

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

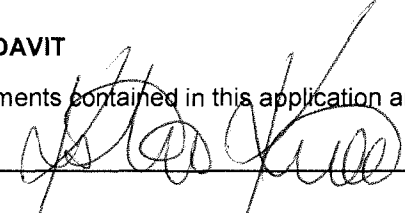
If Yes, list the condition number(s) here: _____

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: 9/1/2017

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: <u>\$89</u>	Reviewed & Accepted by (DSC Planner): <u>Daniel Skolarick</u>	Date: <u>9/5/17</u>
Receipt No: <u>0203447993</u>	Deemed Complete by (Project Planner): <u>Daniel Skolarick</u>	Date: <u>9/5/17</u>
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ATTACHMENT TO APPEAL
CPC-2016-1208-CU-SPR
ENV-2016-1209-MND

Appellants: Karney Management Company

Project: A 155-foot high office building and associated parking, landscaping, and hardscape at 12553–2575 West Beatrice Street and 5410–5454 S. Jandy Place.

Appellant is the manager and owners' representative of the parcels located immediately to the west and south of the proposed Project, and thus, most immediately impacted thereby.

In approving the Proposed Project, the City Planning Commission erred and abused its discretion for the following reasons:

1. The Project is Limited to a 45-foot Height Limit

The Project is proposed on a M2-1 Zoned site, situated directly across Beatrice Street from the Avalon Playa Vista residential apartments. Accordingly, it is considered a "Commercial Corner" under LAMC § 12.03, limiting development thereon to a height of 45 feet under Los Angeles Municipal Code ("LAMC") LAMC § 12.22.A.23.

The proposed lot line adjustment to create an approximately 20 x 20 foot "lot" adjacent to Beatrice Street does not evade this requirement. The Project's siting encompasses the whole of the M2-1 Zoned site which is the subject of the within action. Therefore, all of the proposed structures on the Project site that exceed 45 feet, including the massive 155 foot structure, are illegal under LAMC §12.22.A.23.

2. The Project Violates LAMC §12.36

LAMC §12.36.B requires applicants to file all applications for all approvals reasonably related to complete the project at the same time.

Here, in addition to the entitlements proposed, the Project will also need at least a Condition Use Permit for beer and wine (probably a Master Conditional Use) to operate the anticipated bar and restaurant use; a haul route; and, per the Project's own MND, "additional actions as determined necessary."

Without information about all such approvals reasonably related and necessary to complete this Project, the City cannot continue to process the Project under LAMC §12.36.

3. The Required Findings for a Major Development Project under LAMC §12.24.U.14 or Site Plan Review under LAMC §16.05 Cannot be Made with Substantial Supporting Evidence

The Project *does not* provide for an arrangement of uses, buildings, structures, open spaces and other improvements that are *compatible with the scale and character of the adjacent properties* and surrounding neighborhood.

The Project is *not* consistent with the City Planning Commission's Design Guidelines for either Commercial or Industrial Projects.

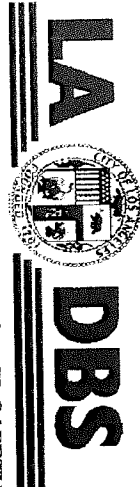
The Project is *not* in substantial conformance with the purposes, intent and provisions of the General Plan and the Palms-Mar Vista-Del Rey Community Plan.

The Project *does not* consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be *compatible* with existing and future development on adjacent properties and neighboring properties.

4. The Mitigated Negative Declaration is Inadequate under CEQA

The Mitigated Negative Declaration is inadequate under the California Environmental Quality Act ("CEQA") and substantial evidence supports a fair argument that the Project may have a significant effect on the environment based on the following:

- A. The MND is Premature and Defers Environmental Review;
- B. The MND Fails to Provide Consistent and Accurate Information;
- C. The Project Description is Inadequate;
- D. Impacts on Aesthetics are Inadequately Analyzed;
- E. Impacts on Air Quality are Inadequately Analyzed;
- F. Impacts on Cultural Resources are Inadequately Analyzed;
- G. Impacts on Geology and Soils are Inadequately Analyzed;
- H. Impacts on Hazards and Hazardous Materials are Inadequately Analyzed;
- I. Impacts on Land Use and Planning are Inadequately Analyzed;
- J. Impacts on Noise are Inadequately Analyzed;
- K. Impacts on Transportation/Traffic are Inadequately Analyzed; and
- L. Cumulative Impacts are Inadequately Analyzed.



DEPARTMENT OF BUILDING AND SAFETY

LA Department of Building and Safety
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PLAN & LAND USE \$105.02
 DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total: \$107.69

Receipt #: 0203447993

SERGEVA/VERA B

Reference No: 23163

EMV Receipt Section
 Application Label: VISA DEBIT
 TC: 4D633064DA721B91
 TVR: 8080008000
 ATD: A0000000031010

Office: Van Nuys
Applicant Copy
 Application Invoice No: 39716

NOTICE: The staff of the Plar
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Applicant: KARNEY MANAGEMENT COMPANY - KARNEY FLASTER, SUSANNA (310-4765633)
Representative: LUNA & GLUSHON - GLUSHON, ROBERT L. (B:818-9078755)
Project Address: 12565 W BEATRICE ST, 90066

NOTES:

CPC-2016-1208-CU-SPR-1A			
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
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$107.69
Total Invoice	\$107.69
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$107.69

Council District: 11
 Plan Area: Palms - Mar Vista - Del Rey
 Processed by SKOLNICK, DANIEL on 09/05/2017

LA Department of Building and Safety
 VN LAUR 203112393 9/5/2017 1:00:29 PM

PLAN & LAND USE \$105.02
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Signature: 

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