

ORIGINAL



APPLICATIONS:

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-73714-SL-1A, ENV-2015-4679-MND

Project Address: 23200 Sherman Way

Final Date to Appeal: 09/26/2016

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

2. APPELLANT INFORMATION

Appellant's name (print): Santa Monica Mountains Conservancy, PAUL EDELMAN

Company:

Mailing Address: 5750 Ramirez Canyon Road

City: Malibu State: CA Zip: 91307 90265

Telephone: (310) 589-3230 E-mail: edelman@smmc.ca.gov

- 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): Paul Edelman

Company: Santa Monica Mountains Conservancy

Mailing Address: 5750 Ramirez Canyon Road

City: Malibu State: CA Zip: 91307 90265

Telephone: (310) 589-3230 E-mail: edelman@smmc.ca.gov

Applications + 3 page justification

Handwritten initials and signature

**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**

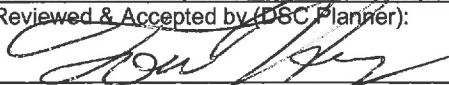
I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 9-23-16

**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
- A Filing Fee 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).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- 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 noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- 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)].

This Section for City Planning Staff Use Only		
Base Fee: <del>108</del> : 106,80	Reviewed & Accepted by (DSC Planner): 	Date: 9/26/16
Receipt No: 0203354168	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**SANTA MONICA MOUNTAINS CONSERVANCY**

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5750 RAMIREZ CANYON ROAD  
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September 23, 2016

**Appeal of VTT-73714-SL-1A / ENV-2015-4679-MND, 23200 Sherman Way**

**Appeal To:** The Los Angeles City Council

**Appeal From:** The decision of the Los Angeles City Planning Commission, August 11, 2016

**Regarding Case No.:** VTT-73714-SL-1A / ENV-2015-4679-MND

**Project Address:** 23200 Sherman Way

**Final Date to Appeal:** September 26, 2016

**Type of Appeal:** Appeal of the entire decision of the City Planning Commission, by an organization other than the project applicant/property owner, claiming to be aggrieved by the Agency's decision.

**Appellant Information**

The Santa Monica Mountains Conservancy (Conservancy), filing for itself.

Represented by: Paul Edelman, Deputy Director of Natural Resources and Planning

Address: 5750 Ramirez Canyon Road  
Malibu, California 90265

Telephone: 310-589-3200, ext. 128

E-mail: edelman@smmc.ca.gov

**Purpose of Appeal**

This appeal seeks to reverse the entire decision of the Los Angeles City Planning Commission (Commission) regarding the appeal of the Deputy Advisory Agency (DAA) decision regarding the subject proposed Vesting Tentative Tract Map (Tract Map), and Mitigated Negative Declaration (MND). This appeal pertains to the entire decision of

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the Commission from the August 11, 2016 hearing and the entire decision of the DAA issued June 30, 2016.

This appeal is also based on the Commission's and DAA's improper approval of an MND which is deficient under the California Environmental Quality Act (CEQA). The MND fails to adequately address significant adverse impacts of the subject project. As approved, the subject project would result in unmitigated significant adverse impacts to public resources.

#### **Reasons for Appeal and Denial of Subject Project**

Where, as here, the Appellant, and independent citizens, presented multiple fair arguments that the subject project would result in significant adverse environmental impacts, and significant adverse impacts to public resources, and presented substantial evidence in support of those fair arguments at the subject hearing, and in writing during the public circulation period of the MND.

These arguments, which include recommendations to mitigate the afore-mentioned significant adverse impacts, were made before the Commission on August 11, 2016, and also are represented in the Santa Monica Mountains Conservancy's June 15, 2016 letter addressed to the DAA. The afore-mentioned fair arguments further show that the subject MND is deficient under CEQA.

#### **Grievances**

The Planning Commission erred in sustaining the decision of the Deputy Advisory Agency to adopt the environmental analysis, mitigation measures, and Mitigation Monitoring Program in Case No. ENV-2015-4679-MND. The MND and mitigation measures remain inadequate. Both the proposed project and the project and mitigation measures as modified by the Planning Commission would result in significant adverse ecological, visual, and land use impacts. The environmental analysis does not adequately consider less damaging alternatives that also provide a higher level of permanent public benefit.

The approved private Home Owners Association open space lot along the Bell Creek channel has no permanent open space protection, nor any legal public access, including visual access, or access by native animals.

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There are no assurances that the Bureau of Engineering-owned land between the proposed Woodland Lake Avenue cul-de-sac will be maintained in a manner beneficial and inviting to the public. The City has no satisfactory remedy for non-compliance with conditions related to this proposed public area.

The basis for this appeal is not limited to the reasons and grievances given above. Our agency will provide additional information in advance of the appeal hearing date.

**Representative Information**

Paul Edelman, Deputy Director of Natural Resources and Planning  
Santa Monica Mountains Conservancy  
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