

MASTER APPEAL FORM

City of Los Angeles -- Department of City Planning

APPEAL TO THE: CITY COUNCIL
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: 2A 2012-3329

PROJECT ADDRESS: 6340-6346 W. Sister Elsie Dr

FINAL DATE TO APPEAL: AUG 8, 2014

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

APPELLANT INFORMATION - Please print clearly

Name: Sunland-Tujunga Alliance, Inc Joseph W Barrett

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

Self

Other: Sunland-Tujunga Alliance, Inc

Address: P.O. Box 123

Tujunga CA Zip: 91043

Telephone: 818 438-7676 E-mail: exploding_sun@gmail.com

- Are you filing to support the original applicant's position?

Yes

No

REPRESENTATIVE INFORMATION

Name: _____

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

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

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

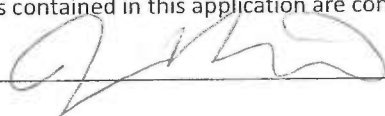
ADDITIONAL INFORMATION/REQUIREMENTS

- 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: _____

8-8-14

Planning Staff Use Only

Amount \$166.80	Reviewed and Accepted by Rick Torres	Date
Receipt No. Invoice 18600	Deemed Complete by Fleming L. [Signature]	Date 8/15/14



Determination Authority Notified



Original Receipt and BTC Receipt (if original applicant)

Sunland Tujunga Alliance, Inc.
P.O. Box 123
Tujunga, CA 91043
www.sunlandtjungaalliance.com

August 8, 2014

APPEAL OF NORTH VALLEY AREA PLANNING COMMISSION DETERMINATION

Location: 6340 -6346 West Sister Elsie Drive

Case No. ZA 2012-3329 (ZV) (ZAD)

Environmental Clearance No. ENV 2009-2926-MND-REC1

Council District 7

Area Planning Commission: North Valley

Community Plan: Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna

Canyon Planning Area

Neighborhood Council: Sunland-Tujunga

Legal Description: Lot 496-498, Tract 8303

Last Day to Appeal: August 8, 2014

This appeal is being filed because we believe the North Valley Area Planning Commission erred and abused their discretion in approving a Zone Variance application for a new 2,400 square-foot single-family residence and attached two-car garage in lieu of the Maximum Residential Floor Area of 1,147 square feet as required under Section 12.21-C,10(b)(2), LAMC.

The North Valley Area Planning Commission's denial of the Appeal and affirmation of the Zoning Administrator's Determination (Attachment A) is based on improper findings. Their denial of the Appeal also undermines the provisions of the Baseline Hillside Ordinance. Furthermore, the denial of the Appeal establishes precedence for future out-of-scale hillside homes in this area.

Basis for Appeal

Zone Variance

The Sunland-Tujunga Alliance's basis for the Appeal of the Zone Variance is set forth on **Pages 4 through 11 in Attachment B: Appeal of Zoning Administrator's Determination**, filed by the Sunland-Tujunga Alliance (STA) on April 28, 2014.

Environmental Determination

The Sunland-Tujunga Alliance's basis for the Appeal of the Environmental Determination is set forth on **Part B of the Appeal of Zoning Administrator's Determination**, filed by the Sunland-Tujunga Alliance (STA) on April 28, 2014.

CONCLUSION

This project, if approved, undermines the intent of the Baseline Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The approval of this Zone Variance will encourage future developers to ask for and be granted similar zone variances for their projects. The end result will be an abrogation of the City's responsibility to uphold its own hard-fought regulations to control mansionization in the City's hillsides.

Your deliberations in this matter should take into account the community's goals for improving their neighborhoods and not allow development that is incompatible or out of scale with existing development in the area and which jeopardizes public safety.

The Sunland-Tujunga Alliance and the community at large is not opposed to the orderly development of hillside areas in Sunland-Tujunga and we understand the development rights for a project of this type. **We are willing to work with the project applicants in a redesign of their proposed home to come up with a solution acceptable to all.** However, our attempts to meet with the applicants have been rebuffed and there appears to be little willingness on the applicant's part to meet us at least halfway. As currently proposed, this project is inconsistent with current hillside regulatory policies. In addition, the project is located in a unique area of our community that is not adequately served by public streets.

As we said to the North Valley Area Planning Commission in our Appeal, the City of Los Angeles needs to think long and hard in regards to projects of this type where multiple variances are being recommended for approval. These are not minor variances, either. In some cases, the variances requested deviate from standards by as much as 50%.

WAS IT THE INTENT OF THE CITY TO ADOPT A BASELINE HILLSIDE ORDINANCE AND THEN IGNORE ITS PROVISIONS?

RECOMMENDATION

We respectfully request that the City Council consider one the following courses of action:

- A. Reverse the Planning Commission's Determination and require the project applicant to submit building plans that conform to the Baseline Hillside Ordinance.
- B. Require the project applicants to meet with the neighbors in the area and District 7 Council staff to negotiate a compromise solution to the size of the proposed dwelling.

- C. Affirm the City Council's desire that the provisions of the Baseline Hillside Ordinance be properly implemented and enforced by directing the Director of Planning to establish, in writing, policy guidelines that direct Planning staff to implement the Baseline Hillside Ordinance as it is written and to discourage applicants from applying for variances from these regulations. In all such cases where variances are being proposed, said applications shall be referred to the appropriate Council District office for review and approval prior to deeming the project applications being complete.

SUBMITTED ON BEHALF OF THE SUNLAND-TUJUNGA ALLIANCE, INC.

Joseph Barrett, Secretary

APPEAL OF NORTH VALLEY AREA PLANNING COMMISSION DETERMINATION

**Location: 6340 -6346 West Sister Elsie Drive
Case No. ZA 2012-3329 (ZV) (ZAD)**

ATTACHMENTS

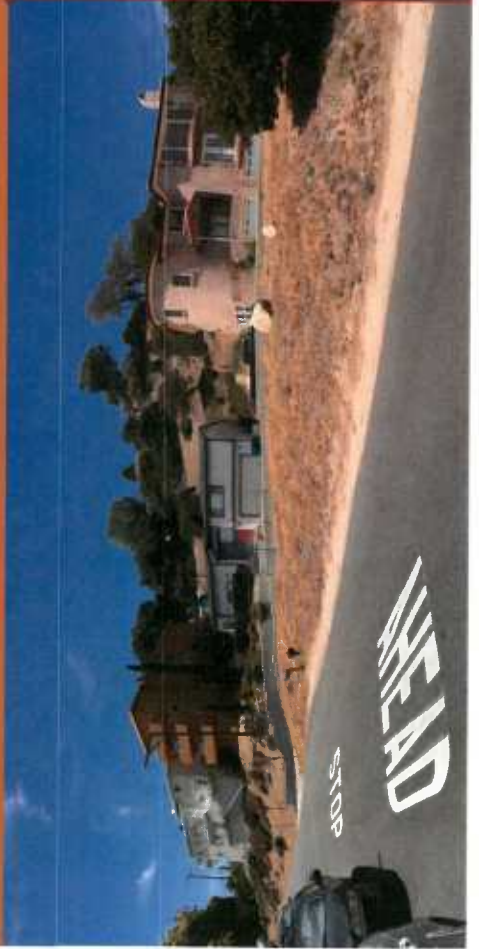
- EXHIBIT A: North Valley Area Planning Commission Decision Letter
- EXHIBIT B: Appeal of Zoning Administrator's Determination, filed by the Sunland-Tujunga Alliance (STA) on April 28, 2014
- EXHIBIT C: Site Location and Map
- EXHIBIT D: STNC Letter, September 8, 2010
- EXHIBIT E: Photos of Sister Elsie Drive and Environs
- EXHIBIT F: Baseline Hillside Ordinance Comprehensive Guide



“The Baseline Hillside Ordinance is a major step toward the protection of our city’s hillsides and ensures that development conforms to the land, instead of the land conforming to the development.”

-Director of City Planning Michael LoGrande

THE PROBLEM ON SISTER ELSIE DRIVE



**Appeal of the Decision of the
North Valley Area Planning Commission
ZA 2012-3329 (ZV) (ZAD
ENV 2009-2926-MND-REC1
August 8, 2014**

Sunland –Tujunga Alliance, Inc.

The Project



The proposed approval of a Zone Variance application for a new 2,400 square-foot single-family residence and attached two-car garage, in lieu of the Maximum Residential Floor Area of 1,147 square feet as required under Section 12.21-C,10(b)(2), LAMC.

The Baseline Hillside Ordinance

“Hillside residents should now enjoy relief from the out-of-scale development that too often has destabilized the hillsides, damaged the environment, reduced wildlife, increased the risk of landslides, destroyed the visual allure, and imposed on surrounding neighbors.”

The Appeal

Why We Oppose the North Valley Area Planning Commission’s Decision:

- ❖ The proposed size of the dwelling and attached garage exceed the maximum amount of floor area allowed on the property (1,147 square feet).
- ❖ The grant of the requested variances and undermines the intent of the City’s Hillside Ordinance (LAMC, Section 12.21.A.17).
- ❖ Sister Elsie Drive in the vicinity of the proposed project is a poorly improved “paper street” which is inadequate to accommodate safe access to the site.
- ❖ Development of the site threatens the health, safety, and welfare of residents that live in the area.
- ❖ Approval of the project establishes precedence and invite other speculative developers to build over-sized dwellings on narrow and steep lots in the area.
- ❖ The Mitigated Negative Declaration does not adequately address the impacts of the project and includes insufficient measures to address project impacts.
- ❖ There are no unique hardships associated with the development of this site to warrant findings in favor of the applicant’s request.

Sister Elsie Drive



A Question of Public Safety

- ❖ Inadequate Access for Emergency Vehicles including Fire Trucks.
- ❖ Deteriorated Street Condition.
- ❖ No turn-around areas on Sister Elsie Drive.
- ❖ Earthquake Fault Transverses Project Site.
- ❖ Inadequate Infrastructure to support new development.
- ❖ Over- building on steep hillside lots invites increased traffic and congestion and interferes with the emergency evacuation of residents in the area.

A Question of Public Policy

The Baseline Hillside Ordinance was adopted to encourage orderly development in the City's hillside areas and to prevent the construction of out-of-scale structures that are incompatible with neighboring properties. The homes constructed along Day Street at the foot of Sister Elsie Drive in Tujunga are emblematic of hillside development gone awry. The side-stepping of existing hillside development regulations should stop now to prevent future incompatible development.

*Dean Sherer, AICP ENV SP
Chair, STNC Land Use Committee*



Community Plan Hillside Development Policies

- ❖ *Policy 1-1.2:* Protect existing single-family residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- ❖ *Policy 1-1.3:* Require that new single and multi-family residential development be designed in accordance with the Urban Design Chapter.
- ❖ *Policy 1-3.2:* Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

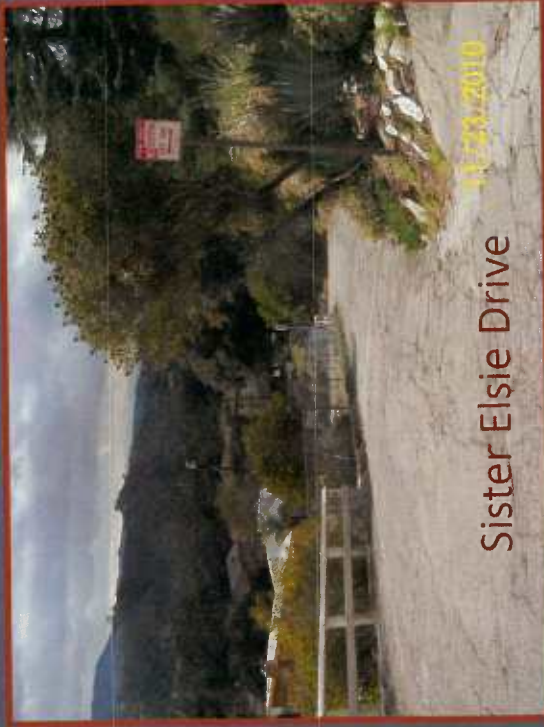
The Result of the Approval of Hillside Development Variances



Day Street Homes

Multiple Variances were approved for the three larger structures shown in this photograph. The granting of these variances resulted in out-of-scale and incompatible hillside homes.

A Neighborhood Perspective



Summary

“Our community is united in the belief that this project will undermine the intent of the General Plan and of the Hillside Ordinance by furthering development of hillside dwellings that are out of scale and which are incompatible with existing development in the area. The granting of these variances will encourage future developers to ask for and be granted similar variances for their projects. The end result will be an abrogation of the City’s responsibility to uphold its own hard-fought regulations to control mansions in the City’s hillsides. The proposed project is opposed by the Sunland-Tujunga Alliance, the Sunland-Tujunga Neighborhood Council and its Land Use Committee and the homeowners directly impacted who live on Sister Elsie Drive”

EXHIBIT A – NVAPC Decision Letter