

3729-3735 BENTLEY AVENUE APPEAL

APPEAL FROM: Appeal from the Board of Building & Safety Commissioners

APPEAL TO: The Honorable City Council

REGARDING CASE NO: Board File No 140189, ENV -2014-2801-CE

PROJECT ADDRESS: 3729-3735 Bentley Avenue, Los Angeles, CA 90034 TRACT: TR 1858

FINAL DATE TO APPEAL: MAY 22, 2015

TYPE OF APPEAL: Appeal of the entire Board decision, by Pamela Irwin, residents, neighbors and owners of Bentley Avenue and Charnock (see attached list), other than the project applicant/owner, claiming to be aggrieved by the Board's decision.

APPELLANT INFORMATION:

Name: Pamela Irwin & persons on attached list
Address: 3674 So. Bentley Avenue, Los Angeles, CA 90034
Telephone: 310-694-6934
E-mail: Pamela.Irwin@yahoo.com

PURPOSE OF APPEAL:

This appeal seeks to reverse the entire decision of the Board of Building and Safety Commissioners ("the Board"), at the Board's hearing on May 12, 2015. This appeal pertains to the entire decision of the Board, including without limitation Board file number 140189, and Project Title ENV -2014-2801-CE (the "Project"). The appeal is based on the Board's improper approval of a Mitigated Negative Declaration, rather than an Environmental Impact Report, to disclose and mitigate the Project's adverse environmental impacts.

Where, as here, Appellant Pamela Irwin presented several "fair arguments" that the Project would cause significant environmental impacts (regarding truck traffic congestion impacts, safety and noise impacts), and presented "substantial evidence" supporting those "fair arguments" the board had no discretion to approve the Project.

This appeal is also based on the Board's violation of City Municipal Ordinance Section 91.7006.7.4(5), which states in relevant part that the Board "shall," deny approval of a haul route permit request, when approval would "endanger the public health, safety and welfare."

In addition, appellant, Pamela Irwin prepared a Master Appeal to the City Planning commission on March 27th and when she attempted to file it, she was advised that although she had received a letter that she could appeal, that she was not an abutting property resident and that she was not allowed to file that appeal. A copy is attached herewith. Abutting residents have informed Pamela Irwin that they never received any notice of the building project or their right to appeal said project.

The attached list of additional appellants state that they were never notified of either the project or the hauling by any city departments. Each of these persons wish to be included in this appeal. (See attached list with names, addresses and signatures.)

Appellant, Pamela Irwin and persons on attached list are also appealing and objecting to the overall approval of this project, as it will have a negative impact on this neighborhood and the current residents and owners and is in violation of noise laws in place. It will be tearing down two very nice single story triplex buildings and constructing a five story 25 unit apartment building in their place. When the original planning committee created the original plan, I am sure they did not ever envision a five story 25 unit building or they would have made provisions to prohibited it. These original planners of mixed use of single family along with tri-plexes and duplexes envisioned single-family homes along with low impact multi family homes that looked almost exactly like the single family homes. These residences were designed for those people wanting a home like feel but could not yet afford their own home. The original city planners did not envision this type of monstrosity in a residential area where low density, single story, multi units were intended to blend with single-family homes.

Not only will this project be an abomination on this little residential street, the project will be the tallest building in Palms. It is contrary to the overall vision for "Protecting Los Angeles' Neighborhood Character and comprehensive Strategy" that was established as well as the overall master plan and vision of this neighborhood. According to the state law, "SB 1818" is only valid and can only be used if it does not impact these things.

Please note that, appellant, Pamela Irwin has been advised by most of the tenants of the abutting multi units and apartment buildings that they never received any notice whatsoever of the proposed project. Proper notice to these persons is required.

The approval of this project is discriminatory against existing residents and home owners. With the adoption of the new Ordinance 183497 for this area, all of the single family home owners are now restricted from adding more than 15% square footage to their homes whilst a developer who does not even live on this street is allowed to add more than 500% square footage and cause extensive negative impact just for personal greed.

This project at 3729-3735 Bentley Avenue obtained certain exceptions with CEQA by abusing the state law "SB 1818" that was specifically created, written and designed to increase "affordable housing units" for the State of California. This project in fact, is going to actually going to reduce "affordable housing" by demolishing 6 family units and replacing them with only 2 small "low income" units within this five story 25 unit building. This is in clear violation of the "spirit of the law SB 1818". This project will definitely "endanger the public health, safety and welfare" of the inhabitants and families of this neighborhood not only by reducing the affordable housing units by 4 units but by severely impacting the physical, mental health and well being of current residents by increased noise, pollution, asbestos, emissions, traffic, parking, increased water use, sewage, aesthetics and the overall peace and enjoyment of the neighborhood.

The demolition, hauling, increased traffic and construction "NOISE" from this project will definitely adversely impact the residents. Most residents will be severely impacted. Many residents are at home during the day during construction times. The City of Los Angeles Planning commission adopted rules regarding noise. (Please see attached.) It states that **the noise from construction of multi family projects is Clearly unacceptable and that new construction or development**

generally should not be undertaken.

State and local laws require that a detailed analysis of noise mitigation impact study or assessment must be made. To date no detailed analysis of noise mitigation impact study or assessment has been done for this project. Please see the attached copies of the City of Los Angeles laws and regulations regarding noise.

In addition to harming the residents on Bentley Avenue and the surrounding area, the construction and hauling routes will also severely impact the families and their children that attend the nearby Charnock elementary School on the corner of Charnock and Bentley Avenue with both noise and traffic. This school has multiple nursery school, kindergarten and elementary school sessions and classes throughout the day where children are going to and from school by foot, car and bicycle.

I certify that the statements contained in this appeal application and all supporting exhibits are complete and true:

Dated: May 22, 2015

Appellant: _____



Pamela Irwin

Some of the neighbors on Bentley Avenue and Charnock that have signed an attached form to be a part of this objection are:

Ann McCluskey	3630 S Bentley Ave	310-418-5357	mccluskey.an@gmail.com
Patricia Doll	3622 S Bentley Ave	310-467-8934	patriciasdoll@gmail.com
Holly Knipe	11064 Charnock Rd	818-206-0821	
Ron Bushy	11180 Charnock Rd	310-559-6363	Nancyironbutterfly@gmail.com
Asher Valles	11110 Charnock Rd	310-780-4996	asher@asherv.com
Deborah Baldwin	3635 S Bentley Ave	310-838-6002	dbaldwin14@yahoo.com
Javad Sabl	3621 S Bentley Ave	310-381-9797	valetsign@gmail.com
Greg Tieti	3634 S Bentley Ave	310-566-9197	obstruxion@yahoo.com
Parastoo Seidenfeld	3645 S Bentley Ave	310-508-9427	p2rx@hotmail.com
Shirley Gordon	3651 S Bentley Ave	310-466-5200	shirleygordon@ca.rr.com
Gandhi Puvvada	3644 S Bentley Ave	310-839-3932	gandhi.puvvada@gmail.com
Vener Capiral	3650 S Bentley Ave	310-204-3296	vcapiral@yahoo.com
Charlene Vinetz	3670 S Bentley Ave	310-202-8339	cvinetz@library.ucla.edu

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

May 14, 2015

BOARD FILE: 140189
C.D.: 5

Bentley Realty Partners, LLC.
3800 La Crescenta Ave, Suite 106
La Crescenta, CA 91214

JOB ADDRESS: 3729 - 3735 SOUTH BENTLEY AVENUE
TRACT: TR 1858

The Board of Building and Safety Commissioners, at its meeting of May 12, 2015, gave consideration to the application by Bentley Realty Partners, to export 5,968 cubic yards of earth from the above-referenced property.

The Board took the following actions:

1. FIND that the project is Categorically Exempt under the California Environmental Quality Act pursuant to the notice of exemption prepared by the Department of City Planning.
2. APPROVE the application subject to all conditions specified in the Department's report dated May 7, 2015.

This action becomes effective and final when ten calendar days have elapsed from the date of the Board's action, unless an appeal is filed to the City Council pursuant to Section 91.7006.7.4 of the Los Angeles Municipal Code.

(Continued on Page 2)

Page 2

Job Address: 3729-3735 SOUTH BENTLEY AVENUE

Board File: 140189

When a proposed Negative or Mitigated Negative Declaration has been approved, Public Resources Code Section 21152(a) requires that a Notice of Determination ("NOD") be filed within five working days after the effective date of the decision. The filing of the NOD with the County Clerk starts a 30-day statute of limitations on court challenges to the approval of the project pursuant to Public Resources Code Section 21167. Failure to file the notice results in the statute of limitations being extended to 180 days.



Van Ambatielos, President

BOARD OF BUILDING AND SAFETY COMMISSIONERS

NOT VALID WITHOUT STAMP AND SIGNATURE

CJ:cj

140189.FAL

c: Sr. Grading Inspector S. Valenzuela
Michael Hibbert
Pamela Irwin

Action By
the BOARD OF BUILDING AND SAFETY
COMMISSIONERS on *May 12, 2015*

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

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PRESIDENT

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JOSELYN GEAGA-ROSENTHAL
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CITY OF LOS ANGELES
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ERIC GARCETTI
MAYOR

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201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

May 7, 2015

BOARD FILE NO. 140189
C.D.:5 (Councilmember P. Koretz)

Board of Building and Safety Commissioners
Room 1080, 201 North Figueroa Street

APPLICATION TO EXPORT 5,968 CUBIC YARDS OF EARTH

PROJECT LOCATION: 3729 - 3735 SOUTH BENTLEY AVENUE

TRACT: TR 1858

BLOCK: NONE

LOT: 44 & 46

OWNER:

Bentley Realty Partners, LLC.
3800 La Crescenta Ave, Suite 106
La Crescenta, CA 91214

APPLICANT:

Bentley Realty Partners, LLC.
1925 Century Park East, Suite 2350
Los Angeles, CA 90067

The Department of Transportation (DOT) and the Department of Public Works (DPW) have reviewed the subject haul route application and have forwarded the following recommendations to be considered by the Board of Building and Safety Commissioners (Board) in order to protect the public health, safety and welfare.

CONDITIONS OF APPROVAL

Additions or modifications to the following conditions may be made on-site at the discretion of the Grading Inspector, if deemed necessary to protect the health, safety, and welfare of the general public along the haul route.

Failure to comply with any conditions specified in this report may void the Board's action. If the hauling operations are not in accordance with the Board's approval, The Department of Building and Safety (DBS) shall list the specific conditions in violation and shall notify the applicant that immediate compliance is required. If the violations are not corrected or if a second notice is issued by DBS for violations of any of the conditions upon which the approval was granted, said approval shall be void. Inasmuch as Board approval of the import-export operations is a condition precedent to issuing a grading permit in a "hillside" designated area, violation of this condition may result in the revocation of the grading permit issued in reliance of this approval.

A. PERMITS AND BONDS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS:

PERMIT FEE MUST BE PAID BEFORE THE DEPARTMENT OF BUILDING AND SAFETY WILL ISSUE A GRADING PERMIT.

1. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:
 - a) A total of 5,968 cubic yards of material moved 0.7 miles within the hillside area at a rate of \$0.29 per cubic yard per mile results in a fee of \$1,211.50.
2. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, California, 90015, telephone (213) 847-6000.
3. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$50,000.00 shall be required from the property owner to cover any road damage and any street cleaning costs resulting from the hauling activity.
4. Forms for the bond will be issued by Susan Sugay, Bond Processor, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 351, Van Nuys, CA 91401; telephone (818) 374-5082.

B. GENERAL CONDITIONS:

1. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector.

2. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
3. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0777.
4. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4).
5. Trucks and loads are to be watered at the export site to prevent blowing dirt and are to be cleaned of loose earth at the export site to prevent spilling.
6. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
7. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
8. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
9. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
10. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.
11. No person shall perform any grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.
12. A copy of this report, the approval letter from the Board and the approved grading plans shall be available on the job site at all times. A request to modify or change the approved routes must be approved by the Board of Building and Safety Commissioners before the change takes place.

13. The grading permit for the project shall be obtained within twelve months from the date of action of the Board. If the grading permit is not obtained within the specified time, re-application for a public hearing through the Grading Division will be required.
14. A log noting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
15. All hauling vehicles must prominently display a unique placard identifying the project address on the vehicle or in the front windshield.
16. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report.
17. Hauling vehicles shall be spaced so as to discourage a convoy effect.
18. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.
19. **The applicant shall defend, indemnify and hold harmless the City of Los Angeles (City), its agents, officers, or employees, from any claim, action, or proceeding against the City 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.**
20. A copy of the first page of this approval and all Conditions and/or any subsequent appeal of this approval and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the City's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

C. SPECIFIC CONDITIONS

An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

1. The hauling operations are restricted to the hours between 9:00 a.m. and 2:00 p.m. on Mondays through Fridays. No hauling allowed on Saturdays, Sundays or City Holidays. Haul vehicles may not arrive at the site before the designated start time.