

# 568 N TIGERTAIL APPEAL:

## APPEAL APPLICATION

RE: 568 N Tigertail Rd. (Job address)  
~~10830 W. CHALON ROAD~~

RE: LADBS Board File # 150017

RE: ~~ENV-2015-852~~ case No. ENV-2015-852-MND

APPEAL FROM: Appeal from the Board of Building & Safety Commissioners

APPEAL TO: The City Council

REGARDING CASE NO: Board File Number ~~150017~~ ENV-2015-852-MND

PROJECT ADDRESS: 10830 W. Chalon Road ~~568 N Tigertail Rd~~

FINAL DATE TO APPEAL: November 7, 2014 ~~August 28, 2015~~

TYPE OF APPEAL: Appeal of the entire Board decision, by an organization other than the project applicant/owner, claiming to be aggrieved by the Board's decision.

### APPELLANT INFORMATION:

Name: ~~The Del Air Homeowners Alliance (the "Alliance")~~, filing for ~~himself~~ as resident at:

Address: 1527 Stone Canyon Blvd. ~~[redacted]~~

Telephone: ~~818-446-1406~~ (phone number for legal counsel for the Appellant) (pro se)

E-mail: ~~rzene@a2s2law.com~~ (Legal counsel for the Appellant) (pro se)

### PURPOSE OF APPEAL:

This appeal seeks to reverse the entire decision of the Board of Building and Safety Commissioners ("the Board"), Agenda Item ~~4.~~ <sup>4.</sup>, at the Board's hearing on ~~October 28, 2014~~ <sup>August 18, 2015</sup>. This appeal pertains to the entire decision of the Board, including without limitation Board file number ~~150017~~ and Project Title ENV-2015-852-MND (the "Project"). The appeal is based primarily on the Board's improper approval of a Mitigated Negative Declaration (MND), rather than an Environmental Impact Report (EIR), to disclose and mitigate the Project's adverse environmental impacts.

Where, as here, Appellant and other nearby neighbors ~~have~~ <sup>have</sup> presented several "fair arguments" that the Project may cause significant environmental impacts (regarding obstruction of emergency fire evacuation, local air quality impacts, truck traffic congestion impacts, and noise impacts), and presented "substantial evidence" supporting those "fair arguments," including several expert opinions/studies incorporated by reference from Board File No. 140029 (regarding a similar nearby hillside project at 10697 West Somers Way), [the Board had no discretion to approve an MND for the Project. See California Public Resources Code section 21082.2(d) and 14 Cal. Code Regs. section 15064(f)(1).] ~~See Exhibit A, Appellant's August 27, 2014 Opposition Letter addressed to the Los Angeles Department of City Planning, regarding the Project's MND, and Exhibit B hereto, a copy of Appellant's supporting evidence, including expert opinion evidence and sworn declarations.~~

CEQA



This appeal is also based on the Board's violation of City Municipal Ordinance Section 91.7006.7.4(5), which states in relevant part that the Board "shall" deny approval of a haul route permit request, when approval would "endanger the public health, safety and welfare."

REPRESENTATIVE INFORMATION:

Name: Richard S. Zeilenga



, pro se

Address: 4590 E. Thousand Oaks Blvd., suite 100, Westlake Village, CA 91362



Telephone: 805-



E-mail: rzeilenga@szrlaw.com



Attachments (or documents filed concurrently herewith):

Statement of Reasons for Appeal; Alliance Opposition Letter Submitted to the Board (Exhibit A); and a copy of the Evidence Supporting the Alliance's Opposition letter (Exhibit B)

reference to <https://youtu.be/8ivuphxje2c>

CERTIFICATION

I certify that the statements contained in this appeal application and all supporting exhibits are complete and true;

attachments

and correct:

Dated: ~~November 5, 2014~~

Aug. 28  
2015

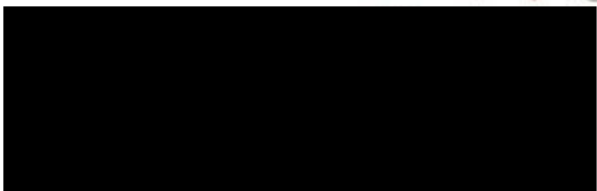
Appellant's Representative:

Signature



(many propria)

August 28,  
2015



(propria)

~~Exhibit "A" is here~~ Exhibit "A" Statement of Reasons for Appeal 7.2  
Appellant was ~~unable to present~~ <sup>unable to present</sup> significant evidence <sup>regarding the project</sup> at the Hearing of the Board of Commissioners <sup>on August 18, 2015</sup> ~~because~~ <sup>as</sup> ~~a violation of~~ <sup>that</sup> notice of hearing was not served or posted anywhere on the property involved at least 5 days prior to the date of the public hearing, in violation of LAMC Section 91.7006.4

(4)(c):

" by the applicant posting (Refer to LADBS customer service Request # 357562. Thus, being a resident on the adjacent <sup>adjoining</sup> property, and thus the greatest affected by the Board's decision ~~and~~ regarding the ~~environmental~~ <sup>environmental</sup> impacts of such said project, ~~the~~ the entirety of which has been considered <sup>by</sup> Appellant, Appellant AND REJECTED by



wishes to request an Environmental Impact Report on the job site due to SIGNIFICANT ENVIRONMENTAL Damage that may result from the illegal issuance of a Grading Permit, as the <sup>Project</sup> Owner's proposed project would destroy the environment at, and in the vicinity of, the proposed project, in Violation of the letter AND SPIRIT of the Calif. Env. Quality Act of 1970. Section 15062.

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Additionally, Appellant  
has significant evidence  
to prove that the project  
described in Case No. ENV-  
2015-  
852-  
MND

would not only damage  
the local environment,  
but be a "more-than-  
-Significant" <sup>SAFETY</sup> HAZARD  
to the safety of <sup>the</sup> Appellant,  
who ~~resides~~ <sup>resides</sup> ~~at~~ that location,  
thus endangering <sup>both</sup> the "public  
health, safety and welfare" ~~and~~  
~~being a~~ ~~HAZARD~~ as well as causing a  
LOCAL ENVIRONMENTAL Disaster.

Please note that the project address is exactly located in a Biosphere where Deer and other wildlife native to the region live, feed, occupy, and ~~road~~ roam. Direct ~~in the form of~~ (video - photographs) evidence of such said declaration can be found by the public ~~as~~ on the internet at [https://\[REDACTED\].com](https://[REDACTED].com).

Expert opinion evidence and sworn declarations can be provided by request from the Appellant.

Exhibit "B"

## **LADBS COMPLAINT**

PLEASE MAKE A \*PHYSICAL INSPECTION\* TO \*VERIFY\* THAT THE OWNER: 568 TIGERTAIL, LLC, IS IN VIOLATION OF THE FOLLOWING:::

1. VIOLATION OF **ORDINANCE 165,024** (EFFECTIVE AUGUST 17, 1989)  
-----> nothing posted !!

2. VIOLATION OF **LOS ANGELES MUNICIPAL CODE SECTION 91.7006.7.4 (4)(c)**  
-----> applicant **\*\*DID NOT\*\*** "post notice of the public hearing in a conspicuous place and in clear public view on the property involved at least five days prior to the date of the public hearing"

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Thank you for your submission. Your

**Customer  
Service Request number is  
357562**

Please refer to this Customer Service Request number when contacting the Department. An investigation will be started within **20 business days**. If you need any additional information please contact 3-1-1.

**Submitted on 8/27/2015**  
**4:17 PM**

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Exhibit "C"  
Expert Witness Testimony

Removing  $\frac{1}{5}^{\text{th}}$  the volume  
of a small mountain,  
(which exists at 568 N Tigertail  
and 576 N Tigertail Rd.)  
is not a sound  
environmental practice

and/or/ decision.

and violates the LAWS of  
the state of California.

X

Scientist

MP



HEREBY ELECTRONICALLY SIGNED ON AUGUST 28,  
2015 4:20 PM LOS ANGELES, CALIFORNIA:

██████████, *manu propria*