APPLICATIONS

APPEAL APPLICATION
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
Instructions and Checklist

RELATED CODE SECTIONS

CEQA Appeal No.
ENV-2023-2927-CE-1A

The Los Angeles Municipal Code (LAMC) Section 13B.11.F. of Chapter 1A establishes the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

PURPOSE

A CEQA determination can *only* be appealed if a non-elected, decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

GENERAL INFORMATION

Appealable CEQA determinations:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Statutory Exemption (SE)
- Sustainable Communities Project Exemption (SCPE)

Non-appealable CEQA determinations:

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to CEQA Guidelines Section 15162
- An action in which the determination does not constitute a project under CEQA

All CEQA appeals are heard by the City Council. This form is only for appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to LAMC Section 197.01.

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.

CASE INFORMATION

Environmental Case Number: ENV-2023-2927-CE

Related Entitlement Case Number(s): ZA-2023-2926-ZAA-HCA-1A; ZA-2023-2926-ZAA-HCA; AA-2023-2925-PMLA-HCA

Project Address: 23139 and 23141 West Collins Street Woodland Hills, CA 91367

Date of Final Entitlement Determination: March 4, 2026

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☑ CE ☐ SE ☐ SCPE

JUSTIFICATION / REASON FOR APPEAL

Attach a separate sheet providing the specific reasons for the appeal. The reasons must state how CEQA was incorrectly applied, providing a legal basis for the appeal.

APPELLANT

Check all that apply.

☐ Representative ☐ Property Owner ☑ Other Person

☑ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: David Lowery

Company/Organization:

Mailing Address: 23131 Collins Street

City: Woodland Hills **State:** CA **Zip Code:** 91367

Telephone: (818) 613-4328 **Email:** davelowery3@gmail.com

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

☑ **Self** ☐ **Other:**

Is the appeal being filed to support the original applicant's position? ☐ YES ☑ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **Email:** _____

APPLICANT'S AFFIDAVIT

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

March 16, 2026

Appellant Signature: _____ **Date:** _____

Signed copy in Case File

GENERAL 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.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles 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: _____ **Date :** _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

Deemed Complete by (Project Planner): _____

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment. Appeals may be filed either online or in person as referenced below.

ONLINE APPEAL FILINGS THROUGH ONLINE APPLICATION SYSTEM (OAS)

Online Application System (OAS): The OAS (https://planning.lacity.gov/oas) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

QR Code to Online Appeal Filing

IN PERSON APPEAL FILINGS

Drop off at DSC: Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, as well as the South Los Angeles DSC on Tuesdays and Thursdays, and payment can be made by credit card or check.

a. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications.

b. Alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

CITY PLANNING DEVELOPMENT SERVICES CENTERS – PUBLIC COUNTERS

Office	Address	Phone Number	Email
Metro DSC	201 N. Figueroa Street 4th Floor Los Angeles, CA 90012	(213) 482-7077	planning.figcounter@lacity.org
Van Nuys DSC	6262 Van Nuys Boulevard, Suite 251 Van Nuys, CA 91401	(818) 374-5050	planning.mbc2@lacity.org
South LA DSC *Tuesday and Thursday Only*	8475 S. Vermont Avenue, 1st Floor Los Angeles, CA 90044	(213) 978-1465	planning.southla@lacity.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

APPEAL DOCUMENTS

1. **Hard Copy**

   Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

   ☐ Environmental Appeal Application

   ☐ Justification/Reason for Appeal

   ☐ Copies of the written Letter of Determination (LOD), from the final appellate body, which must be a non-elected decision-making body.

2. **Electronic Copy**

   ☑ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. **Appeal Fee**

   ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a) (Appeal Fees) of Chapter 1, or LAMC Section 15.1.1F.1.a. (Appeal Fees) of Chapter 1A; or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.

   ☑ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) (Appeal Fees) of Chapter 1, or LAMC Section 15.1.1F.1.b. (Appeal Fees) of Chapter 1A.

Note: City Clerk prepares the mailing list for CEQA appeals per LAMC Section 13B.11.C. (Notice Rules for CEQA) of Chapter 1A.

March 16, 2026

Los Angeles City Planning
CEQA Appeal Application/Justification for Appeal
Case No. ENV-2023-2927-CE

To All Concerned Parties:

Attached please find the justification for the CEQA appeal of ENV-2023-2927-CE, set forth in this comment letter prepared by Amy Minteer of Carstens, Black & Minteer.

This letter was originally submitted on February 2, 2026 in support of our appeal (ZA-2023-2926-ZAA-ZAA-HCA-1A).

Sincerely,

David Lowery

Carstens, Black & Minteer LLP
700 North Pacific Coast Highway, Suite 200
Redondo Beach, CA 90277
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310-798-2400
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310-798-2409

Amy C. Minteer
Email Address:
acm@cbcearthlaw.com

February 2, 2026

Via Email (courtney.yellen@lacity.org)
South Valley Area Planning Commission
c/o Courtney Yellen, Planning Assistant
Marvin Braude San Fernado Valley
6262 Van Nuys Boulevard, Meeting Room 1B
Van Nuys, CA 91401

Re: Support for Appeal of ZA-2023-2926-ZAA-HCA-1A, 23139 and 23141 West Collins Street; Hearing Date February 12, 2026

Dear Commissioners:

We write on behalf of Susan Prestine and David Lowery in support of the appeal filed by Mr. Lowery opposing the proposed Zoning Administrator's Adjustment at 23139 and 23141 West Collins Street (Case No. ZA-2023-2926-ZAA-HCA-1A). This Project includes the subdivision of the existing parcel, which, until its recent demolition, contained a single-family home, into two parcels. Parcel A would front on West Collins Street and Parcel B at the rear would be a flag lot.

The City's Zoning Regulations requires that these RA-1 zoned lots have a minimum width of at least 70 feet as measured at the midpoint of the lot. Parcel B does not meet this requirement as at its midpoint the parcel is only 20 feet wide, a more than 70% reduction from the Zoning Regulation requirement. For this reason, the Project has included a Zoning Administrator's Adjustment ("ZAA") to allow this massive deviation from code requirements. However, such a large deviation from the required lot width cannot be approved via a ZAA, nor can a deviation of this size be approved at all in the RA zone.

The City seeks to approve this Project based upon a Class 32 exemption to the California Environmental Quality Act ("CEQA"). This categorical exemption applies only to projects that are consistent with all General Plan designations and policies and Zoning Regulations. As such, a Class 32 exemption is inapplicable to the Project due to such a substantial deviation from the Zoning Regulation for lot width, and inconsistency with the Zoning Designation for animal keeping and General Plan designation of the site for horsekeeping.

In addition to the legal assessment provide below, attached to this letter is factual review by Ms. Prestine and Mr. Lowery, which points out factual mistakes included in the November 14, 2025 Zoning Administrator's Letter of Determination ("ZA LOD") as well as inaccuracies the

Project proponent included in their applications for the Project. For all of these reasons, we urge you to grant Mr. Lowery's appeal and deny the ZAA for this Project.

I. Approval of the Massive Deviation from Zoning Regulations is Not Allowed.

The Project deviates from the Zoning Regulations for Lot Area in RA Zone by more than 70%, prohibiting approval of a ZAA. Moreover, even if a ZAA were available for such a massive deviation from Zoning Regulations, the findings required to approve such a ZAA cannot be made for this Project.

Further, the ZA LOD incorrectly claims that there are multiple State laws that would allow the ministerial subdivision of this site. To the extent such laws remain in effect, they could not be applied to the Project because it fails to comply with the objective Zoning Regulations for the site.

A. LAMC Section 12.28 Sets Limits Adjustments and Slight Modifications.

The Project site is zoned RA-1, Suburban Zone. LAMC section 12.07 sets out the zoning regulations for the RA zone. These regulations include the following "Lot Area" requirement: "Every lot shall have a minimum width of 70 feet and a minimum area of 17,500 square feet." (LAMC §12.07(C)(4), emph. added.) The Zoning Regulations also specify how this minimum lot width is required to be measured; it is "[t]he horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines." (LAMC §12.03, emph. added.) The Project proponent proposes to evade this regulation by seeking a ZAA pursuant to LAMC section 12.28 and the Zoning Administrator improperly approved a ZAA.

LAMC section 12.28 sets out strict parameters for "Adjustments and Slight Modifications." This section provides that the Planning Director has "the authority to grant slight modifications in the yard and area requirements of" the Zoning Regulations. (LAMC §12.28(B).) However, it also places strict guardrails on what can be considered a slight modification: "Slight Modifications from the yard and area requirements shall be limited to: … deviations of no more than ten percent from the required lot area regulations." (*Ibid*.)

The Project seeks a ZAA to allow a minimum midpoint lot width of 20 feet for Parcel B, a more than 70% reduction in the lot area requirements of a minimum 70-foot midpoint lot width for the RA zone. A deviation of this significant size is not allowed under the City's Zoning Regulations and the appeal should be granted on that basis.

Further, LAMC section 12.28 is clear that a ZAA should only be granted "where circumstances make the literal application of the yard and area requirements impractical." There is no evidence in the record to show that it would be impractical to develop the Project site with a single-family home. It had been developed and used as such for decades. Without a showing that it would be impractical to use the Project site for its zoned use, the City does not have the authority to grant a ZAA.

B. The City Cannot Make the Required Findings for a ZAA.

Even if the Project's massive deviation from the lot width requirement could be approved with a ZAA, which it cannot, the following findings required to approve a ZAA cannot be made.

> 1. That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms to the intent of those regulations;
>
> 2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
>
> 3. That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable Specific Plan.

(LAMC §13B.5.2(E).)

Finding 1 cannot be made because the Project does not conform to the intent of the Zoning Regulations for the RA zone. It is not impractical to maintain the site for a single-family home as it had been maintained for more than 70 years until its demolition last month. Additionally, the regulations for the RA zone identify the importance of equine and other animal keeping as a permitted use on these sites. The Zoning Administrator acknowledged that "The proposed subdivision will likely result in an erosion of both new parcel's ability to establish and maintain animal keeping structures on their property, and due to separation requirements, is likely to result in an erosion of the northern and eastern property owner's ability to establish new animal keeping structures as well." (ZAA LOD p. 19.) Ms. Prestine and Mr. Lowery are the adjacent property owners to the east of the Project site and, as set forth in their attached comments, they have an equine permit that could be adversely impacted by approval of this Project. Further, key intent of the requirement for a minimum 70-foot width at a parcel's midpoint is to prevent the creation of new flag lots, such as the Project.

Finding 2 cannot be made because creation of a flag lot as part of the Project will adversely affect the surrounding neighborhood. This Project would impose external restrictions on the adjacent properties by eliminating their animal keeping privileges. It could also have safety impacts due to the narrow access to the rear Parcel B, which could adversely affect the ability to access the site for fire safety purposes, putting others in the neighborhood in danger as well.

Finding 3 cannot be made because the Project is inconsistent with the designation of this site in the applicable Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. This Community Plan designates the Project site and the area surrounding it as "Horsekeeping Areas." As acknowledged by the ZA, the approval of this Project would eliminate horsekeeping

abilities on the site, and on surrounding property, in direct conflict with the Community Plan designation for the area.

II. The Proposed Approvals Would Violate CEQA.

CEQA requires the City to conduct an adequate environmental review *prior* to making any formal decision regarding projects subject to the Act. (CEQA Guidelines § 15004). By improperly relying on a categorical exemption to environmental review, the City has failed to do so.

A. The City Cannot Rely on a Class 32 Exception.

The City improperly relies on a Class 32 exemption to CEQA review. To rely on a Class 32 exemption, it is the City's burden to demonstrate, based on substantial evidence, that the Project is "consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations," and that approval of the Project "would not result in any significant effects relating to traffic, noise, air quality, or water quality." (CEQA Guidelines § 15332.) The City has not met this burden.

Moreover, the City does not have discretion to interpret the requirements included in CEQA's Class 32 exemption. The interpretation of the language of the guidelines implementing CEQA or the scope of a particular CEQA exemption presents "a question of law, subject to de novo review" by a court. (*Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1252; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1192.) "[A categorical] exemption can be relied on only if a factual evaluation of the agency's proposed activity reveals that it applies." (*Muzzy Ranch Co. v. Solano County Airport Land Use Com*. (2007) 41 Cal.4th 372, 386.) "[T]he agency invoking the [categorical] exemption has the burden of demonstrating" that substantial evidence supports its factual finding that the project fell within the exemption. (*Ibid*.)

1. The Project is Not Consistent with General Plan Policies and Zoning Regulations.

The Project cannot rely upon a Class 32 exemption because it is <u>not consistent</u> with City Zoning Regulations for the site and is also inconsistent with the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designation and policies for the site.

As set forth above, the Project is inconsistent with the RA Zone Lot Area Zoning Regulations for the site. Instead of the required 70-foot lot width at the midpoint required by the Zoning Regulations, the Project's Parcel B would have a width of only 20 feet. (LAMC §12.07(C)(4).) This is a more than 70% reduction in the lot width mandated by the Zoning Regulations. Moreover, this deviation cannot be approved with a ZAA as proposed by the applicant. The Project is not consistent with the Zoning Regulations and thus cannot rely upon a Class 32 exemption.

Additionally, it appears the new single-family house proposed for Parcel A may be noncompliant with the Zoning Regulations contained in the City's Baseline Mansionization Ordinance. LAMC section 12.07(C)(5) sets limits on the maximum residential floor area for a lot in the RA zone: "the maximum Residential Floor Area contained in all buildings and accessory buildings shall not exceed 25 percent of the lot area when the lot is less than 20,000 square feet." Parcel A has a lot area of 17,600 square feet; thus, the maximum floor area allowed in all buildings is 4,400 square feet. The ZA LOD and the only available plans for Parcel identify that the Project applicant "is proposing to construct a 5,013 square foot, two-story single family dwelling with a maximum height of 25 feet and six inches on Parcel A. Additionally, Parcel A will include covered patios, 310 square foot trellis, 196 square foot recreation room, 680 square foot Junior Accessory Dwelling Unit, and pool." (ZA LOD p. 8.) The ZA LOD does not disclose any information that would allow for an increase in the allowable floor area for Parcel A. Thus, this apparent inconsistency with the Residential Floor Area Zoning Regulation would also prevent reliance on a Class 32 exemption for the Project.

Further, the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan serves as the General Plan Land Use Element for the Project site. As set forth above, this Community Plan's General Plan Land Use Map clearly designates the Project site and the area surrounding it as "Horsekeeping Areas." The Project is inconsistent with the General Plan designation for the site because, as acknowledged in the ZA LOD, it would eliminate animal keeping, including horsekeeping, at the Project site and on adjacent parcels. For this reason, the Project is further inconsistent with applicable land use regulations and cannot rely upon a Class 32 exemption.

B. Exceptions to Categorical Exemption Require Environmental Review.

Categorical exemptions from CEQA are subject to exceptions. Even if a project fits within a specified class of categorical exemption, the exemption is inapplicable if any of the exceptions to categorical exemptions apply. (CEQA Guidelines § 15300.2.) If an exception to a categorical exemption applies, CEQA review in the form of an MND or EIR must be conducted.

1. Unusual Circumstances May Result in Significant Environmental Impacts.

CEQA prohibits use of a categorical exemption when "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines §15300.2, subd. (c).) Under this exception, two determinations must be made; first is whether there is substantial evidence of unusual circumstances. (*Berkeley Hillside, supra,* 60 Cal.4th 1086, 1114-16.) Without a definition in CEQA, courts have opined that "whether a circumstance is 'unusual' is judged relative to the typical circumstances related to an otherwise typically exempt project." (*Voices for Rural Living v. El Dorado Irrigation Dist.* (2012) 209 Cal.App.4th 1096, 1109.) Additionally, "the significance of an activity may vary with the setting." (CEQA Guidelines section 15064, subd. (b).) Thus, unusual circumstances negating categorical exemptions include a project's context. (*Azusa Land, supra,* 52 Cal.App.4th 1165, 1207-08; *Lewis v. Seventeenth Dist. Agricultural Assn.* (1985) 165 Cal.App.3d 823, 829; *Meridian Ocean Systems, Inc. v. State Lands Com*. (1990) 222 Cal.App.3d 153, 169; *Meyers v Board of Supervisors* (1976) 58 Cal.App.3d 413, 426-27.) The court then determines whether there is a reasonable possibility of a significant effect on the environment due to the unusual

circumstances using the fair argument standard. (*Berkeley Hillside, supra*, 60 Cal.4th 1086, 1116.) The fair argument standard is a "low threshold" that requires preparation of environmental review whenever there is any substantial evidence a project may have an adverse impact, even if there is evidence to the contrary, without deference to an agency's determination. (CEQA Guidelines § 15064, subd. (f)(1); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.)

Creation of a new flag lot, which has not been done in this area for 20 years, is an unusual circumstance. Moreover, a flag lot has never existed on Collins Street east of Woodlake Avenue. This section of Collins Street ends in a dead-end at the Arroyo, meaning there is only one way in and out of the area. The attached letter from Ms. Prestine and Mr. Lowery details the unusual nature of approving a new flag lot in the Walnut Acres area as this type of lot split has long been vociferously opposed by the community and elected officials due to the neighborhood compatibility, access and other environmental impacts it creates. This unusual circumstance would result in adverse land use and other impacts, violating applicable Zoning Regulations, eliminating the ability for the Project site and adjacent sites to maintain their animal keeping rights, and this Project could also have adverse impacts through the removal and adverse impacts to protected and other mature trees located on the site, as well as on adjacent property.

2. The Project Could Result in Cumulatively Considerable Impacts

A categorical exemption is "inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." (CEQA Guidelines §15300.2, subd. (b).) Allowing the Project to be divided into a non-conforming flag lot, in violation of the lot width mandated by the Zoning Regulations would set an improper and highly detrimental precedent. This could open the flood gates to the many other larger parcels in the area seeking to subdivide with a flag lot. The ZA LOD recognizes the precedent-setting nature of this Project. (ZA LOD p. 20.) This would permanently change the character of neighborhood, most significantly by eliminating the ability to keep horses and other animals in the area.

Conclusion

For all of the reasons set forth herein, in the attached comments and the appeals, and in additional comments that will be and have been submitted and presented to the South Valley Area Planning Commission, we urge the Commission to grant the appeal and deny this Project.

Sincerely,

Amy Minteer
Carstens, Black & Minteer, LLP

Enclosure: Prestine and Lowery Comment Letter