



**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: CPC-2021-2035-DB-CU-CUB-SPR-HCA

Project Address: 3209-3227 West Sunset Blvd.

Final Date to Appeal: April 13, 2022

#### 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: David Richardson

Company/Organization: \_\_\_\_\_

Mailing Address: 3135 Hamilton Way

City: Los Angeles                      State: CA                      Zip: 90026

Telephone: 213-447-2904                      E-mail: djr@djrmail.com

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): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**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  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: 4/11/22 \_\_\_\_\_

**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.

**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:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

David J. Richardson  
3135 Hamilton Way, Los Angeles, CA 90026  
213-447-2904 d.j.richardson@mindspring.com

April 11, 2022

By Electronic Filing

Los Angeles City Planning  
Los Angeles, CA 90012

RE: Case No. CPC-2021-2035-DB-CU-CUB-SPR-HCA  
CEQA: ENV-2021-2036-CE

Dear Los Angeles City Planning:

This letter shall serve as my appeal of the above-referenced case and proposed development, identified by Case No. CPC-2021-2035-DB-CU-CUB-SPR (the “3209 Sunset Development”), in connection with the Corrected Letter of Determination dated March 29, 2022.

I am a resident of Silverlake, and a homeowner on Hamilton Way, behind the location of the 3209 Sunset Development. I have filed this appeal on the grounds that:

- The City failed to recognize and address the negative impact that the 3209 Sunset Development will have on the surrounding neighborhood, in terms of traffic, parking, environmental impact, noise, and safety issues, including the material impact it will have on the sole-east-west corridor through this region of Los Angeles;
- The City failed to recognize the negative and cumulative impact that the 3209 Sunset Development and two (soon to be three) other large developments by the same developer, RYDA Ventures, in the same short stretch of Sunset Blvd. will have on the surrounding neighborhood, in terms of traffic, parking, environmental impact, noise, and safety issues;
- The City failed to recognize that the cumulative impact of RYDA’s developments damaging impact on the local environment compels a CEQA analysis; and
- The City failed to recognize that the excessive and increased “incentives” requested by RYDA in its revised application “will have a Specific Adverse Impact upon public health and safety or the physical environment” of this neighborhood pursuant to L.A. Municipal Code Section 12.22.A.25.g.2.i.c.ii.

**A. The Substantial Impact that the 3209 Sunset Development Will Have on Sunset Blvd.'s Traffic Patterns and Viability as the Region's Major East-West Corridor**

I have been a resident of the Silver Lake neighborhood of Los Angeles for twenty-four years, and have owned my home on Hamilton Way for eighteen years. My home is located behind the proposed 3209 Sunset Development. The drawing of the 3209 Sunset Development provided by the developers does not show the hillside homes that will be immediately behind the building. If the architectural drawing that appears on the Notice of Public Hearing was accurate, the edge of my home would be visible behind the right side of the sixth and seventh floors of this building.

These comments are being offered out of a concern for the scope of the 3209 Sunset Development and the related developments being planned in this same area by the same developer, all of which substantially threaten the viability of this stretch of Sunset Blvd. as a major transportation corridor. Of the four major projects planned by RYDA Ventures and its various limited liability companies ("RYDA") for a two-block stretch of Sunset Blvd., details have been announced for three, and all three substantially exceed height and density limits, and lack sufficient residential and commercial parking in a neighborhood where a lack of available street parking has already created issues of health, safety and environmental impact. The details of the fourth project—which is directly across the street from the 3209 Sunset Development—have not yet been announced, but will sit on a much larger area of property.

The stretch of Sunset Blvd. that runs through Silver Lake is the **only** major east-west corridor in this part of Los Angeles north of the 101. Four major east-west corridors through Hollywood—Hollywood Blvd., Sunset Blvd., Franklin St., and Santa Monica Blvd.—all deposit their easterly traffic onto Sunset Blvd. in Silver Lake. This busy east-west corridor is vulnerable to events and changes that can create gridlock. A Dodgers home game turns the street into gridlock. Any slowdown has multiple negative impacts on the neighborhood: (i) more cars spend more time idling on the street, adding emissions that worsen air quality; and (ii) many drivers speed through our narrow and winding hillside streets in an effort to escape rush-hour traffic, creating safety issues in our neighborhoods.

It takes very little to turn this section of Sunset Blvd. into gridlock. Two years ago the city added a new traffic light at Edgecliffe Dr. and Sunset, and for months until the timing was better coordinated with other lights, it created gridlock for a couple blocks either side of the light. And even now, with timing improved, the slowdowns in that stretch of Sunset during any busy period shows how vulnerable this street is to major traffic slowdowns – all of which mean increased emissions and air pollution in our neighborhood.

RYDA did not carry out a proper traffic study in connection with their 3209 Sunset Development. Their public relations consultant claims that no one will leave Sunset Blvd. to drive through our narrow and winding roads, but makes this claim with no factual support and no apparent awareness of the cars that already speed through the narrow hillside streets in an effort to avoid this stretch of Sunset. Their traffic study appears to have been written by someone sitting at a desk, rather than observing the existing impact of traffic that is already avoiding Sunset Blvd. Those of us who live here and walk on our neighborhood streets are very familiar

with the rush hour traffic that uses these hillside streets to avoid the already-heavy rush hour and weekend-afternoon traffic.

Depending on the future size of RYDA's fourth project (across from the 3209 Sunset Development), these four projects planned for this stretch of Sunset Blvd. appear likely to add about 350 new households and multiple commercial properties to a stretch of Sunset Blvd. that presently has only a few dozen households. The increased traffic that these developments will bring to this neighborhood in the form of residents, commercial customers, delivery trucks, UBER/Lyft drivers, and visitors, will overwhelm an already strained route. One of RYDA's drawings for the 3209 Sunset Development shows the addition of a new controlled crossing to link its two projects, which will add yet another location for stoppage of traffic along this route. The impact of this traffic will be worsened by the woefully insufficient parking resources provided by all of the RYDA developments, as residents/customers/visitors will be forced to drive around the block and head into the hills in search of parking, while commercial deliveries will add more double-parked trucks to the street than we already face on a regular basis.

The concept of a "cumulative impact" requires consideration of all projects that contribute to such a "cumulative" result. In this case, there are four RYDA projects, each carefully released one at a time to limit the attention paid to the cumulative impact of all four. RYDA dismissed any consideration of its other projects to suggest that the 3209 Sunset Development, alone, will have no "cumulative impact" on this neighborhood, when the reality is that RYDA is transforming this neighborhood. It is incumbent upon the City to analyze and understand the massive impact that RYDA's developments will have, not merely upon this neighborhood, but upon the critical east-west route that passes through this neighborhood. Once this sole east-west corridor has been rendered gridlock, it cannot be fixed by diversions of traffic to alternate routes.

### **B. Summary of Concerns Pertaining to the 3209 Sunset Development Proposal and Requested "Incentives" for this and Related RYDA Developments**

My concerns with the 3209 Sunset Development (and its companion developments) are not about matters of inconvenience. Nor am I writing out of a dislike or fear of affordable housing. I moved to Silver Lake in 1998 largely because it was—at least then—affordable; the sort of community where a single parent on a teacher's salary could afford to raise their family in the same neighborhood where they worked. Silver Lake has not been that neighborhood for the past decade or so. But I do not believe that a handful of low-income mini-studio apartments traded for incentives and waivers will address the real housing problem that this city faces. Rather, projects like this one will permit our neighborhood to congratulate itself on a job well-done on affordable housing, when little has actually been accomplished to create meaningful public or affordable housing in this neighborhood.

Similarly, I am not writing to protest any and all development along the corridor of Sunset Blvd. where the 3209 Sunset Development is proposed, along with other developments proposed by RYDA. This is not a NIMBY complaint. I support responsible development that can replace existing car repair businesses and underutilized lots with mixed residential and retail developments. But RYDA's projects do not fit this description, as their excessive requested

waivers and incentives related to density, height, and parking (or a complete lack of parking), will have a serious and detrimental impact on this neighborhood in terms of health, safety, and the environment.

My comments below are focused on the issues that were directly before the City at the public hearing held on January 13, 2022, including whether there is an exception to a Categorical Exemption pursuant to CEQA Guidelines 15300.2, and whether the off-menu items and substantial waivers requested by RYDA negatively impact the health, safety, and environmental conditions of the immediate neighborhood. RYDA's principals do not live in this neighborhood. RYDA will carry out its construction, likely sell off its buildings in real estate investment vehicles, and wash its hands of the impact that its developments will have on this neighborhood. We will have to live with the reduced property values, the gridlock, the increased auto emissions, and the destruction of our neighborhood's esthetic along this stretch of Sunset Blvd. between N. Reno Street and Micheltorena Street (the "RYDA Corridor").

In order to properly explain the cumulative impact of the RYDA developments, and the 3209 Sunset Development in particular, I believe it is necessary to address the current environment in which these projects will be located, from my own personal experience as a homeowner of this street for eighteen years. For a cumulative impact must have a starting point. And the starting point is already excessively problematic. As explained below, this constitutes admissible and relevant substantial evidence for purposes of CEQA.

### **C. The Existing Circumstances Pertaining to Health, Safety, and Environmental Impact**

In the hillside to the north of Sunset Blvd., an area historically known as Mabery Heights, parking has been the primary issue of health, safety, and environmental impact since I purchased my home in 2004. By this, I do not mean inconvenience, as I am aware that inconvenience is not a relevant factor for the City's review of a project under CEQA. But the difficult parking situation that Mabery Heights already faces, and has faced for at least a couple decades, is the starting point for analyzing the health, safety, and environmental impact of new developments.

Along Hamilton Way we have standard red zones where parking is not permitted for safety reasons, such as a red zone at the eastern end of Hamilton Way on a narrow curve to permit emergency vehicles to be able to access the street, or red zones in front of our homes to ensure emergency access, or red zones in front of stop signs to ensure that the stop signs are visible. In the eighteen years that I have lived here, it has been my observation that those red zones on Hamilton Way are occupied by illegally parked cars on most nights, blocking emergency access, and blocking stop signs. The City does not enforce these red zones with any regularity, as if recognizing that the owners of the vehicles simply have nowhere else to park. In eighteen years, there has been a car parked in the red zone in front of the stairs to my home on most nights, yet I have observed a parking ticket on the windshield of such cars on only two occasions.

Even now, before new density with insufficient parking is added to the neighborhood, this is a safety issue. I have had two requirements for emergency access to my home in eighteen years—

once to respond to a gas main next to my home that was broken open by construction workers, and once for EMT's to carry a dying man on a stretcher to an ambulance—and on both occasions, there was a car illegally parked in the red zone that impeded their access.

Many of us who live on this street have been informed by city and fire department officials that fire trucks may not be able to access our street in the event of an emergency. It is rare to see even a smaller fire truck passing on our street, and I've witnessed one fire truck trying to get around the bend at the east end of Hamilton Way by having to zig-zag back and forth for about a minute before it could proceed. At the time, the red zone was not illegally occupied. Had it been, I believe the fire truck would have been unable to proceed. We experienced a significant fire on a hot, windy day in 2020 that skipped across trees of several homes on Westerly Terrace and Elevado Street, demonstrating the critical need for fire department access. Had the wind shifted slightly and sent the fire along the properties on Hamilton Way, it is questionable whether the fire trucks could have accessed the fire from Hamilton Way.

And, on most nights or mornings when I've passed the area on regular walks, I've observed a car parked in the red zone in front of the stop sign at Murray Street, blocking or partially blocking the stop sign. It is so common that I was unaware initially that there even was a red zone behind each of the parked cars. This is a street where parents walk their children to and from Micheltorena Elementary School, where only a portion of the street has a sidewalk, and where commuters are increasingly using this street to get around congestion on Sunset Blvd., putting such residents at risk.

The crush of cars competing for limited space is not merely a safety issue, it is also an environmental issue, as the fight for parking spaces increases the amount of time drivers spend driving on these hillside streets, searching for parking, and releasing carbon emissions. Already, without any RYDA construction having commenced, it can take five or ten minutes to find a parking place in the street on this hillside behind the 3209 Sunset Development. Because RYDA proposes only a fraction of the parking that would be typical for any Los Angeles household (addressed below), the only option their residents and commercial customers will have is to search for parking on our hillside. The number of vehicles that will be added to this hillside from RYDA's approximately 350 new households will overwhelm the neighborhood, and substantially impact emissions and safety. As each new RYDA resident finds and takes a parking spot on our streets, an existing resident will have to drive that much longer, and farther, in search of a replacement parking spot farther up the hillside, causing further emissions and reducing our air quality.

This is the existing situation in Mabery Heights, before RYDA has broken ground on any of their four proposed developments. RYDA claimed without any support that its developments will have no impact on traffic and parking on these hillside streets. The claim demonstrates that no one spent time on these streets during a weekday rush hour, or has conducted any review of limited, available parking during evenings when residents have returned home. Rather, its claims are merely a public relations exercise.

#### **D. The RYDA Developments**

RYDA, through various of its limited liability companies, has three residential developments that are in process in the RYDA Corridor, and a fourth that has been announced in principle, but not in detail.

The first is located at or about 3004 Sunset Blvd. (the “3004 Development”) and is a five-story residential project that will have 74 residential units with 64 parking spaces. The lot on which the 3004 Development will be built is presently the **only** freestanding commercial parking lot in this area of Silver Lake, by which I mean that it is the only public parking lot that is not a part of a retail mini-mall, though it advertises itself as parking for a nightclub. From my review of public documents available on the Zimas website, it appears that RYDA has not proposed to replace the public parking that will be erased by its 3004 Development. Further, while I recognize that the 3004 Development has provided the required number of parking spaces for its residents, the “required” number has nothing to do with the actual number of cars that will be owned by residents and will take up parking spaces in the neighborhood. Whether or not one might agree that the 3004 Development lacks sufficient parking for the vehicles that its residents will actually bring to this neighborhood, the mere construction of the 3004 Development on an existing parking lot will have a substantial impact on the availability of public parking in Silver Lake, and will have the natural result of forcing people who used that parking lot when visiting this neighborhood to instead turn to the residential neighborhoods on either side of the RYDA Corridor for their parking needs even more than they already do.

The second RYDA project is a mixed residential/retail project located at or about 3303 Sunset Boulevard (the “3303 Development”), and is a purported four-story project with 104 residential units with 88 parking spaces, plus 9,048 square feet of retail space with another 62 parking spaces. It should be noted that the actual height of the 3303 Development is five stories, but the fifth story is broken up by each unit, and therefore is described as a fourth “mezzanine” by RYDA’s public relations lobbyists. Like its companion project, the 3003 Development has parking for its residents that satisfies the minimum requirements of the Los Angeles Municipal Code, though this is unlikely to address the actual vehicles owned by residents, as the average Los Angeles household owns 1.9 automobiles, while building requirements for a single-family residence are two parking spaces. The 3303 Development provides less than one parking space for each residential unit, including the city’s guest parking requirement and employees working at the building. To whatever extent this project’s residents (and employees and visitors) collectively own more than 88 vehicles for 104 households, the only parking option available to them in this neighborhood is the side streets and red zones on either side of the RYDA Corridor, or to pay for commercial parking in the building, thereby reducing its availability for employees and customers of the commercial businesses. There is also a risk that, because parking does not appear to be linked to a particular rental unit in this project, many will opt to park in the hillsides for the price of an occasional parking ticket rather than pay for a parking spot. If the ownership of vehicles by the building’s tenants approximates the Los Angeles average, this will mean more than 100 new vehicles will require parking, for which their only reasonable option will be the already-filled hillside streets. There are no other parking options in this area. None.

The third RYDA project, which is the primary subject of this appeal and these comments, is the 3209 Sunset Development. The original proposal that came before a public hearing in September 2021 proposed 82 residential units with 69 parking spaces, plus 9,376 square feet of commercial space that had no dedicated parking of any kind. The 3209 Sunset Development also originally requested a variety of off-menu incentives, and many waivers of development standards, including a 42.5 percent increase of density, permission to build to 7 stories instead of 3 stories, a 32 percent reduction in residential parking, a 100 percent reduction in retail/commercial parking, and a height increase from 45 feet to nearly 82 feet, among others.

The 3209 Sunset Development was then revised by RYDA to increase density, decrease parking, and request further waivers. At the final hearing it appeared from somewhat incomplete documentation sent by the City to local residents that RYDA increased the proposed units from 82 to 86 units, with the same 69 parking spots, but with no requirement that any of the parking be dedicated for residents, but that it serve as both commercial and residential parking. The City's notice further stated that RYDA had requested that its original request for a rear setback reduction to 15 feet and 9 inches was reduced to a rear setback reduction to 0. Its original request for a reduction of open space by 20% became a 24% requested reduction. The proposal became even taller, as RYDA's original request for a height increase from 45 feet to 81 feet and 10 inches was amended to request 83 feet and 10 inches—a height that has no comparison or precedent anywhere in Silver Lake. The 69 untethered parking spots will most certainly go to the highest bidder – commercial or those tenants will to pay a high price for limited parking. The rest will default to neighboring streets that have no space for them. If the Los Angeles average for car ownership is even approximated by the residents of his development, it would add yet another 75-100 new vehicles parking on packed hillside streets.

With each project that RYDA has brought before the City for the RYDA Corridor, its demands have increased. In each case, it learns what it can obtain for a project, and then demands more for the subsequent project. But in the case of the 3209 Sunset Development, it appears that RYDA has concluded that it didn't ask for enough waivers and incentives the first time around, and therefore returned with demands that made the revised project bigger and decreased parking, all to the detriment of the surrounding neighborhood. And it received approval for all of them, over the vociferous objections of residents.

The fourth RYDA project, which has only been announced as a future project, will be located on a lot that is generally across the street from the 3209 Sunset Development, and which is similar in size to the lots for the 3209 and 3303 Developments (the "Fourth Development"). Public disclosures reveal that RYDA has already retained the same political lobbyists for this project that it has used in the 3209 Sunset Development. If the Fourth Development is built at a size/density that is comparable to the RYDA developments on similar-sized lots, it is likely to add another 80-110 residential units with approximately 0 - 0.8 parking spots per unit. Commercial space may or may not have any parking at all, given the disparity between the 3209 and 3303 Developments' respective commercial parking allotments. Because of the uncertainty of the size/nature of the Fourth Development, I cannot state a final number of units and parking

spaces to be provided by these four RYDA developments along the RYDA Corridor, but it appears that it is likely to break down as follows:

Residential Units	-	330-360
Commercial Space	-	18,000-27,000 sq.ft.
Parking Spots for Residents, Employees, Visitors, and Commercial	-	300-320
Missing Parking by the Los Angeles householder average	-	approx. 300 spots

The substantial commercial development/restaurants/office space that is a part of these RYDA projects ensures that only a portion of these parking spaces will be available to residents. It sounds like hyperbole to use a term such as “hundreds of cars,” but these four RYDA projects will literally push hundreds of resident and customer cars into the hillside streets, none of which will have access to electric charging stations, and all of which will have to compete with existing residents and will force residents to park many blocks farther up the hillside, with substantial further emissions to air quality and safety risks on these narrow streets.

These four projects will be built on lots that, collectively, had only one residential unit before RYDA’s arrival on the scene. This is relevant to the cumulative impact that the four RYDA developments will have on the neighborhood surrounding the RYDA Corridor, as the existing four developments (without contemplating what else is to come) can be expected to increase residential density by about 350 new residential units, erase dozens of existing retail/commercial parking spaces, and dramatically increase the demand for retail/commercial parking with new projects that have limited or nonexistent parking.

A proper cumulative impact analysis of the 3209 Sunset Development must consider all four RYDA projects, or it is merely theatre that serves no legitimate purpose.

#### **E. The Health, Safety, and Environmental Impact of the 3209 Sunset Development**

The 3209 Sunset Development has been granted waivers/off-menu items that will result in a harmful impact upon the “public health and safety or the physical environment” of this neighborhood. L.A. Municipal Code Section 12.22.A.25.g.2.i.c.ii.

The 3209 Sunset Development proposes over 9,000 square feet of commercial space with zero dedicated parking, after RYDA will have already erased the neighborhood’s only freestanding commercial parking lot when it constructs its first of these four developments on that site. It is not merely the customers of any restaurant or retail business that will drive to this neighborhood, it will be the wait staff, the kitchen staff, and delivery vehicles. Restaurant workers cannot be expected to take the bus home at 1:00 a.m. if they could otherwise drive and park in the hillside (particularly given the reductions in bus service to this neighborhood over the past few years). Retail customers will be unlikely to consider parking issues before venturing to this neighborhood in their cars. They will all be added to the vehicles that already circulate through hillside streets searching for parking, for the simple reason that there is no other reasonable option for them in Silver Lake. The limited commercial parking to be built at the 3303 Development cannot satisfy the demand of visitors and customers for all of the RYDA

developments, particularly given the construction that will replace the existing commercial parking at 3004 Sunset. Metered street parking on Sunset is limited and highly competitive. By driving throughout the hillside in search of parking, each vehicle's commute or driving time will be increased by the additional minutes it takes to find a parking spot, as will be the driving/commute time of the hillside resident who, as a result, must find a parking spot farther up the hill, and so on with each spot taken.

The concern is not merely the complete lack of commercial parking at the 3209 Sunset Development, but also the substantial reduction in residential parking spaces. The 3209 Sunset Development asks for a 50% density increase along with a seven-story height, combined with a reduction in residential parking that is now described in the notice as a 100% decrease, resulting in 86 residential units with (potentially) 69 parking spaces for residents, visitors and building staff, and no parking at all for 9,000 feet of commercial space and its workers/customers. To whatever extent residents, building employees, and visitors do not have sufficient parking with 69 spaces, they, and all restaurant workers and customers for the commercial space, are left with the sole option of parking in the hillsides on either side of the RYDA Corridor. This one project, alone, will send dozens of cars into the hills in search of parking, whether they are the cars of new residents, commercial employees, retail customers, or visitors. The four RYDA projects, combined, will send dozens more into the hills as a result of the requested incentives, waivers, and off-menu items, resulting in "a Specific Adverse Impact upon public health and safety or the physical environment" of this neighborhood. L.A. Municipal Code Section 12.22.A.25.g.2.i.c.ii.

When a two-unit home was constructed on a vacant lot on Hamilton Way a few years ago, it was required by law to have two parking spots per unit. That is a law that makes sense. The new residents who have occupied those homes have not burdened the neighborhood with new street parking or additional auto emissions while searching for parking. Yet RYDA is being granted "incentives" to pack hundreds of new residents into this neighborhood with one-third the amount of parking, without any proper analysis of the combined cumulative impacts of its various developments, justified by the spin from RYDA's political lobbyists that new residents will arrive without cars because of the "walkable" nature of this neighborhood. Permitting such development without sufficient parking is not reasonable policy, nor leadership. It is an abandonment of both reason and leadership that will increase air pollution and decrease safety.

Were there sufficient parking spots at the 3209 Sunset Development, each vehicle arriving at the 3209 Sunset Development would turn into the parking lot, adding no meaningful additional time to their drive, and no additional environmental impact. The impact caused by a lack of parking is entirely a result of the additional driving—and additional emissions—caused as each driver must circle the neighborhood in search of a (hopefully) legal parking space, or as Uber drivers double-park waiting for pick-ups or drop-offs creating dangerous conditions in bicycle lanes or restricting traffic movement. But as residents and visitors are increasingly learning that the city does not enforce red zone restrictions with any regularity, we can also expect that safety issues created by illegal parking will dramatically increase as the RYDA Developments are completed.

The City has somehow adopted the claim that new residents in the RYDA projects will sell their cars simply because RYDA is trying to avoid the expense of building sufficient parking. People

do not act in that manner, especially when the public transit opportunities in this neighborhood are so minimal. They will instead seek to park their cars on already overcrowded streets, resulting in more residents driving farther to find parking, adding to emissions. Any public “policy” that is based on the idea that reduced parking will help the city reduce its cars is not public policy, it is a dereliction of duty. Unless and until this neighborhood has better transit, new residents will not move here and abandon their cars. Instead, they will bring their cars and fight for the limited space available on local streets.

RYDA’s public relations campaign speaks of our walkable neighborhood, and of a fictional tenant who will live and work in a studio apartment without needing to own a car. In this neighborhood, we do not have a regular grocery store, nor a drug store, nor a hardware store. We have a Yummy, which is an expensive version of 7-11. People who live here generally own cars as we must leave the neighborhood to obtain necessities. This neighborhood is “walkable” in terms of its boutiques and restaurants, all of which are becoming increasingly upscale and irrelevant to daily living, which means that it is a neighborhood that attracts visitors from elsewhere, the vast majority of whom drive here and search for parking that will not exist. Its “walkable” nature does not mean that it is easy to live here without a car.

At some point, and perhaps when the RYDA Developments have added hundreds of new residents and substantial new commercial space to this short section of Sunset, bus routes will have difficulty remaining on schedule, and this section of Sunset may lose rush hour street parking, as has been the case along so much of Sunset to the west. If that happens because of these RYDA Developments, it will push another hundred cars into the hillside streets at the very times of day when families are walking their children to and from Micheltorena Elementary School and St. Francis of Assisi School. It is yet another potential cumulative impact of these developments, and the 3209 Sunset Development in particular.

The incentives and waivers requested by RYDA, and granted by the City, for the 3209 Sunset Development will create a substantial impact on the “public health and safety or the physical environment” of this neighborhood (L.A. Municipal Code Section 12.22.A.25.g.2.i.c.ii), and should be denied or dramatically modified to sufficiently address these issues.

#### **F. The 3209 Sunset Development Requires an Environmental Impact Report Pursuant to CEQA**

An Environmental Impact Report (“EIR”) is required for any project that a public agency proposes to carry out or approve that may have a significant effect on the environment. (Pub. Resources Code, §§ 21100, subd. (a), 21151, subd. (a); Guidelines, § 15064, subd. (a)(1).).

The purpose behind an EIR “is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 (citations omitted). To this end, public participation is an “essential part of the CEQA process.” *Id.* See also Pub. Resources

Code, § 21061.

“The Guidelines define ‘substantial evidence’ as ‘enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.’ *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 29 Cal. Rptr. 3d 788.

California courts have explained that “[t]hese legal standards reflect a preference for requiring an EIR to be prepared.” *Mejia*, 130 Cal.App.4th at 332. “There is ‘a low threshold requirement for preparation of an EIR’ (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84, 118 Cal.Rptr. 34, 529 P.2d 66), and a ‘preference for resolving doubts in favor of environmental review’ (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316-1317, 8 Cal.Rptr.2d 473). An EIR must be prepared ‘whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact,’ even if there is substantial evidence to the contrary. *Mejia*, 130 Cal.App.4th at 332 (citations omitted).

While the evidence submitted in these written comments is primarily the observations of a eighteen-year homeowner on Hamilton Way, they carry force sufficient to establish “substantial evidence” for purposes of CEQA. *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173, 217 Cal.Rptr. 893 (“an adjacent property owner may testify to traffic conditions based upon personal knowledge.”); *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1053-1054, 156 Cal.Rptr.3d 449 (“personal observations and opinions of local residents on the issue of parking in the area may constitute substantial evidence”); *Mejia*, 130 Cal.App.4th at 339 (“Project opponents who challenge a negative declaration often have no expert studies to rely on. Recognizing this, courts have held that the absence of expert studies is not an obstacle because personal observations concerning nontechnical matters may constitute substantial evidence under CEQA.”).

These concerns are not about inconvenience, which I recognize is not a relevant factor under CEQA. Rather, my concerns pertain to “the secondary effect of scarce parking on traffic and air quality [which] is” a factor under CEQA. *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 125 Cal.Rptr.2d 745 (emphasis in original). In addressing this holding in *San Franciscans*, the court in *Taxpayers* held that “as a general rule, we believe CEQA considers a project's impact on parking of vehicles to be a physical impact that could constitute a significant effect on the environment.” *Taxpayers for Accountable School Bond Spending*, 215 Cal.App.4th at 1051. The court in *Taxpayers* specifically found that an EIR was required for a project that failed to properly consider the evidence of local residents concerning the impact that overflow parking on side streets would have as a result of the planned development. *Id.*, at 1054.

The 3209 Sunset Development will have a material impact upon the environment by dramatically increasing the number of vehicles scouring these hillsides for parking, and thereby

increasing the time driven, and carbon emitted, by each of these vehicles, as well as the vehicles of residents who will need to drive further each day in search of a spot as a result of increased congestion. This will be happening in a neighborhood that is not merely a residential neighborhood, but is home to two elementary schools, Micheltoarena Elementary School and St. Francis of Assisi School. This project requires an Environmental Impact Review.

### **G. Aesthetic Concerns**

Finally, while I recognize the limited impact that issues of aesthetics have on this process, I wish to address the substantial impact that the four RYDA projects will have on the RYDA Corridor. At the moment, there are two five-story buildings across from the Micheltoarena intersection, neither of which has a large footprint. This area is otherwise a corridor of one, two, and three-story buildings. Indeed, the two five-story buildings mentioned are two of the only five-story buildings to be found in all of Silver Lake—a neighborhood of predominantly low-height buildings. RYDA is now adding two more five-story buildings (or four stories with a “mezzanine”) to the RYDA Corridor, and now is asking to add a seven-story building with the 3209 Sunset Development, plus a fourth project that is unlikely to request a lower height. This neighborhood will become a corridor of building height never seen before in this area, on a critical east-west corridor that cannot handle substantially increased traffic. Development of this scale contradicts the community plan for Silver Lake.

Thank you for considering my views, comments, and evidence.

Sincerely,

A handwritten signature in blue ink, appearing to read "DJR", with a long horizontal flourish extending to the right.

David J. Richardson