



## 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: ENV-2015-3154-CE

Project Address: 1119 N. Sanborn Avenue, Los Angeles, CA 90029

Final Date to Appeal: 01/02/2017

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): Sanborn Avenue Neighbors Association; Madeleine Huttenback

Company: \_\_\_\_\_

Mailing Address: 1124 Manzanita Street

City: Los Angeles

State: CA

Zip: 90029

Telephone: (213) 220-1169

E-mail: madstickss@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self     Other: Sanborn Avenue Neighbors Association

- Is the appeal being filed to support the original applicant's position?     Yes     No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

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
- How you are aggrieved by the decision
- Specifically the points at issue
- 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: *Madeline O'Connell* Date: 8-11-2016

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: <b>\$ 89.00</b>	Reviewed & Accepted by (DSC Planner): <i>[Signature]</i>	Date: <b>8/12/16</b>
Receipt No: <b>0201342483</b>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified	<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

*This document  
contains 21 pgs.  
V.B.*

## JUSTIFICATION/REASON FOR APPEALING

This appeal challenges the July 6, 2016 determination by the East Los Angeles Area Planning Commission to adopt Categorical Exemption No. ENV-2015-3154-CE (Article III, Section 1, Class 15) (“the Categorical Exemption”) for the proposed Small Lot Subdivision located at 1119 Sanborn Avenue pursuant to Preliminary Parcel Map Np. AA-2015-3153-PMLA-SL (“Project”).

It is the City’s burden to prove that the Project fits within a class of categorical exemption. *California Farm Bureau Fed’n v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173.

The Sanborn Avenue Neighbors Association represents the immediate neighborhood surrounding the Project and most affected thereby.

### **1. The City Cannot Meet its Burden to Prove that the Project Fits within a Class 15 Categorical Exemption**

Article III, Section 1, Class 15 Categorical Exemptions are inapplicable to Projects where access to the proposed parcels are not to local standards or where the parcel has a slope greater than 20%.

Here, the City has not produced any evidence regarding the slope of the parcel and cannot show that access to the proposed parcels is to “local standards.” In fact, access to the proposed parcels will be via a narrow, substandard, already over-crowded alley as further set forth below.

### **2. Exceptions to a Categorical Exemption Apply**

Under the City’s CEQA Guidelines, categorical exemptions are not to be used for projects where it can be readily perceived that such projects may have a significant effect on the environment. Similarly, general CEQA law prohibits use of a categorical exemption when “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines § 15300.2(c)).

The “unusual circumstances” exception is established without evidence of an environmental effect upon a showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance. Alternatively,

the “unusual circumstances” exception is established with evidence that the project will have a significant environmental effect. *Id.*

Here, the “unusual circumstance” is that the Project will be located along Wit Place alley which will provide access to the proposed units/parcels:

1. Wit Place is a substandard 15.5 foot wide two way alley. It is too narrow for two cars to pass adjacently and it currently carries an inordinate amount of traffic. Wit Place is located at Sunset Junction, in Silver Lake, an area called the trendiest place to live in the USA by Money and Forbes Magazines. Up to 50 times per day cars pull into the alley from opposite directions, one or more vehicle(s) coming from Manzanita, the other vehicle(s) coming from Sanborn Avenue. When this happens one of the cars must back up, often backing up towards Sanborn Avenue and across a sidewalk at the top of a steep slope. Because of the slope the sidewalk is a blind spot to the vehicle backing up and pedestrians cannot be seen. Sunset Junction is heavy with pedestrians and children that walk home down the alley and across that sidewalk from Thomas Starr King Middle School two blocks away. Additionally, up to 15 trucks park in the alley daily to make deliveries to the businesses that back onto it, thereby blocking it entirely. Public and private garbage trucks, postal and UPS trucks delivering to the online businesses nearby use the alley to exit Manzanita Street. There is a ten foot wide man-lift that periodically services the cell phone tower that is on top of one of the buildings. In any of these cases the alley is blocked from both sides and vehicles entering from Manzanita or Sanborn both have to back their way out. The alley is so concise that the second story overhang of the apartment building backing onto Wit Place has been repeatedly hit by trucks, and a ragged patch is visible where it has been repeatedly repaired.

2. Wit Place alley and the sidewalk that crosses it on the Sanborn side are used by an extraordinary number of pedestrians enjoying the boutiques and restaurants at Sunset Junction, as well as by children from Thomas Starr King Middle School two blocks away. Wit Place is a daily route for these students to reach public transportation on Sunset Boulevard.

3. Wit Place alley has experienced extraordinary and increasing traffic demands over the last five years as the Sunset Junction has become a focal point for the Silver Lake Community.

4. The Project is just a few hundred feet from the upcoming Junction Gateway Project at 4000 and 4100 Sunset Boulevard. Here a developer is seeking to construct a five-story building consisting of 79,064 square feet of floor area (4000 Sunset Blvd) and five-story building consisting of 80,670 square feet of floor area (4100 Sunset Boulevard). The DEIR for the Junction Gateway Project

provides that it will add over 2,000 road trips a day, and the most recent alternative proposed by the developer is a boutique hotel that will add 4000 daily car trips. The Junction Gateway Project, and the influx of new residents and businesses, will inevitably add even more traffic impacts to the already dangerous and over-crowded alley.

5. Manzanita Street is the only street in the vicinity that doesn't have, with the exception of twice-weekly street cleaning, any parking restrictions. Parking is extremely limited in the Sunset Junction area, and visitors know that the block of Manzanita that connects to Wit Place as well as to a public stairway that runs up to Sunset Blvd, offers free all-day or multi-day parking. When a vehicle comes down Manzanita and is unable to park, it exits up Wit Place. This happens all the time, every day and night, and compounds the traffic situation.

6. A two way 15 foot wide alley is so unusual there isn't even a name for it in the Los Angeles Mobility Plan.

Due to such unusual circumstances, it is not just a reasonable possibility, but a hard fact that the Project will cause substantial adverse impacts on the surrounding neighborhood with regard to traffic. As it stands today, Wit Place is already a dangerous and overcrowded alley. With the Project, the traffic impacts will be exacerbated to an unlivable and un-mitigatable level.

For these reasons, the Project will have a significant environmental effect on traffic and the Categorical Exemption is improper. An environmental review including the traffic impacts from access by a substandard alley is required.

### **3. Cumulative Impacts must be Evaluated**

Part of the vital informational function required under CEQA is a cumulative impact analysis. "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. 14 CCR §15355.

Here, despite knowledge of the nearby Junction Gateway Project, including its traffic impacts, the City has failed to consider the proposed Project in conjunction with the impacts therefrom, as well as other proposed Projects in the area. This is in violation of CEQA.