

TRANSMITTAL TO CITY COUNCIL

Case No. ENV-2012-2557-CE	CD 4: LoBonge
Planning Staff Name(s) and Contact No. Courtney Schoenwald 818-374-9904 Bob Duenas 818-374-5072	Last Day to Appeal: Not Applicable
Name(s), Applicant/Representative, Address, and Phone Number	
Applicant: Mehdi Rafty 1117 N. Sherbourne West Hollywood, CA 90069	Representative: (None listed)
Name(s), Appellant/Representative, Address, and Phone Number	
Appellant: Brian and Allison Woram 9300 W. Hazen Drive Los Angeles, CA 90210 310-231-4040 brianjworam@gmail.com	Representative: Mark Armbruster Armbruster, Goldsmith & Delvac, LLP 11611 San Vicente Boulevard, 900 Los Angeles, CA 90049 310-209-8800 mark@agd-landuse.com
<u>Project Description</u> An appeal of the CEQA Determination by the South Valley Area Planning Commission's decision dated, June 6, 2013, on the adoption of the Categorical Exemption (ENV-2012-2557-CE) for Case No. DIR-2012-2556-DRB-SPP-MSP-A1 for the property located at 9326 W. Hazen Drive in the Bel Air-Beverly Crest Community Plan Area.	
Prepared by:  Jris J. Anakum, City Planner	Date 6-27-2013

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Council (CEQA Determination)
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: ENV-2012-2557-CE (DIR-2009-2556-DRB-SPP-MSP-A1)

PROJECT ADDRESS: 9326 W. Hazen Drive

FINAL DATE TO APPEAL: _____

- 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: Brian and Allison Woram

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

Address: 9300 W. Hazen Drive

Los Angeles, CA Zip: 90210

Telephone: (310) 231-4040 E-mail: brianjworam@gmail.com

- Are you filing to support the original applicant's position?
 Yes No

REPRESENTATIVE INFORMATION

Name: Mark Armbruster, Armbruster Goldsmith and Delvac, LLP

Address: 11611 San Vicente Boulevard, Suite 900

Los Angeles, CA Zip: 90049

Telephone: 310-209-8800 E-mail: mark@agd-landuse.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

Entire decision appealed

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: _____

Date: _____

6/14/13

Planning Staff Use Only

Amount <i>108⁸⁰</i>	Reviewed and Accepted by <i>[Signature]</i>	Date <i>6/17/13</i>
Receipt No. <i>VN020204204</i>	Deemed Complete by <i>[Signature]</i>	Date <i>6/17/13</i>



Determination Authority Notified



Original Receipt and BTC Receipt (if original applicant)

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

MARK ARMBRUSTER

11611 SAN VICENTE BOULEVARD, SUITE 900
LOS ANGELES, CA 90049

Tel: (310) 209-8800
Fax: (310)-209-8801

E-MAIL: Mark@AGD-LandUse.com

WEB: www.AGD-LandUse.com

June 17, 2013

VIA HAND-DELIVERY

City of Los Angeles
Development Services
City of Los Angeles
6262 Van Nuys Boulevard, 2nd Floor
Los Angeles, CA 91401

Re: 9322 and 9326 W. Hazen Drive; Appeal of CEQA Determination
Cases DIR-2012-2559-DRB-SPP-MSP-A1 and DIR-2012-2556- DRB-SPP-MSP- A1

Dear Honorable Councilmembers:

Our firm represents a group of concerned neighbors (“Appellants”) who have numerous concerns about the proposed projects for the development of two large single-family homes on two lots located at 9322 and 9326 Hazen Drive (the “Site”) within the Mulholland Scenic Parkway Specific Plan. One concern is that there has not been proper CEQA analysis as set forth in this letter and in prior submittals during this entitlement process. In each application, the City issued a Categorical Exemption and no environmental analysis was prepared despite repeated concerns from the neighbors that the projects may create a potential environmental impact. The Appellants do not object to the development of the Site with homes that are compatible with the scale and character of the neighborhood and which analyze its potential environmental impacts and incorporate mitigation measures as necessary to reduce impacts to the neighborhood.

Categorical Exemptions are not absolute. Although a project may otherwise be exempt under a categorical exemption, and exemption must be denied if:

- There is a reasonable probability of a significant impact on the environment due to unusual circumstances; CEQA Guidelines §15300.2(c); or
- Significant cumulative impacts from projects of the same type will result; *Id.*; or
- The project will have an impact on a uniquely sensitive environment; CEQA Guidelines §15300.2(a); or

Honorable City Council

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- The project may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings or similar resources within a highway officially designated as a scenic highway; CEQA Guidelines §15300.2(d).

Mulholland Drive is officially designated a scenic parkway.

This area is a uniquely sensitive environment. (See references to Specific Plan below.)

Furthermore, there are unusual circumstances that render this exemption suspect. This CEQA Class 3 Categorical Exemption Class 3-15303(a) only exempts up to three single-family homes “in urbanized areas...” Although CEQA defines “Urbanized Area” as a central city having a population of 50,000 people and the US Census map identifies all of the Los Angeles area as “urbanized” on its 2010 map, this particular Bel Air Beverly Crest community is clearly not an “Urbanized Area.” The lots and this surrounding area are hillside area lots zoned Residential Estate RE15 and the General Plan Designation is Very Low density residential. The RE15 zone requires a minimum lot width of 80 feet and minimum lot size of 15,000 SF.

The opening paragraphs of the Specific Plan amply set forth the uniquely “non-urban” qualities of this area:

WHEREAS, Mulholland Drive, opened in 1924, makes available to all people *spectacular mountain, ocean and city views, and scenic and recreational opportunities* from the Hollywood Freeway to the westerly Los Angeles City- County boundary line; and

WHEREAS, these amenities and resources are valuable to the city as a whole, and *should be protected and enhanced by means of land use and design controls tailored to the physical character* of the Mulholland Scenic Parkway and Santa Monica Mountains; and

WHEREAS, these *scenic and recreational resources form a portion of the Santa Monica Mountains National Recreation Area, unique to a major urban area*, recognized by Federal, State and local plans and programs;

WHEREAS, *sensitive development assured by a specific plan* which integrates the transportation, land use and recreation aspects of the scenic parkway will create a low-intensity, low-volume, slow-speed, parkway-type setting.

The unique, non-urban environment of the Mulholland Corridor is further set forth in the stated purposes of the Specific Plan:

A. To assure *maximum preservation and enhancement of the parkway's outstanding and unique scenic features and resources.*

Honorable City Council
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Page 3

F. To preserve the *existing residential character* of areas along and adjoining the right-of-way.

G. To minimize grading and assure that graded slopes have a natural appearance *compatible with the characteristics of the Santa Monica Mountains*.

H. To preserve the natural topographic variation within the Inner and Outer Corridors.

Furthermore, the Specific Plan expressly requires “Environmental Protection Measures” on lots both within and outside the Inner Corridor. (Specific Plan Section 5(B) & 6(B).) Thus, despite the language in the CEQA exemption, the City Council has already established that this very special area of the city should not be considered “urbanized” but instead considered uniquely non-urban within the City and that environmental protection and review must be provided.

The City is not bound or obligated to grant a Categorical CEQA exemption; it has the discretion to require CEQA review.

There exists a reasonable probability of impacts from this project.

1. The proposed structures do not comply with the Specific Plan Design and Preservation Guidelines and are out of scale with adjoining structures. The average house size in neighborhood is 3,300 SF and the proposed houses are over double that amount. Thus, there is a reasonable probability of significant land use impacts resulting from this project;
2. There will necessarily be a significant amount of grading and earthwork to make these lots buildable. Expert analysis (see attached letter from Goldman Firth Rossi Architects) shows that the amount of grading to be approximately 11,600 CY, more than double the developer's estimate. Grading and earthwork will generate fugitive dust and particulate matter directly adjacent to sensitive residential uses—thereby creating a reasonable probability of construction-related air quality impacts; and
3. The significant amount of soil export from making these sites buildable will generate numerous truck trips. Expert analysis estimates that 11,600 CY of soil export results in over 1,200 haul trips along Hazen Drive and Bowmont Drive, which generate significant increases in pollutant emissions and noise. Thus there is a reasonable probability of construction-related noise and air quality impacts from haul trips.

ARMBRUSTER GOLDSMITH & DELVAC LLP

Honorable City Council

June 17, 2013

Page 4

In light of the above, we urge the Council to require appropriate CEQA review for these projects.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Armbruster", with a stylized flourish at the end.

Mark Armbruster

Attachment



March 9, 2013

Committee Members
Mulholland Scenic Corridor Citizen's Advisory Committee

re: 9322 & 9326 Hazen Drive

Dear Committee Members,

I was asked to verify the cubic yardage of grading for 9322 Hazen Drive estimated on the application to be 2250 c.y. and 9326 Hazen Drive estimated on the application to be 2800 cy for a total raw cut of 5050 c.y.

In estimating the raw cut, I assumed excavation 4 feet beyond the poured-in-place concrete walls, accounting for access and forming, and 2 feet below finish floor accounting for re-compaction, sand bed, and slab thickness. My estimate for raw cut on 9322 Hazen was 5600 c.y. and for 9326 Hazen was 6000 c.y. for a total of 11,600 c.y.

According to the Los Angeles Department of Building & Safety, total cut and fill in this hillside area is limited to 1600 c.y. per lot.

The overall height of grading on #9322 is 56 ft and on #9326 is 60 ft with retaining walls varying in height from 12 to 25 feet. Accounting for backfill, there is 9000 c.y. of export. At 7 yards/truck, there would be 1286 truck trips over 20 days traveling 42 to 70 miles roundtrip.

Sincerely,

Ron Goldman FAIA
Goldman Firth Rossi Architects
24955 Pacific Coast Highway
Suite B202
Malibu, CA 90265



SOUTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

JUN 06 2013

Determination Mailing Date: _____

CASE NO: DIR 2012-2556-DRB-SPP-MSP-A1

Applicant: Mehdi Rafty, Tag Front
Appellant(s): Brian and Allison Woram
represented by Mark Armbruster
Location: 9326 Hazen Drive
Council District: 4
Plan Area: Bel Air – Beverly Crest

CEQA: ENV-2012-2557-CE

At its meeting of May 9, 2013, the South Valley Area Planning Commission took the following action regarding an appeal of the Director's Determination (Mulholland Scenic Parkway Specific Plan) for the subject case:

1. **Granted** the appeal, in part, by modifying the conditions of approval and findings;
2. **Sustained** the determination of **Conditional Approval** by the Director of Planning, dated February 20, 2013, and
3. **Adopted** the environmental clearance, ENV-2012-2557-CE.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Commissioner Guzman
Seconded: Commissioner Murley
Ayes: Commissioners Guzman, Murley, Mathers and Epstein
Absent: Commissioner Cochran
Vote: 4-0

Sheldred Alexander, Commission Executive Assistant
South Valley Area Planning Commission

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTE: This Determination is effective upon the date of mailing of this letter and is not further appealable.

Attachments: Conditions of Approval, Findings

cc: Notification List
Courtney Schoenwald

DESIGN REVIEW CONDITIONS

A. Administrative

1. The plans provided to the Department of Building and Safety shall conform to the plans attached to the administrative file as Exhibits E-3 thru E-12, dated 11/7/2012, DIR 2012-2556-DRB-SPP-MSP, as modified by the conditions of this determination, to be submitted for sign-off by the Planning Department prior to obtaining a building permit. Any subsequent changes to the subject plans shall be identified, justified in writing, and approved by the Director of Planning or designee prior to sign-off on a clearance sheet, PCIS electronic clearance, and stamping of building plans submitted to the Department of Building and Safety.
2. **The applicant shall reproduce this Director's Determination on the cover page of the project's building plans.**
3. The applicant shall attach a color palette identifying the project's colors by name, manufacturing company, and catalog number to the cover page of the project's building plans.
4. Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
5. The project shall conform to the Los Angeles Municipal Code (LAMC) and other applicable laws. All responsible departments and agencies shall review the project and ensure compliance.
6. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. **Time Limit.** Pursuant to L.A.M.C. Section 12.25, this Director's Determination shall be valid for a period of **three years from the date it becomes effective**. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

B. Design

Prior to sign-off on a clearance summary worksheet and a building permit application, the applicant shall submit the construction plan set for review, approval, and stamping by the Director of Planning or designee, which conforms to the following:

1. The applicant shall submit revised landscape plans that include a significant increase of shrubs, more trees and ground cover in a natural meandering way to further cover and screen project site. The revised plans shall be reviewed by the Mulholland

Scenic Corridor Design Review Board Chair, approved by the Planning Department, and placed in the subject case file.

2. All exterior lighting shall be shielded and downward facing.
3. The maximum envelope height of any building or structure shall be 36 feet, in compliance with the Hillside Ordinance.
4. As volunteered by the applicant, a complete copy of grading and building permit plans shall be submitted to the residents of 9221 Hazen Drive, 9300 Hazen Drive, 9305 Hazen Drive, and 9350 Hazen Drive in parallel with the submission of the plans for a building permit to the Department of Building and Safety.
5. As volunteered by the applicant, four (4) evergreen trees, with an included drip irrigation system and planted heights of 20-25 feet, shall be planted in the area of the driveway near the existing homes.
6. As volunteered by the applicant, a stained, wooden fence that stands six (6) feet in height shall be added to the 9322 Hazen Drive project. Fence posts are to be hand-dug and located in a manner as to prevent damage to the existing pine trees along the fence line. The fence shall commence at the southeast corner of the property near 9300 Hazen drive and continue for approximately 70 feet in linear length. The fence shall be constructed prior to the grading or site clearance of the project. The applicant shall also maintain the new evergreen plantings along the driveway bordering the west property line of 9300 Hazen Drive.
7. As volunteered by the applicant, no parking for workers, tradesmen, contractors, subcontractors or vendors shall take place on Hazen Drive during construction. No staging of construction vehicles will take place on Hazen Drive. This staging prohibition includes idling construction trucks that are waiting to access the project to deliver or remove concrete, soils, supplies, materials, equipment, waste, or the like.
8. As volunteered by the applicant, a turnaround area on the construction site shall be included that will allow dump trucks, construction trucks, delivery trucks, etc., to turn around on the site.
9. As volunteered by the applicant, no playing of music above the code levels or idling of engines shall be allowed on site.
10. As volunteered by the applicant, no short-term or long-term storage of construction materials shall take place on Hazen Drive, and no staging or parking of disposal containers such as dumpsters shall take place on Hazen Drive.
11. As volunteered by the applicant, there shall be a daily cleanup of construction debris on the street such as accidental dumping of materials or excessive dirt or dust.
12. As volunteered by the applicant, temporary fencing shall be installed for the duration of construction to the top of the fencing bordering the properties at 9300 and 9322 Hazen Drive, and along all shared fencing boundaries including the driveway border, and excluding the area of the new fencing listed in item number six (6) above.

13. As volunteered by the applicant, construction shall be limited to exclude work on legal holidays and Sundays. During the grading, framing, and concrete work phases, no construction shall take place on Saturday.

NOTE TO APPLICANTS/APPLICANTS' ARCHITECT:

The project plans, including conditions of approval, shall comply with the Director of Planning's Determination as to height, size, location, texture, color, and materials, per DIR 2012-2556-DRB-SPP-MSP. Any subsequent changes to the project shall require review by the Director of Planning and, upon referral by the Director of Planning, may be subject to further review by the Design Review Board. The applicant shall submit a request for modification in writing and include a specific notation of the modification(s) requested. Should any changes be required by a public agency, then the agency shall document such requirements in writing.

DESIGN REVIEW FINDINGS

Based on a review of the plans submitted with the application, marked Exhibits E-3 thru E-12, dated 9/18/2012, DIR 2012-2556-DRB-SPP-MSP, the Director of Planning makes the following findings in accordance with the applicable design review criteria of the Mulholland Scenic Parkway Specific Plan, Ordinance No. 167,943, effective June 29, 1992:

1. The proposed project is subject to the design review process because it is located within the boundaries of the Mulholland Scenic Parkway Specific Plan.
2. This application for Design Review Approval also serves as the application for a Project Permit Compliance. As determined by the Director of Planning, based upon the findings established herein, the project complies with the regulations of the Specific Plan pursuant to Section 11.5.7-C of the Los Angeles Municipal Code.
3. The project conforms to the environmental measures contained within Section 5-B, Environmental Protection Measures, of the Mulholland Scenic Parkway Specific Plan:
 - a. The property does not have any prominent ridges contained within or nearby.
 - b. The property does not have any streams contained within or nearby.
 - c. The property is more than 200 feet from any dedicated parkland.
 - d. The property does not have any oak trees (*Quercus agrifolia*, *lobata*, or *virginiana*) to be removed, cut down, or moved.
 - e. The property does not have any archaeological and paleontological resources within or nearby.
4. The project does not require removing any other native trees.

5. The building is stepped back toward the slope twice showing the maximum envelope height of 36, feet which conforms to the most restrictive height provision applicable to the site, which in this case is the Baseline Hillside Ordinance.
6. The project requires 1,605 cubic yards of cut, 905 cubic yards of export, and 700 cubic yards of fill. This quantity conforms to applicable provisions contained within the grading requirements of Section 6-C., Outer Corridor Grading, of the Mulholland Scenic Parkway Specific Plan.
7. Based on a review of the project proposal, and the recommendation of the Design Review Board, the proposed single family residence, as modified by the conditions herein, is compatible with the surrounding homes and the parkway environment in terms of design, massing, materials, and color, as per Section 11-I,3(e), Design Review Procedure, of the Mulholland Scenic Parkway Specific Plan.
8. The proposed project is categorically exempt from the California Environmental Quality Act according to the City CEQA Guidelines (Article VII, Section I) under Class 3, Category 1. [Log reference ENV 2012-2557-CE], since the project is a single-family residence.
9. The applicant voluntarily agreed to conditions at the Area Planning Commission hearing held on May 9, 2013.

Office: Van Nuys
Applicant Copy
 Application Invoice No: 11903

City of Los Angel
 Department of City Pl



City Planning R

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

This filing fee is required by Chapter

LA Department of Building and Safety
 VN 0011 202011235 6/18/2013 8:32:16 AM

PLAN & LAND USE \$89.00
 ONE STOP SURCH \$1.78
 CITY PLAN SURCH \$5.34
 OPERATING SURCHG \$6.23
 GEN PLAN MAINT SURCH \$4.45

Sub Total: \$106.80

Receipt #: 0202042304



Applicant: WORAM - WORAM, BRIAN AND ALLISON (B:310-2314040)
 Representative: ARMBRUSTER GOLDSMITH AND DELVAC - ARMBRUSTER, MARK (B:310-2098800)
 Project Address: 9326 W HAZEN DR. 90210

NOTES:

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 Credit	\$0.00
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 0011 202011235 6/18/2013 8:32:16 AM

PLAN & LAND USE \$89.00
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Sub Total: \$106.80

Receipt #: 0202042304

Council District: 4
 Plan Area: Bel Air - Beverly Crest
 Processed by CHEW, DENNIS on 06/17/2013
 Signature: *[Handwritten Signature]*
 CHECK # 1389/1222