



APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: VTT-73148-SL-1A and ENV-2014-3809-MND

Project Address: 1936 Preston Ave.

Final Date to Appeal: 11/16/2015

- Type of Appeal:
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Jennifer Deines, Carol Cetrone, East Sunset Hillside Assoc. and Preston Ave. Neighbors

Company: _____

Mailing Address: PO box 26048

City: Los angeles State: CA Zip: 90026

Telephone: (213) 840-1413 E-mail: art_dogs@icloud.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

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *Jennifer Deans*

Date: 11/15/15

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- Filing fees must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit to City Clerk.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide a filing fee per LAMC 12.26 K 7.
- 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.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89-</u>	Reviewed & Accepted by (DSC Planner): <u>LFS</u>	Date: <u>11/16/15</u>
Receipt No: <u>0102513553</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

EAST SUNSET HILLSIDE ASSOCIATION

P O BOX 26048 LOS ANGELES, CA 90026

November 16, 2015

Los Angeles City Council
Planning and Land Use Committee
200 North Spring Street
Los Angeles, CA 90012

RE: APPEAL OF Case Number VTT-73148-SL-1A and ENV-2014-3809-MND

Address: 1936 Preston Ave. LA CA 90026

sharon.dickinson@lacity.org
(213) 978-1040

Hon. Jose Huizar, Chair
Hon. Marqueece Harris-Dawson, Vice Chair
Hon. Mitchell Englander
Hon. Gil Cedillo
Hon. Felipe Fuentes
c/o Sharon Dickinson, Legislative Assistant

Planning & Land Use Management Committee
City of Los Angeles
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

Hon. Chair Huizar and Members of the PLUM Committee:

All objections, including those regarding proper notice and due process, are expressly reserved. Please ensure that notice of all hearings, actions, events and decisions related to the Project are timely provided to me at my email listed below or, if electronic copies are unavailable, to the address below. This request for advance notice is made pursuant to, but not limited to, Public Resources Code Sections 21092, 21092.2 and 21167(F), and Government Code Sections 65091 and 65904.

ENVIRONMENTAL OBJECTIONS:

Egress residents will reverse 150 feet to exit onto Preston Ave. traveling in reverse. There is no ability to turn around with only a 10-ft wide driveway.

Preston Ave. is a designated hillside area. The driveway exits onto a steeply sloped street. Cars/SUVs etc. park immediately abutting this driveway egress, obscuring the ability for backwards-exiting residents of this project to see oncoming traffic, and for this same traffic to see those attempting to exit.

Project will tower over adjacent single-story homes. The rear units will be 42 feet tall, standing next to 12 ft. tall bungalows. This project is on a grade. The total height over neighboring structures and properties will be more than 60 feet, including the hillside grade.

The applicant has a failing and inadequate geotechnical report. No measurements are shown on any plans. We don't know for sure how tall, long or wide these units will be. How can the applicant's geotechnical report assess slope stability when the weight and girth of a project are completely unknown? The tallest and heaviest portion of the project, straddling the steepest portion of the parcel, has no boring sample corresponding to the retention supports for the structure. The portion of the project area most likely to fail in a landslide (el nino) event was left out of the geotechnical sampling. This provided an incomplete picture of the overall project conditions and resulted in the approval of inadequate structural designs that may not withstand heavy weather or earth tremors.

CODE COMPLIANCE/PROJECT CONDITIONS OBJECTIONS:

Applicant has not abated lead or Asbestos as required by the conditions placed on the project. AQMD visited the site on Friday, November 13th and found that the applicant had already demolished half of the structure and had not performed the required lead and asbestos abatement. Red tape was placed at the site and a stop work order was posted. Toxic substances are required to be removed **before** demolition so that the neighbors and the environment are protected. This did not happen, and toxic dust was released into the air and onto neighbors' homes and properties.

Setbacks have not been calculated in compliance with the LAMC zoning regulations. The small lot ordinance does not exempt small lot projects from basic zoning requirements of the RD1.5 zone with regard to front yards. The small lot ordinance allows for no setbacks "between lots" but is silent on the front yard setback, which then defaults to the RD1.5 zoning. If the intention was to allow small lots to violate the front yard requirement, the small lot ordinance would have stated that clearly, but it did not. However, this Deputy Advisory Agency has determined, in his sole discretion, that this project is allowed to deviate from those requirements. Therefore, this project requires a variance if it wishes to build further to the front than the underlying zoning allows.

Surveyor only performed a “topographical map” survey of the site. He did not actually visit the site in person or take any actual measurements. We contend site is less than 7,500 sf. which would not allow for 5 lots in the RD1.5 zone.

Low Impact Development Ordinance: There is no diagram, schematic or location of catchbasins or other filtration equipment. There is no mention of how the future owners will maintain such filtration equipment and no mention of any oversight by the city with regard to this equipment. We have particular concerns with a growing threat from mosquitos carrying lethal diseases, yet we have no information on how this catchbasin full of standing water will be maintained. This is a serious PUBLIC HEALTH CONCERN as these filtration systems are being installed on projects throughout the City with no monitoring agency overseeing their installation or maintenance.

Fire Department sign off for this project is confusing as the sign off letter indicates a sign off for an apartment building and not a series of homes.

Water Run Off: This project has maximized every single square foot of lot space and covered it with a structure or concrete. There is no landscape buffer to speak of. This project has made no effort to blend with its surroundings in terms of the housing created or the open space requirement.

Developer Fees for infrastructure upgrades and improvements have not been collected for many years, yet these projects continue to be approved and constructed on narrow, one-way and hillside streets such as Preston Ave. We have had numerous small lot projects in our neighborhood. The notorious “blackbirds” is only 3 blocks from Preston. We have three more within 1000 ft. All of this development happens around us with no corresponding upgrade to infrastructure. This project is no exception and the cumulative effects of relentless additional density to our aging streets, pipes and lines have resulted in a crisis of infrastructure failures that we absorb daily. Our quality of life and public safety are being negatively and significantly impacted by the non-stop approval of projects without corresponding upgrades to public systems and first responders. We have smelling sewers, broken lines and leaks, telephone poles and utility lines that are crumbling and sun-baked directly overhead yet this project, and so many others, add stress to this over-taxed and aging system.

PROCEDURAL OBJECTIONS

This project was not properly noticed. Area Planning Commission hearing had no Hearing Notice generated or available on the City website. Neighbors within 100 feet received NO notice of the hearing. Interested parties received no hearing notice.

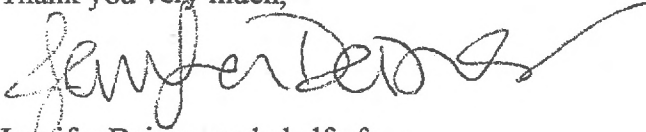
Appellants received no hearing notice for the Area Planning Commission hearing that was conducted on October 14, 2015. Appellants submitted a written request on August 3, 2015 which included the exact same paragraph used above at the introduction of this letter which states: *Please ensure that notice of all hearings, actions, events and decisions related to the Project are timely provided to me at my email listed below or, if electronic copies are unavailable, to the address below.*

East Los Angeles Planning Commission determination letter, mailed on November 5, 2015 contains significant errors, including the tallying of votes by the Commissioners. The vote was 4-1, not 5-0. This is significant for two reasons:

- 1) It further corroborates that the default position is to simply rubber stamp all appeals with no regard for the actual arguments presented or items deliberated.
- 2) The dissenting vote came from Ms. Stein, the only attorney on the APC East. She noted in her comments that the setback issue was not clarified and that the Advisory Agency had not provided a clear rationale for the setback or the driveway width.
- 3) Page C-3 of the determination letter, item d-8, describes the front lobby of the building for fire access. This further corroborates that the Fire Department did not review this site, as the sign off letter is for an apartment building, not single family homes. There is no front lobby.

Thank you for the opportunity to provide you with a bullet list of our preliminary objections. We will be sending additional appeal materials and a petition signed by the local residents nearby the project to augment our statements here and add to the appeal record. We would like to be notified of all hearings, meetings, actions, delays or rescheduled events regarding this project.

Thank you very much,



Jennifer Deines, on behalf of
East Sunset Hillside Association and
Preston Ave. Neighbors

1936 n. Preston Ave appeal

November 16, 2015 at 2:07 PM

From wendyljohnston@yahoo.com

To jlnerfman@hotmail.com, art_dogs@icloud.com, sharon.dickinson@lacity.org
, oakbark@comcast.net

Dear Hon. Jose Huizar, Hon. Marqueece Harris-Dawson, Hon. Mitchel Englander, Hon. Gil Cedillo, Hon. Felipe Fuentes, I am writing this letter in support of an appeal of case number VTT-73148SL1A.

I attended the City Planning hearing on Wednesday, June 10, 2015. I took the microphone to voice my concern about and lead-based paint and asbestos particles being released into the air, with regards to the demolition. I was reassured by the person in charge that there are standards in place to ensure the neighbors' health, as my pillow is 10 feet from the construction. This is my experience of the demolition.

The demolition began on Monday, November 2, 2015. Nothing was wetted down to prevent dust, and I observed no special precautions being taken in case lead-based paint or asbestos was present. I was worried and scared for my health. They worked that day and half of the next day and then the demolition stopped.

On November 9, 2015 I sent Jeff, Todd Wexman, of 4 Site Real Estate's partner photos of the stalled demolition. I then telephoned him to voice my concern that lead-based paint, and asbestos particles may be just wafting in the air. I also stated that this small side street has very limited parking, and his garbage bin was blocking 2 spaces. He replied that they could do nothing about it, and that they would be restarting demolition, again on Friday, November 13, 2015 or the following Monday.

On Friday, November 13...10 days later, the demolition began, again. 13 days already of toxins floating in the air.

In frustration, a neighbor, Jennifer Deines called AQMD to inspect it. It was inspected and the demolition was brought to a halt. For exact violations, I am unclear on.

It's Monday November 16, 2015, and demolition has began again. A huge windstorm has hit L.A. and the particles are flying in the air. I am writing this letter from a coffee shop, as my allergies have been triggered and I fear for my health, not knowing what these particles consist of. We are calling AQMD to again, check for asbestos.

I believe that the people in charge of this project have not done all that they can do to protect the neighbors' health. I am sad that people like this can do this to other people. For me, this is my life...my number one concern. I wish to appeal this case, to protect not only my health, but my neighbor's health, as well.

Thank-you for your time,
Wendy Johnston
1934 Preston Avenue
Los Angeles, CA 90026
(310) 310-1740