

1.

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 #: CPC-2014-666-VCU-ZAA-SPR

PROJECT ADDRESS: 11725 W. Sunset Bl., 11728 W. Chaparral St.,
141 N. Barrington Av.

FINAL DATE TO APPEAL: May 28, 2015

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

APPELLANT INFORMATION – Please print clearly

Name: Mark Stratton

- Are you filing for yourself or on behalf of another party, organization or company?
 - Self
 - Other: Bel Air Skycrest Property Owners' Association [BASPOA]

Address: P.O. Box 260503
Encino, CA Zip: 91426

Telephone: 310-472-4514 E-mail: belairskycrest@gmail.com

- Are you filing to support the original applicant's position?
 - Yes
 - No
 Please cc loismark@gmail.com

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: Mark Spatton Date: 5/26/2015

Planning Staff Use Only

Amount <u>108.60</u>	Reviewed and Accepted by <u>DENNIS STEWART</u>	Date <u>5/26/15</u>
Receipt No. <u>0202224624</u>	Deemed Complete by <u>Jenifer</u>	Date <u>5/26/15</u>

- Determination Authority Notified
- Original Receipt and BTC Receipt (if original applicant)

5/26/15 - voice mail
to Wm's @ CPC + PWR's

CASE NO. CPC-2014-666-VCU-ZAA-SPR

CEQA: ENV-2011-2689-EIR

Location: 11725 W. Sunset Boulevard,
11728 W. Chaparal Street, and
141 N. Barrington Avenue

JUSTIFICATION/REASON FOR APPEALING

1. **The reasons for the appeal. This Conditional Use is:**

- not consistent with the Baseline Mansionization Ordinance, the Brentwood-Pacific Palisades Community Plan, the City of Los Angeles General Plan, or the residential zoning of the neighborhood.
- not consistent with the quality and character of the neighborhood.
- still overly impactful in terms of hours of operation, traffic, noise, parking, etc.
- inadequately mitigated (and the mitigations, such as they are, are largely unenforceable).
- going to be used as justification for intensification of uses of schools and institutions elsewhere in the City.

2. **How are you aggrieved by the decision.**

Bel Air Skycrest is a residential community located off Mulholland Drive, one mile west of the 405 Freeway, in the northeasternmost corner of Brentwood. We will be directly impacted by the Archer Forward project, which we have been following from its inception, and are aggrieved by the CPC's decision on two main counts: its impacts on Brentwood's commercial districts (especially Brentwood Village) and, even more importantly for us, the nature of the precedents that will be set by this impactful project as approved.

1) This project will directly impact our residents' access to and experience of Brentwood's commercial districts, where we shop, socialize, and perform many other activities of daily life. Located as we are in the Santa Monica Mountains, with no post office, markets, shops, restaurants, gyms, salons, dry cleaners, banks, etc. in our immediate vicinity, we rely on Brentwood Village at Sunset and Barrington as a vital resource. And this intersection is also our primary gateway (aka *chokepoint!*) to "downtown" Brentwood (the San Vicente business district), as well as to many other destinations west and south. So our community will feel the traffic jams and other impacts of construction first-hand, as we did with the 405 Widening Project. But instead of the temporary discomforts being to some degree mitigated by the promise of an improved long-term user experience (as was the case with the freeway), the temporary discomforts here will result in expanded school operations with long-term and very significant negative impacts of their own. From the community's perspective, it's a lose-lose situation.

2) The issue of precedent is even more concerning to us. We live on the western edge of the Mulholland "Institutional" Corridor, a one-and-a-half mile stretch of the residentially zoned Mulholland Scenic Parkway where the City of Los Angeles has, over the years, granted a series of conditional use permits allowing the construction and operation of a number of private schools and religious institu-

tions. The proliferation of institutional uses has imposed ever-increasing burdens on the community in terms of traffic; parking; safety; emergency access; air, noise, and light pollution; and myriad other environmental factors, resulting in a cumulative negative impact on residents, in addition to impacting commuters, recreational users, and local wildlife. Then, of course, there is the added burden of being the watchdog, a role which too often falls on us, the residential community, and for which we are generally not equipped.

Living cheek-by-jowl with ten private schools and two huge religious institutions, it has been our experience that CUP conditions, even when restrictive, frequently go unobserved and unenforced, leaving the institutions free to pursue aggressive growth strategies. However socially valuable their contributions, there is always another side to these institutions, the business side, whose mission it seems is inevitably to push the envelope as far as it will go, without regard for zoning, Specific Plans, etc. We have seen the extents to which institutions will go and the variety of means they are willing to use to achieve their expansionist ends. We can name a number of cases in which Certificates of Occupancy were granted before required conditions were fulfilled, with the result that those conditions remained permanently ignored and unfulfilled, unless the community was able to gather the resources and momentum necessary to bring them forcefully to the attention of the City. We know how piecemealing works and the games that can be played with enrollment figures. (Doubling facilities, always with the assurance that, oh no, there won't be any intensification of use because we're not asking for an increase in enrollment -- and then asking for an increase in enrollment a few years later and saying there won't be any intensification of use since they already have the facilities! Or misinterpreting the current enrollment cap as baseline while basing any studies on the actual -- lower -- enrollment figure and claiming that there won't be any intensification of use because they're not asking to increase the enrollment cap. And as a hotly contested application like this one moves through the process, compromises are made and the institution then takes credit for every little reduction from their fantasy application, as though the revised fantasy application doesn't still represent unacceptable levels of increase over current actual operating conditions. And there are others.)

So many of the issues raised by the Archer Forward project are the same as those we face on the Mulholland Corridor:

- Traffic impacts (Mulholland, like Sunset, is the major--in fact the *sole*--means of ingress and egress for the area);
- Parking impacts (in spite of the CUP-required parking that has been provided, institutional users still park on our neighborhood streets)
- Size, number, and timing of school-related events and events scheduled outside normal school hours (like Archer's residential neighborhood, Bel Air Skycrest is essentially a bedroom community that treasures its evening and weekend times of quiet enjoyment). Outdoor uses and athletic uses are a particular source of noise and impacts on the residential neighborhood;
- Non-school-related events including intermural sports competitions, summer camps, and facility leasing (basically, one of the best ways to make these institutions coexist successfully in residential communities is to limit campus use to hours when most residents are at work);
- Overdevelopment of physical facilities/building footprints vs. preservation of open space;
- Cumulative impacts of the various neighborhood institutions (and in Archer's case businesses as well) and the importance of coordination of timing between them;
- Construction and excavation impacts;

- Inadequate mitigations, impossible to enforce

We know that time and repeated CUP renewals are generally on the side of the institution, not because traffic has gotten better or institutional operations have successfully mitigated any and all impacts but because of long-term lack of enforcement and high-powered lobbying, there is a loss of institutional memory and a gradual erosion of our protections. **And we know the powerful role precedent plays in this erosion.** If this approval goes through, it will become a tool in the hands of lawyers and lobbyists for the schools on the Mulholland Corridor, too, further degrading the already tenuous balance between the quality of life of our residential community and the institutions' will to grow. We have experienced the consequences, intended or otherwise, and the cost to community -- and to our City as a whole when this happens.

Approval of the project as presently proposed will harm Bel Air Skycrest residents (who reside in Brentwood) through degradation of their community due to foreseeable environmental impacts that are undermitigated at best and probably unenforceable and also through the negative precedent that it will set for the institutions on the Mulholland Corridor and elsewhere.

3. Specifically the points at issue.

- Not consistent with the Baseline Mansionization Ordinance (findings assert incorrectly that the BMO does not apply).
- Not consistent with the Brentwood-Pacific Palisades Community Plan.
- Not consistent with the City of Los Angeles General Plan.
- Not consistent with the residential zoning of the neighborhood.
- Physically out of scale with the quality and character of the neighborhood and the needs of the school.
- Overly impactful in terms of hours of operation, traffic, noise, parking, etc. on the immediate residential neighborhood.
- Overly impactful in terms of hours of operation, traffic, noise, parking, etc. on the larger region, which relies on access to Brentwood's commercial district and on Sunset Boulevard as a major east-west artery.
- Use of campus for summer school and other non-school-related uses including commercial filming, effectively expanding operational hours without mitigation.
- Use of outdoor facilities for sports and other events at inappropriate and highly impactful hours without mitigation (including summer school).
- Denial of the reasoning behind the conditions of the existing CUP, which reasoning is still valid.
- Inadequate mitigations (and unenforceability of what mitigations there are).
- This CUP is going to be used as justification for intensification of uses of schools and institutions elsewhere in the City, particularly on the Mulholland Corridor.

4. Why you believe the decision-maker erred or abused their discretion.

At the April 23, 2015 hearing, the Commission cut off public comments and, after hearing the requests made by Councilmember Bonin's representative and the almost blanket denial of these requests by the Archer School, the Commission went ahead and approved the Conditional Use **without**: (1) fully exploring or pressing the Applicant on a number of points; (2) establishing substantial evidence for the findings; (3) requiring additional studies based on the recent disclosure of a compressed construction schedule; (4) mitigating the project to a level of insignificance; (5) justifying overriding considerations; and (6) making sure the project conditions adopted are enforceable. The Commission also explicitly stated that **the case was going to be appealed anyway, so the Councilmember's Office and the community would have an opportunity to fully express their concerns at that time and the *City Council* would address them. This is an abrogation of the Commission's duty and the Commission erred in issuing the CUP.**