

# MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

**APPEAL TO THE:** City Council

(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

**REGARDING CASE #:** VTT-72782-SL-1A; ENV-2014-880-MND

**PROJECT ADDRESS:** 5131 North Cartwright Avenue

**FINAL DATE TO APPEAL:** January 22, 2015

**TYPE OF APPEAL:**

1. ☐ Appeal by Applicant
2. ☒ Appeal by a person, other than the applicant, claiming to be aggrieved
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

**APPELLANT INFORMATION** – Please print clearly

Name: Cartwright Avenue Neighbors Coalition, c/o Marissa Benedict

- Are you filing for yourself or on behalf of another party, organization or company?

☐ Self

☒ Other: See full list of Appellants on Attachment

Address: 5140 Cartwright Avenue

North Hollywood, CA

Zip: 91601

Telephone: (818) 985-8072

E-mail: musicfamily@mac.com

- Are you filing to support the original applicant's position?

☐ Yes

☒ No

**REPRESENTATIVE INFORMATION**

Name: Robert L. Glushon, LUNA & GLUSHON

Address: 16255 Ventura Blvd., Suite 1016

Encino, CA

Zip: 91436

Telephone: (818) 907-8755

E-mail: rglushon@lunaglushon.com

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

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☐ Entire

☒ Part

Your justification/reason must state:

- The reasons 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

**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."*

--CA Public Resources Code § 21151 (c)

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

Appellant Signature: Man Benedict

Date: 1/21/2015

**Planning Staff Use Only**

Amount <u>1106.00</u>	Reviewed and Accepted by <u>[Signature]</u>	Date <u>1/22/15</u>
Receipt No. <u>0201192056</u>	Deemed Complete by <u>[Signature]</u>	Date <u>1/22/15</u>



Determination Authority Notified

Telephone 2 Williams @ 3:40 1/22/15



Original Receipt and BTC Receipt (if original applicant)

## ATTACHMENT TO APPEAL

VTT-72782-SL

ENV-2014-880-MND

Appellants: Cartwright Avenue Neighbors Coalition; Marissa Benedict; Mike Benedict; Ellen Sanford; Mary Garcia; Bob Peppermuller; Jose Alcedo; Gina Alcedo; Roy Wiegand Jr.; Bridgit Wiegand; Jennifer Jackson; Craig Stull; Adriana Madrigal; Gonzalo Guzman; Ted Williams; David Woodside; Bill Newell; Michell Dollente; Victoria Pacifico; David Sherry; Juli England; Evelyn Mansfield; Morris Istain; Geoffrey Berens; Edy Berens; Jeff Lass; Heidi McAlear; John Moskal; Katelyn Benedict; Michael Hogan; Andrew Benedict; Cori Benedict; Peter Grego; Jason Dean; Hidie Dean; Lee Jamieson; Matthew Fine; Diane Taylor; Robert Taylor; Marta Rickard; David Woosiel; Judy Brown; Jerry Scheiss; Deanna Scheiss; Britt Peters; Carl Bell; Emma Feitshans; Dan Spector; Sean McHugh; Lesa Blanchette; Klaus Hasmann; Emily Brown; Amy Deegan; and David Woodside, who are homeowners and/or residents directly impacted by the Project.

Project: A Vesting Tentative Tract Map of eight single family lots for the purposes of a Small Lot Subdivision.

The within appeal is filed to the Mitigated Negative Declaration ("MND") that was adopted by the City Planning Department and thereafter by the South Valley Area Planning Commission ("South Valley APC").

California law supports the strong presumption in favor of requiring preparation of an Environmental Impact Report ("EIR") based on the "fair argument" standard. Simply stated, whenever the record contains substantial evidence that a project may have a significant effect on the environment, there is a presumption that an EIR should be required. *Laurel Heights Improvement Assn v. Regents of University of California* (1993) 6 Cal.4<sup>th</sup>, 112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.

The "fair argument" standard is a comparatively low threshold standard and reflects the strong public policy interest for resolving doubts in favor of a thorough environmental review. Where based on observation, the opinions and testimony from local residents are relevant to impacts such as aesthetics and traffic and constitute substantial evidence in support of a "fair argument" for an EIR. *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 355-356; *Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 402; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4<sup>th</sup> 322.



A. A "Fair Argument" exists that the Project will significantly impact Aesthetics.

The proposed MND fails to consider and adequately mitigate all potential impacts on the immediately adjacent one-story single family homes and neighborhood as to aesthetics (i.e.: massing, height, lack of open space).

The proposed mitigation measures on impacts actually considered are boilerplate, circular and inadequate.

No landscaping plan has been provided. Moreover, it is difficult to imagine what kind of landscaping could be done on zero separation between dwelling units.

B. A "Fair Argument" exists that the Project will significantly impact Biological Resources.

It appears that the only proposed mitigation measure is to "replace" trees. Yet there is no open space to "replace" such trees. Where is the City proposing to "replace" such trees? The MND fails to set forth any mitigation for the loss of old, native trees, including 4 palm trees.

C. A "Fair Argument" exists that the Project will significantly impact Land Use.

The Applicant has failed to set forth any findings, nor can such findings be made with supporting substantial evidence, that the Project is consistent with the City's General Plan (including the Community Plan).

The North Hollywood–Valley Village Community Plan encourages the preservation of low density single-family residential areas and the conservation of open space lands [Chapter III, Policies]. The Plan encourages the rehabilitation and/or rebuilding of deteriorated single-family areas for the same use [Chapter III, Policies].

As proposed, the Project would be the only building that has three stories in height on this entire block within an established, low-rise neighborhood. Additionally, it is greatly over-massed on this one lot. As such, the Project is not in substantial conformance with these aspects of the North Hollywood – Valley Village Community Plan.

D. A "Fair Argument" exists that the Project will significantly impact Noise.

Although Planning Department Staff notes that the Project will result in a substantial permanent increase in ambient noise levels, the only condition proposed as mitigation is a masonry wall "if no such wall exists". This is clearly

boilerplate and inadequate. In order to adequately mitigate the substantial permanent increase in ambient noise levels, the acknowledged permanent impacts on noise must be further evaluated in an EIR.

E. A "Fair Argument" exists that the Project will significantly impact Traffic.

Again, based on the nature of the Project and testimony from neighbors, there is substantial evidence to support a fair argument that the Project will have a significant impact on traffic in the immediate neighborhood. See *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 355-356; *Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 402; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4<sup>th</sup> 322.

For all the reasons set forth above, the adopted MND is legally inadequate.

Office: Van Nuys  
Applicant Copy  
Application Invoice No: 21646

City of Los Angeles  
Department of City Planning



### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the  
your application, regardless of whether or not you obtain the services of

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

Receipt #: 0201192056

Sub Total:

\$106.80

PLAN & LAND USE

\$106.80

LA Department of Building and Safety  
VN 0007 201049953 1/22/2015 3:57:40 PM

DEPARTMENT OF BUILDING AND SAFETY



Applicant: CARTWRIGHT AVENUE NEIGHBORS COALITION - BENEDICT, MARISSA ( B:818-9858072 )

Representative: LUNA & GLUSHON - GLUSHON, ROBERT L. ( B:818-9078755 )

Project Address: 5131 N CARTWRIGHT AVE, 91601

NOTES: Appealing the Mitigated Negative Declaration

VTT-72782-SL-2A

Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

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

LA Department of Building and Safety  
VN 0007 201049953 1/22/2015 3:57:40 PM

PLAN & LAND USE \$106.80

Sub Total: \$106.80

Receipt #: 0201192056

Council District: 2

Plan Area: North Hollywood - Valley Village

Processed by CHEW, DENNIS on 01/22/2015

Signature: 