmental resources.

4. The traffic assessment of the Project is incomplete and does not comply with the current LADOT Transportation Assessment Guidelines (TAG) for non-CEQA components inasmuch as it fails to include an evaluation of Project Access, Safety and Circulation (e.g., Volume/Capacity and/or queuing analysis) for Alternative 8.

The Advisory Agency Erred and Abused Its Discretion

The Advisory Agency Erred and Abused its discretion in the following respects:

1. The Advisory Agency certified the EIR, which is inadequate and does not comply with CEQA for the reasons stated above.

2. The Advisory Agency adopted a mitigation monitoring and reporting program for the Project that fails to include measures that would adequately and feasibly mitigate the Project's potential impacts to a level of insignificance.

3. The Advisory Agency adopted a Statement of Overriding Considerations that is not supported by substantial evidence.

4. The Advisory Agency failed to recirculate the EIR for public comment as required by Section 15088.5 of the CEQA Guidelines.

5. The Advisory Agency's finding that the "Design of the Subdivision and the Proposed Improvements are Not Likely to Cause Substantial Environmental Damage" is not supported by substantial evidence.

6. The Advisory Agency failed to make any findings regarding the existing use of the public alley or the potential need for continued public use of the portion of the alley being "merged" (vacated).

APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: VTT-82152 (ENV 2018-2116-EIR) (Hollywood Center Project)

Project Address: 1720-1770 N.Vine St; 1746-1764 N.Ivar Ave;1733-1741 N.Argyle Ave; 6236, 6270 and 6334 W. Yucca St.

Final Date to Appeal: 09/23/2020

2. APPELLANT

Appellant Identity: (check all that apply)
❐ Representative ❐ Property Owner
❐ Applicant ❐ Operator of the Use/Site

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Vedanta Society of Southern California

☐ Person affected by the determination made by the **Department of Building and Safety**

❐ Representative ❐ Owner ☑ Aggrieved Party
❐ Applicant ❐ Operator

3. APPELLANT INFORMATION

Appellant's Name: Vedanta Society of Southern California

Company/Organization:

Mailing Address: 1946 Vedanta Place

City: Los Angeles State: CA Zip: 90608

Telephone: (310) 614-0065 E-mail: khlawfirm@aol.com

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

☑ Self ☐ Other: Vedanta Society of So. Calif.

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Anthony Kornarens, Esq.

Company: Anthony Kornarens, a Professional Corporation

Mailing Address: 2491 Atlantic Avenue

City: Long Beach State: CA Zip: 90608

Telephone: (310) 614-0065 E-mail: khlawfirm@aol.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☑ Yes ☐ No

If Yes, list the condition number(s) here: 1-39 inclusive

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: 9/22/2020

GENERAL APPEAL FILING REQUIREMENTS

B. ***ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES***

1. Appeal Documents

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- ☑ Appeal Application (form CP-7769)
- ☑ Justification/Reason for Appeal
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☑ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- ☑ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☑ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
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SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. **Density Bonus/TOC**
   Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:
- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:
- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. **Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

☑ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

☐ **1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee
- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement
- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

☐ **2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee
- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement
- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. **Nuisance Abatement -** Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:
- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. **Plan Approval/Compliance Review**
Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

ANTHONY KORNARENS
A PROFESSIONAL CORPORATION

2491 ATLANTIC AVENUE
LONG BEACH, CALIFORNIA 90806

TELEPHONE 562.426.0384
FACSIMILE 310.230.5104

September 22, 2020

VIA EMAIL
vince.bertoni@lacity.org;
mindy.nguyen@lacity.org
Vincent Bertoni, Planning Director
Mindy Nguyen, City Planner
City of Los Angeles, Department of City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

Re: EXHIBIT A: Appeal of the Vesting Tentative Tract Map No. VTT-82152 for the Hollywood Center Project; Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

Dear Ms. Nguyen:

This firm and the undersigned represents Vedanta Society Of Southern California ("VSSC"), a California non-profit religious corporation which since the 1930's has owned and operated a monastery, shrine and other facilities near the site of the proposed project. Please keep this office on the list of interested persons to receive timely notice of all hearings, votes and determinations related to the proposed Hollywood Center Project ("Project").

VSSC objects to the decision of the City Planning Commission as stated in its September 14, 2020 letter of determination regarding Vesting Tentative Tract Map No.: 82152 for the project address: 1720-1770 North Vine Street; 1746-1764 North Ivar Avenue; 1733-1741 North Argyle Avenue; 6236, 6270, and 6334 West Yucca Street.

VSSC objects that the land use approvals are in error, are not supported by substantial evidence and otherwise fail to comply with the law.

VSSC further objects that the certification of the final Environmental Impact Report is improper, premature and constitutes a failure to proceed in the manner required by law, both procedurally and substantively.

Without limiting the forgoing, VSSC objects on the basis that the Lead Agency admittedly does not have adequate information to approve the Project or to certify the Environmental Impact Report. The letter of determination admits that the Project cannot proceed in the event there are active fault traces and states that further studies must be conducted in the suspected area to demonstrate, or rule out, the presence of an active fault prior to approval of this project; especially given the fact the concerns of the California Geological Survey (CGS) and

other body's that there is an active fault traversing the southerly portion of the site.

There are no findings nor any legally proper reasons why that these further studies cannot be conducted prior to certification of the final Environmental Impact Report. VSSC submits that completion of these studies and a definitive conclusion that there are not active earthquake faults traversing the project site is required as a matter of law prior to certification of the final Environmental Impact Report. It is also required based on the facts in the record in this matter. The final Environmental Impact Report cannot be certified until all required environmental review is completed of that review made available.

Also without limiting the forgoing, VSSC objects for each of the reasons stated the June 1, 2020 letter, the September 11, 2020 letter and the September 22, 2020 letter submitted by The Silverstein Law Firm, APC on behalf of StopTheMillenniumHollywood.com. VSSC incorporates these objections by this reference.

VSSC further adopts and incorporates by reference all Project comments and objections raised by all others during the environmental review and land use entitlement processes for the Project. VSSC further incorporates by reference the entire administrative record for the original Millennium Hollywood project, Los Angeles County Superior Court Case No. BS144606.

Pursuant to Public Resources Code Section 21167(f), please provide a copy of each and every notice issued by the City in connection with this Project. We adopt and incorporate by reference all Project objections raised by all others during the environmental review and land use entitlement processes for the Project.

For the reasons stated above, a new Advisory Agency hearing must be properly noticed and held. If the City refuses to do so, then reserving all rights and objections, the City Planning Commission should grant the appeal and overturn the Determination.

Thank you.

Very Truly Yours,
ANTHONY KORNARENS, APC

Anthony Kornarens