



Application:

**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: VTT-73656-CN-1A; ENV-2014-4755-EIR

Project Address: 3321, 3351 S. La Cienega Boulevard, 5707-5735 W. Jefferson Boulevard

Final Date to Appeal: 04/11/2016

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

**2. APPELLANT INFORMATION**

Appellant's name (print): William Dickey

Company: La Cienega Heights Association, Inc.

Mailing Address: 5670 Spokane Street

City: Los Angeles State: CA Zip: 90016

Telephone: (424) 400-4084 E-mail: w.dickey@mail.com

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

- Self
- Other: La Cienega Heights Association, Inc.

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

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Jamie T. Hall

Company: Channel Law Group, LLP

Mailing Address: 8200 Wilshire Boulevard, Suite 300

City: Los Angeles State: CA Zip: 90016

Telephone: (310) 347-0050 E-mail: jamie.hall@channellawgroup.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

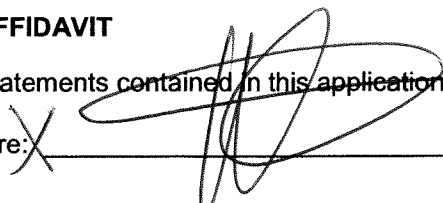
If Yes, list the condition number(s) here: \_\_\_\_\_

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: X 04/10/16

**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).
- Original Applicants must pay mailing fees to BTC and submit a copy of 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.
- 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)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: \$89-	Reviewed & Accepted by (DSC Planner): Eric Clarar	Date: 4/11/16
Receipt No: 0101568486	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

# Channel Law Group, LLP

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\*ALSO Admitted in Colorado  
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\*\*\*Of Counsel

April 11, 2016

## VIA PERSONAL DELIVERY

Members of City Council  
City of Los Angeles  
200 N. Sprint Street  
Los Angeles, CA 90012

### **Re: Justifications for Appeal of Case No. VTT-73656-CN-1A; ENV-2014-4755-EIR**

Dear Honorable Members of the Los Angeles City Council:

This firm represents the La Cienega Heights Association ("LCHA" or "Appellant"). This letter is being drafted to present the justifications for the appeal of VTT-73656-CN-1A and ENV-2014-4755-EIR, which was approved by City Planning Commission ("CPC") on or about March 10, 2016.

Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the proposed Jefferson/La Cienega "Cumulus" Mixed Use Project ("Project") located at 3321, 3351 S. La Cienega Boulevard, 5707-5735 W. Jefferson Boulevard.

Appellant hereby adopts and incorporates by references all Project objections raised during the environmental review process, tract map process, and City Planning Commission land use entitlement process, including all objections and evidence submitted by all other persons in these proceedings. Further, all objections, including those regarding proper notice and due process, are express reserved.

## **Background**

LCHA is an organization founded for the express purpose of improving and preserving the quality of life for the community known as La Cienega Heights in the mid-City section of the City of Los Angeles. Specifically, the neighborhood is just east of the proposed Project. The general borders of the LCHA are Adams Boulevard to the north, Jefferson Boulevard to the south, Hauser Boulevard to the east, and La Cienega and Fairfax to the west. The core area is Smiley Drive to the north, Jefferson Boulevard to the south, Carmona Avenue to the east, and La Cienega/Fairfax to the west. The community consists primarily of single-family dwellings and the ethnic makeup is primarily African American and Latino.

## **The Project**

The Project will consist of the development of an approximately 1,900,000-square foot mixed-use development, consisting of podium style buildings that vary in number of stories and height up to approximately 300 feet. A building up to 30 stories tall is proposed. In addition to a Vesting Tentative Tract Map, the developer has sought a General Plan Amendment together with a Zone and Height District Change from MR1-1VL to C2-2.

## **Justifications for Appeal**

The Project will create neighborhood impacts that have not been correctly analyzed. Namely, the Final Environmental Impact Report (“FEIR”) wrongly concludes that there will be “no significant” residential traffic impact on the residential neighborhood represented by the La Cienega Heights Association.

LCHA has commissioned an expert report from Allyn Rifkin, a professional engineer, outlining the problems associated with the Project as well as potential solutions. This report is attached hereto as Exhibit A. Notably, Mr. Rifkin has practiced for over 34 years of experience and was formally the Chief of the Bureau of Planning and Land Use Development for the City of Los Angeles.

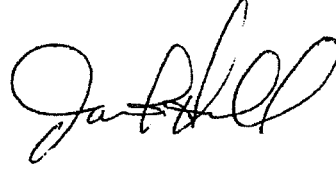
Mr. Rifkin concludes that the Los Angeles City Council should not certify the FEIR until neighborhood impacts are correctly analyzed and an appropriate neighborhood traffic management plan (“NTMP”) is identified. Mr. Rifkin further concludes that the FEIR should be re-circulated and the approval of the requested project zone change and vesting tentative tract map should be conditioned to include appropriate measures to mitigate neighborhood traffic impacts in the LCHA residential neighborhood.

## **Conclusion**

In sum, LCHA is appealing this Project because the Project fails to mitigate neighborhood impacts. There are solutions to these impacts, which should be incorporated into the Project prior to approval by the City of Los Angeles. Please note that LCHA reserves the right to supplement this appeal to raise additional items and/or justifications.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being more prominent and the last name "Hall" following in a similar style.

Jamie T. Hall

# **Exhibit A**

**Allyn D. Rifkin, PE**  
**RTPG – the Rifkin Transportation Planning Group**

Los Feliz Towers  
4455 Los Feliz Boulevard Suite 1403  
Los Angeles, CA 90027

E-mail [allynrifkin@gmail.com](mailto:allynrifkin@gmail.com)  
Telephone and fax -- (323) 664-2805  
Mobile phone – (323) 697-1594

April 8, 2016

Mr. Jamie T. Hall, Attorney at Law  
Channel Law Group (CLG)  
8200 Wilshire Boulevard, Ste 300  
Beverly Hills, CA 90211

**PROPOSED JEFFERSON/LA CIENEGA “CUMULUS” MIXED USE PROJECT  
LOCATED AT 3321, 3351 S. LA CIENEGA BOULEVARD, 5707-5735 W. JEFFERSON  
BOULEVARD (CPC-2015-2593-GPA-ZC-HD-ZAA-SPR; ENV-2104-4755 EIR; SCH NO.  
2015031047; VTT 73656)**

**COMMENTS ON FEIR, NOTICE OF DETERMINATION AND VESTING TRACT MAP**

I am a Transportation/Planner Engineer with over 40 years of experience in reviewing Development Projects for Traffic Impacts within the context of City of Los Angeles and State of California Environmental Regulations. **Attachment 1** of this letter is a summary of my professional experience, which includes my former position with the City of Los Angeles Department of Transportation (LADOT) as the Chief of the Bureau of Planning and Land Use Development.

Based upon my review of the summary Traffic Analysis in the Final Environmental Impact Report (FEIR), I would conclude that the FEIR wrongly concludes “no significant” residential traffic impact on the residential neighborhood represented by the La Cienega Heights Association (LCHA), immediately east of the proposed development. Features of the proposed development project would surely lead to significant increased project related project through the LCHA residential neighborhood.

The Los Angeles City Council should not certify the FEIR until neighborhood impacts are correctly analyzed and an appropriate neighborhood traffic management plan (NTMP) are identified. The FEIR should be re-circulated as appropriate and the approval of the requested project zone change and vesting tentative tract map should be conditioned to include appropriate measures to mitigate neighborhood traffic impacts in the LCHA residential neighborhood.

At a minimum, the NTMP should consider the following features to reduce the potential for project related “cut-through” traffic through this neighborhood:

- a) Construction of traffic diverters, cul-de sacs, and/or turn restrictions to discourage project related traffic through the LCHA residential neighborhood.

- b) Additional measures to the proposed developer Transportation System Management (TSM) program to include traffic operational changes to the intersection of Jefferson Boulevard and La Cienega Boulevard to reduce the expected peak hour traffic congestion at that location. TSM changes should include, but not limited to, relocating the existing bus stop at the north east corner of Jefferson/La Cienega and queue detectors to relieve west bound traffic back-up and delay on Jefferson Boulevard. This projected delay at this congested intersection provides incentive for project related traffic to "cut-through" the LCHA residential neighborhood.
- c) Determination of an appropriate vehicle trip limit for project related "cut-through" traffic in the LCHA residential neighborhood.
- d) Installation of a new traffic signal at the intersection of La Cienega and Boden Street. The new traffic signal should be coordinated with the new traffic proposed for the new mixed use project driveway, immediately north of Boden Street (see FEIR mitigation measure MM L.3). The Boden Street traffic signal should include features to provide an additional tool to meter project related traffic through the residential streets as well as improve pedestrian connectivity between the project development and the LCHA neighborhood.
- e) Additional features in the proposed developer Transportation Demand Management plan (TDM) which could serve to reduce project related vehicle trips. Examples to consider would be delivery of groceries from the proposed super market and provision of Metro transit passes for LCHA residents.
- f) Procedures for determining LCHA resident acceptance of the above mentioned features.
- g) Full funding for development and implementation of the NTMP should be required of the developer.

Following are my observations regarding the inadequacy of the traffic analysis and the current proposed traffic mitigation measures.

1. The assumption of only 1 percent of the daily project traffic would "cut-through" the LCHA neighborhood is not justified and unreasonable, particularly because of the projected traffic conditions. The LADOT's criteria for consideration of neighborhood traffic mitigation measures are more than satisfied as stated in the following:
  - The project will generate 10,136 daily vehicle trips (enough to justify an additional secondary highway to the City's arterial network). (see Table 4.L-5)
  - La Cienega and Jefferson Boulevards, which surround the LCHA neighborhood, are projected to be extremely congested. Projected levels of service/volume capacity ratios (LOS/V-C) for La Cienega/Jefferson are F/1.136 and F/1.152 in the AM and PM peak hours respectively (see Table 4.L-14). The project related

contribution to that congested intersection is excessively significant at 7.3 percent and 8.8 percent respectively in the AM and PM peak hours.

- The existing residential route of Boden Street – Clyde Avenue provides a convenient route to by-pass the La Cienega/Jefferson intersection. (see attached map **Attachment 2**)

The existing daily traffic volume for Boden Street,, east of La Cienega Boulevard is 1,440 vehicles per day (see Table 4.L-9). According to LADOT criteria, the threshold for significant impact would be 173 project related vehicle trips. According to the developer’s traffic study, 33% of the project related traffic, or 3,345 vehicles per day, is assigned to the east. Only 5.2% of that amount would trigger the residential significant threshold of 173 vehicle trips.

The developer’s traffic consultant, without any justification, assumed only 1% of project traffic would go through the LCHA residential neighborhood. Well known theories of “stochastic traffic assignment” utilizing travel time difference between alternative routes would surely conclude a proportion of project related trips of much higher than the 5.2% amount that would trigger the significant impact.

2. The proposed TDM Plan contains errant thresholds for monitoring. The proposed goal is to reduce vehicle trips by 10 percent of the Project Traffic. According to Table 4L-5 the project related vehicle trips is estimated at 801 (AM) and 912 (PM) vehicles per hour. The TDM monitoring thresholds should be set at 721 (AM) and 821 (PM) vehicles per hour and not 663 (AM) and 764 (PM) as described in the various documents as the required TDM program (see monitoring measure MM L.1).
3. The traffic counts and resulting traffic assignments to La Cienega Boulevard and Jefferson Boulevard appears to illogical (see Figure 4.L-4). The depicted traffic counts are summarized as below:

Jefferson West Bound Traffic at La Cienega Boulevard  
(Vehicles per hour)

	Left turn	Thru	Right Turn
AM	524	921	104
PM	453	515	81
(Percent of AM)	(86.4%)	(55.9%)	(77.9%)

The drop in “thru” traffic for the PM hour (**55.9%**) seems pronounced compared to the other respective turn movements. This anomaly impacts the conclusions regarding LOS at this intersection for all analyzed scenarios. A repeat traffic count at that location should be conducted to verify the data used in the traffic study.

4. The project feature of a traffic signal at the proposed driveway on La Cienega Boulevard has not been justified (see mitigation measure MM-L-3). Traffic signal warrants for the proposed signal have not been included in the traffic study. More importantly, the traffic impacts of this project feature have not been reported.

This new traffic signal is likely to impact access and egress to the LCHA neighborhood at Boden Street because of its close spacing. The developer should consider an additional coordinated traffic signal at Boden Street and La Cienega, or alternatively, moving the project driveway to opposite Boden Street.

5. The FEIR concludes that no feasible mitigation measure exists for the significantly impacted intersection of Jefferson/La Cienega Boulevards. An opportunity exists to free up right-turns from west bound Jefferson Boulevard to north bound La Cienega Boulevard by relocating the existing bus stop. Another alternative would be to install queue detection features to the traffic signal to further manage potential for developer related "cut-through" traffic affecting LCHA residential neighborhood. The developer should explore these suggestions as part of its TSM mitigation efforts (see MM-L-2).

Please call me if you have questions regarding these comments.

Very truly yours,



Allyn D. Rifkin, PE

Attachment 1 – Allyn D. Rifkin, PE statement of qualifications

Attachment 2 – Potential Project Related Cut-Thru Traffic Affecting the La Cienega Heights Association (LCHA) Residential Neighborhood.

## ATTACHMENT 1

**Allyn Rifkin, P.E.  
Experience and Qualifications**

Mr. Rifkin has over 30 years of experience in the field of transportation engineering and planning. Included in that experience are assignments in both the private and public sectors, ranging from consultant for developers to research for the Automobile Club of Southern California. Until recently, he was the Chief of the Los Angeles Department of Transportation's Bureau of Planning and Land Use Development, responsible for managing a staff of 38 professionals and serving as the key department liaison between the development community and City Council on traffic mitigation and transportation planning issues. He supervised the completion of numerous project EIRs for the City of Los Angeles. His latest projects focused on transit oriented development along various rail alignments in the Los Angeles area. As a private consultant, Mr. Rifkin has worked closely with residential neighborhood associations and developers to negotiate consensus on traffic mitigation measures in association with proposed development projects. Other consultant efforts of interest include assistance to the Eagle Rock neighborhood in the formation of the Colorado Boulevard Pilot Community Parking program and to County Supervisor Yaroslavsky in the initial proposal to convert Olympic and Pico Boulevards into a one-way pair.

Professionally, Allyn is a registered professional engineer (PE) in the State of California. He is active in the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE), and has served as the president of the ITE'S largest Chapter of ITE, the Southern California Chapter, with over 1,100 members. In addition to serving on the ITE National Transit and Transportation Planning committees, he has been instrumental on national steering committees for the ITE Trip Generation Committee and the Urban Goods Movement Committee. He has lectured extensively on the topics of traffic impact mitigation and on neighborhood traffic controls.

His college education began with a B.S. in Systems Engineering at UCLA and led to an M.S. in Transportation Engineering at Northwestern University. Rifkin is nationally recognized for his expertise in travel demand forecasting. His more recent work has involved traffic plans to relieve congestion in various hot spots of development in Southern California including the South Coast Plaza area of Orange County, Downtown Los Angeles, Westwood, the LAX Transportation Corridor (the initial area in Los Angeles to adopt a traffic impact mitigation fee), and Warner Center.

He was involved in the creation of five transportation trust funds with current balances exceeding \$23 million for transportation improvements. In his role as mediator of development traffic impact Mr. Rifkin launched a neighborhood traffic safety program currently exceeding \$1.5 million in neighborhood traffic controls and negotiated pedestrian safety mitigations from the Los Angeles Unified School District.

ATTACHMENT 2

POTENTIAL PROJECT RELATED "CUT-THRU" TRAFFIC AFFECTING THE LA CIENEGA HEIGHTS (LCHA) RESIDENTIAL NEIGHBORHOOD

