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VIA E-MAIL

Planning and Land Use Management Committee
City Council, City of Los Angeles
c/o Sharon Gin
(sharongin@lacity.org)

Re: PHL NoHo Cartwright, LLC; 5131 N. Cartwright Avenue, North Hollywood;
Vesting Tentative Tract Map No. 72782-SL; February 10, 2015 hearing
before the Planning and Land Use Management (PLUM) Committee of the
Los Angeles City Council

Honorable Council Members:

Our firm represents PHL NoHo Cartwright, LLC and Planet Home Living (collectively, "PHL"), the developer of the above-referenced project (the "Project"). We have prepared this letter on behalf of PHL in anticipation of the February 10, 2015, meeting scheduled before the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council in response to the appeal filed by Robert L. Glushon on behalf of certain neighboring property owners challenging the November 13, 2014, approval of the Project by the South Valley Area Planning Commission.

The appeal asserts that the Mitigated Negative Declaration issued in connection with the project is inadequate. We address this assertion below.

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Appellants Assert that the Mitigated Negative Declaration is Inadequate.

The appellants' arguments supporting their contention that the Mitigated Negative Declaration ("MND") for the Project is inadequate can be summarized as follows - a "Fair Argument" exists that the Project will significantly impact aesthetics, biological resources, land use, noise and traffic, that these matters were not adequately addressed in the MND, and that an Environmental Impact Report ("EIR") should be required.

PHL's Response:

The California Environmental Quality Act ("CEQA") requires government agencies to consider the environmental consequences of their actions before approving certain projects that fall under the jurisdiction of CEQA. CEQA does not regulate project implementation through comprehensive substantive regulatory standards or prohibitions, rather, CEQA requires only that governmental agencies inform themselves about the environmental effects of their proposed actions, consider all relevant information before they act, give the public an opportunity to comment, and avoid or reduce significant environmental impacts when it is feasible to do so. The City has satisfied its responsibilities under CEQA with respect to the Project by undertaking the Initial Study and adopting the MND.

The Department of City Planning prepared both the Initial Study and the MND for the proposed Project and concluded that there was no substantial evidence that the Project would cause a potentially significant effect on the environment if certain mitigation measures were followed.

With respect to appellant's claim concerning aesthetics, the MND specifically addresses aesthetic concerns as required by CEQA and requires certain mitigation measures be undertaken to address potentially significant effects. That appellant claims such mitigation measures are "boilerplate" does not reduce their adequacy or validity with respect to the recognized environmental effect of the proposed Project.

With respect to appellant's claim regarding the possible impact on biological resources, the issue has been considered by the City and addressed in the MND. The MND requires that all significant trees located on site that are removed in connection with the development of the Project be replaced on a 1:1 ratio. There are no other identified biological effects.

Regarding land use issues, appellant claims that no finding has been made that the Project is consistent with the City's General Plan. Such claim is incorrect. With respect to land use and planning issues relating to the Project, the Initial Study notes that the Project will either have no impact or less than a significant impact in such areas.

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With respect to noise effects from the Project, the issue has been considered by the City and addressed in the MND. As before, that appellant claims such mitigation measures may be "boilerplate" does not reduce their adequacy or validity with respect to the recognized environmental effect.

Lastly, with respect to traffic, the City addresses this issue in the Initial Study which notes that the Project will either have no impact or less than a significant impact with respect to traffic.

Conclusion

The Initial Study and MND for the Project were prepared and processed by City staff in the same manner and to the same standards as the City does for thousands of other development projects in any given year. As set forth above, CEQA requires only that governmental agencies inform themselves about the environmental effects of their proposed actions, consider all relevant information before they act, give the public an opportunity to comment, and avoid or reduce significant environmental impacts when it is feasible to do so. The City has clearly done so in this case.

It is worth noting, as well, that the property's existing zoning permits not only the proposed Project, but in the alternative, the development of an eight unit apartment complex. Because no tentative tract map or other discretionary approval would be required to develop such an apartment complex, its development would require only the issuance of a building permit. Since the issuance of a building permit is a ministerial act, such development would fall under the ministerial exemption and CEQA would not apply. Accordingly, if the developer were to decide to develop an eight unit apartment complex as opposed to an eight unit small lot subdivision, as the Project contemplates, no CEQA analysis would be undertaken, even though the environmental impact of such development would be substantially identical to the environmental impact of the proposed Project. It is only due to the fact that the Project requires the discretionary approval of a subdivision map, by virtue of its development pursuant to the City's Small Lot Ordinance, that CEQA applies at all.

In light of the foregoing, the pending appeal should be denied and the Planning Commission's approval of the Project should be affirmed. We look forward to the hearing before the PLUM Committee.

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Should you have any questions regarding the foregoing in the interim, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen A. Scheck", written in a cursive style.

Stephen A. Scheck

cc: Jim Tokunaga
Sarah Hounsell
Doug Mensman
Karo Torossian
Michael Marini
Emily Hsiung