



## 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: CPC-2016-837-SP-MCUP-DRB-SPP-SPR and ~~CPC-2016-032-DA~~ *HCC*

Project Address: 11401-11405 North Porter Ranch Drive, 20200 West Rinaldi Street

Final Date to Appeal: 12/05/2016

- 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): Susan Gorman-Chang

Company: N/A

Mailing Address: 19427 Kilfinan St

City: Porter Ranch State: CA Zip: 91326

Telephone: (818) 831-6902 E-mail: sggc@dslextreme.com

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

Self      Other: \_\_\_\_\_

- 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?

*N/C*  Entire *N/C*  Part  
 Yes  No

Are specific conditions of approval being appealed?

If Yes, list the condition number(s) here: CPC-2016-837: 11

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: *Susan Goodman Chang* Date: *11/23/2016*

**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: <i>\$ 89</i>	Reviewed & Accepted by (DSC Planner): <i>Daniel Skolnik</i>	Date: <i>11/23/16</i>
Receipt No: <i>0203369772</i>	Deemed Complete by (Project Planner): <i>[Signature]</i>	Date: <i>11/23/16</i>
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Appeal from: Susan Gorman-Chang, Porter Ranch resident  
November 23, 2016

Appeal for Case No: CPC-2016-837-SP-MCUP-DRB-SPP-SPR and ~~CPC-2016-838-DA~~ <sup>JSC</sup>  
CEQA: EIR 88-0026(SP)(ZC)(PA) SCH No. 88050420, ENV-1998-26-EIR, Addendum

Form CP-7769 attachment: 4. Justification for Appeal: The below section covers:

- The reason for the appeal
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

First, thank you for honoring this process. I understand this has been long and drawn out, both for the city and for Shapell Liberty; Shapell Liberty will hereafter be referred to as the **Applicant**. Thank you for taking the time to make sure the development and project which is the subject of these Case Nos., hereafter referred to as the **Development**, will be done so that all parties including the Applicant, residents and stakeholders are all respectfully heard and all their concerns are addressed. I am deeply appreciative of this necessary, legal process and respectful of the time it has taken and will take everyone to ensure we are planning and accomplishing this Development to the best of our technological abilities considering not only ourselves, but also this Development's impact to our children and future generations.

I am appealing the following Actions, as stated on the Letter of Determination, mailing date November 16, 2016, with the Case Nos and CEQA number as noted in the heading above.

***Action # 1: "Found, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative records, the Development was assessed in EIR No 88-0026(SP)(ZC)(PA) SCH No. 88-050420 certified on July 10, 1990; and pursuant to CEQA Guidelines 15162 and 15164, and as supported by the addendum dated August 16, 2016, no major revisions are required to the EIR and no subsequent EIR is required for approval of the Development."***

I Appeal this action/finding based on (1) my position that the traffic study noted in the August 16, 2016 Addendum, referencing a "2006 traffic study update" is outdated (2) my position that there has been a failure to undertake and disclose a CalTRANS traffic study for impact to the 118 freeway infrastructure and impact to 118 freeway traffic and (3) my position that there has been a failure to show substantial evidence of adherence to C.E.Q.A. disclosures/mitigation plans under AB-32 and (4) my position that there has been a failure to show substantial evidence of adherence to C.E.Q.A. disclosures under AB-52. I will address my position for each of these 4 areas in more detail below.

- (1) My position is traffic study is outdated. The Development will impact local streets, especially Rinaldi Street, which already bears the burden of bumper to bumper traffic from around 4:30 pm to around 6:30 pm on weeknights, as people travel from west to east in order to access the on-ramps to the 118 freeway on Porter Ranch Drive, Tampa and Reseda, or, by travelling further east on Rinaldi, to get onto the 405 freeway going north to the vast, heavily populated, commuter communities of Valencia, Santa Clarita, Palmdale, Lancaster and Antelope Valley. The Addendum to the EIR dated August 2016 references a traffic study on page 25, as follows: "...the trip generation for the Modified Development would be below levels analyzed in the 2006 traffic study update."

Per the Los Angeles Department of Transportation (LADOT) Traffic Study Policies and Procedures Manual dated 2014, page 7, "The traffic study should not use any traffic counts that are more than 2 years old." The 2006 traffic study mentioned in the Addendum is 10 years old, far beyond 2 years.

Per the Los Angeles Department of Transportation (LADOT) Traffic Study Policies and Procedures Manual dated 2014, "Occasionally, LADOT will review a traffic study for a Development that is later modified or changed. If LADOT determines that the Development description has changed such that extensive and major revisions to the traffic study are required, then the revised Development shall be considered a new Development, and a new traffic study and traffic review fee will be required. If LADOT determines that revisions to the traffic study can be accomplished without preparing a new traffic study, then LADOT will not require a new traffic study but may require the preparation of a technical memorandum and payment of a fee specific to technical memorandums or supplemental analyses." I am appealing because I do not see any mention or evidence that LADOT was notified, consulted, and determined that no new traffic study was necessary. Nor do I see any mention or evidence that if no new traffic study was necessary per a decision by LADOT, that a technical memorandum was prepared for LADOT or any fee was paid to LADOT specific to technical memorandums or supplemental analyses.

Per Los Angeles Department of Transportation (LADOT) Traffic Study Policies and Procedures Manual dated 2014, "A traffic study may be required of a development project due to environmental law or to city regulations, and its purpose is to predict and analyze the circulation and congestion impacts of the project-generated traffic, and identify feasible mitigation measures. This reflects the city policy trend away from automobile-centric solutions to shifting the focus on trip reduction strategies and on providing multi-modal solutions." I appeal because I see no strategies to reduce automobile-centric driving to and from this development. In fact, there is no public transportation service north of Rinaldi Street in Porter Ranch, thus, the traffic will INCREASE as people travel in their individual vehicles down to the restaurants and retail establishments of this Development. I suggested verbally at the June 16, 2016 Public Hearing Meeting at the Porter Ranch Community School, and I suggest here in writing, that the developer purchase and operate *electric battery powered bus or trollies* and/or such service. The trolley/bus service could be on 3 north/south streets in Porter Ranch (Porter Ranch Drive, Tampa and Reseda) from the top at Sesnon Blvd down to Rinaldi Street and/or to the Development to alleviate single vehicle traffic and trips to the Development. This would, in my opinion, work in line with the Los Angeles Sustainability City Plan, specifically the Mobility and Transit portion, to "reduce vehicle miles traveled per capita by 5% by 2025 and 10% by 2035," and "increase number of trips through shared services, including car share, bike share, and ride share to at least 2% by 2025 and 5% by 2035." Along the same lines, another idea may be for the developer to somehow incentivize a company such as Waive (<https://www.waivecar.com>) to come into Porter Ranch and bring in electric cars, which offer 2 hours of free rental, and to install charging stations for such vehicles at Holleigh Bernson Memorial Park. Shared car services mean less cars on the road and less cars in our parking lots.

(2) My position is that we need a Caltrans notification and traffic study for impact to 118 freeway traffic and infrastructure.

Per Los Angeles Department of Transportation (LADOT) Traffic Study Policies and Procedures Manual dated 2014, "Pursuant to the Freeway agreement executed in October 2013 between LADOT and Caltrans District 7, traffic studies may be required to conduct a focused freeway

impact analysis in addition to the CMP analysis described above. If the proposed Development meets any of the following criteria, the applicant will be directed to the Caltrans Intergovernmental Review section for a determination on the need for analysis and, if necessary, the methodology to be utilized for a freeway impact ." My Appeal and my position is that this Development requires a freeway impact analysis, and the freeway I am referring to is the 118 freeway. On ramps and off ramps straddle this proposed Development, and the 118 freeway will be highly impacted by this development. Per Los Angeles Department of Transportation (LADOT) Traffic Study Policies and Procedures Manual dated 2014, "All Developments for which a traffic study is required should conduct a freeway impact screening analysis. The screening analysis should be submitted to LADOT during the preparation of the traffic study. ..." I am Appealing because I do not see any disclosure or evidence of a freeway impact screening analysis or study for the Development.

(3) My position is that there is a failure to show substantial evidence of adherence to C.E.Q.A. disclosures/mitigation plans under Assembly Bill 32, hereafter referred to as AB-32.

Background: "In California's landmark legislation addressing global climate change, the California Global Warming Solutions Act of 2006 (Health & Saf. Code, 38500 et seq.), Statutes 2006, Chapter 488, page 3419 (enacting Assem. Bill No. 32 (2005-2006 Reg. Sess.); hereafter referred to by its common shorthand name, Assembly Bill 32), our Legislature emphatically established as state policy the achievement of a substantial reduction in the emission of gases contributing to global warming. More Specifically, Assembly Bill 32 calls for a reduction of such emission to 1990 levels by the year 2020." 62 Cal. 4<sup>th</sup> 204, Center for Biological Diversity v. Department of Fish & Wildlife, Supreme Court of California, November 30, 2015. The subject proposed development in this court case was the Newhall Ranch project.

As a result of AB-32, I understand In 2010, that C.E.Q.A. Guideline Amendments added questions as follows:

- Would the project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?
- Would the project conflict with a applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions?

It is my position that the "EIR 88-0026(SP)(ZC)(PA) SCH No. 88050420 certified on July 10, 1990, and pursuant to CEQA Guidelines 15162 and 15164, and as supported by the addendum dated August 16, 2016," lack sufficient evidence that the Development's greenhouse gases emissions (GHG) would not be significant. In the Addendum to the EIR dated August 2016, the GHG emission reduction measures as discussed within AB 32 Climate Change Scoping Plan, the Applicant offers no evidence that the Development they are proposing will not add GHG emissions to the atmosphere. In the absence of that evidence, this Development may serve to help derail the AB-32 law which stipulates we *must* reduce GHG emissions back to 1990 levels. The Applicant's addendum simply lists programs and commitments made by other entities such

as Los Angeles Department of Water and Power (LADWP) that may reduce GHG. In addition, the table lists standards and measures in place that the Applicant is simply complying to, as it must by law, and offers no additional measure the Applicant will take to mitigate, control and/or reduce GHG emissions, or even maintain GHG emissions to 1990 levels. Simply stating that a development is consistent with AB-32 reduction goals is not the same as showing that the Development will not increase GHG. "That a Development is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts." Center for Biological Diversity v. Department of Fish & Wildlife 62 Cal 4th 204, 2016, aka the Newhall Ranch Development.

Under Greenhouse Gas Emissions section, in the Addendum dated August 2016, on page 25, it states, "...the Modified Development would promote reductions in vehicle trips and the consequent reduction in the generation of GHG emissions in the following ways: (a) by providing a mix of uses which reduce commuter trips and miles traveled (b) by providing improved opportunities for the use of public transit, including bus and rail and other alternative transportation modes (c) by encouraging pedestrian and bicycle circulation through a well-established sidewalk system in the Modified Development vicinity; and (d) by providing on-site recreating and open space amenities." I Appeal and take exception to these statements and to the conclusions drawn therein. First, there is no public transportation north of Rinaldi Street in Porter Ranch. The Applicant has not stated any plans to alleviate or change this situation or offer to provide any solutions. All homes north of Rinaldi would have to take single vehicles to get to this proposed development. This will increase traffic. Second, of the bus routes that serve stops along Rinaldi, none directly connect to the Metrolink /Amtrack train station in Chatsworth (the nearest station to Porter Ranch), so this does not encourage the use of the train, either. Third, most employees of the restaurants and stores such as Whole Foods, it can be assumed, will earn slightly above minimum wage or exactly minimum wage and at any rate may not be able to qualify to rent or to buy the single family homes nor qualify to rent the "luxury" apartments that are part of the Development. Applicant has not shown evidence that actual employees will have the ability to both *work and live* in this Development. Most of these employees will have to commute into the community, putting even more traffic pressure on the 118 freeway and local streets such as Rinaldi (See need for updated traffic study and freeway impact analysis above in item # 1 & #2). I see no analysis of the impact of the employees commuting into the Development .

Since this Applicant has not submitted a plan that would be Zero Net Energy (ZNE), defined as a development that produces as much energy as it uses through the integration of energy efficient design and renewable energy generation, we must assume it will be under a business as usual design and transportation plan that will increase GHG emissions at a time when the state law AB-32 calls for reductions of GHG back to 1990 levels.

- (4) My position is that there is a failure to show substantial evidence of adherence to C.E.Q.A. disclosures under AB-52.

I am Appealing because I do not see any evidence that any formal notification to a Native American tribe contact/representative that have requested notice were given notice that the Development would be undertaken and agreed upon policies and procedures adhered to during excavation for and construction of the Development.

**Action # 2:** “Denied the Specific Plan Amendment to the Porter Ranch Land Use/Transportation Specific Plan to permit a 4,000 square foot community room in lieu of a library and other municipal facilities.”

I Appeal this action because my position is that it lacks any specificity and any clarity in its resolution. Does this mean there will be no Community Room? If so, my Appeal is that there should be a Community Room, since the Porter Ranch Community School Multi-Purpose Room is not available on the weekends, since LAUSD does not have the funds to pay staff to open it up and it is not available after 9:00 pm on week days unless the organization (including Neighborhood Councils) pay a \$70 fee. This is NOT, therefore, a Community Room open to the public since it cannot be used on weekends (when those working during the week can take advantage of it) and is only available limited hours during weekday evenings, unless the public want to pay a fee. Furthermore, my understanding is that the contract for the public to use this Multi-Purpose Room is a 10 year contract which will be up for renewal in a few years, and that LAUSD has the option to not renew it, thus depriving the public of a community meeting room.

Does this resolution mean that there will be a library or other municipal facilities? What does it mean? Does it mean there will be a Community Room of less than 4,000 square feet? Again, what does it mean?

**Action # 8:** Adopted: “the attached modified Conditions of Approval.”

I am partially Appealing Conditions of Approval Item 11, “Solar panels shall be installed on Buildings A1 and C1 on the north site...” While I commend and greatly appreciate the Applicant agreeing to install solar on these two buildings, I would like to see solar panels on, in addition to buildings A1 and C1, all commercial buildings with back up batteries for use in emergencies.

Also, as an additional source of power and to mitigate greenhouse gases, I would like to see the installation of as many as practicable of very small, tree shaped, wind turbines, such as Tree Vents manufactured by NewWind. Each “tree” is 36 feet tall and 26 feet in diameter at widest point and are made to look like artwork in the shape of a tree and each can generate electricity with wind as low as 4.4 mph and they do NOT generate noise as they spin silently. These can act as interesting works of art in the public areas while generating electricity. I have attached a document describing this technology.

**Action # 10:** “Advise the applicant that pursuant to State Fish and wildlife Code Section 711.4, a Fish and Wildlife Fee and/or Certificate of Wildlife Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.” I am Appealing this because my position is that a Certificate of Wildlife Exemption should be required after a study is done to determine if this is the appropriate action. My Appeal and concern is that perhaps it is not an exempt area or an exempt Development. I am asking that this determination be made, and that an appropriate wildlife study is done if that is what Department of Fish and Wildlife determines is appropriate. Second, I do not think a fee should be imposed INSTEAD of the Certificate of Wildlife

5/8 DS

Exemption or whatever initial study, impact reports, or other action is appropriate. My Appeal and my position is that a fee should not substitute for an appropriate action, study and report.

**Form CP-7769 attachment: 4. Justification for Appeal: The below section covers:**

- **How you are aggrieved by the decision**

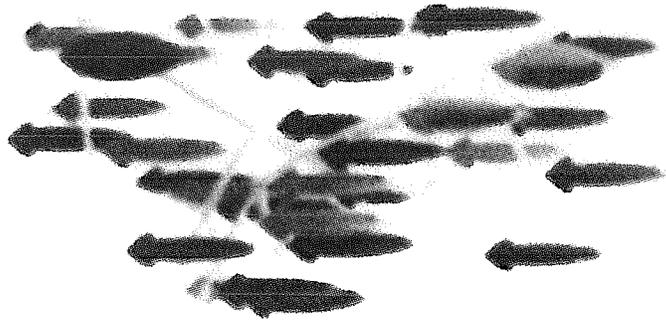
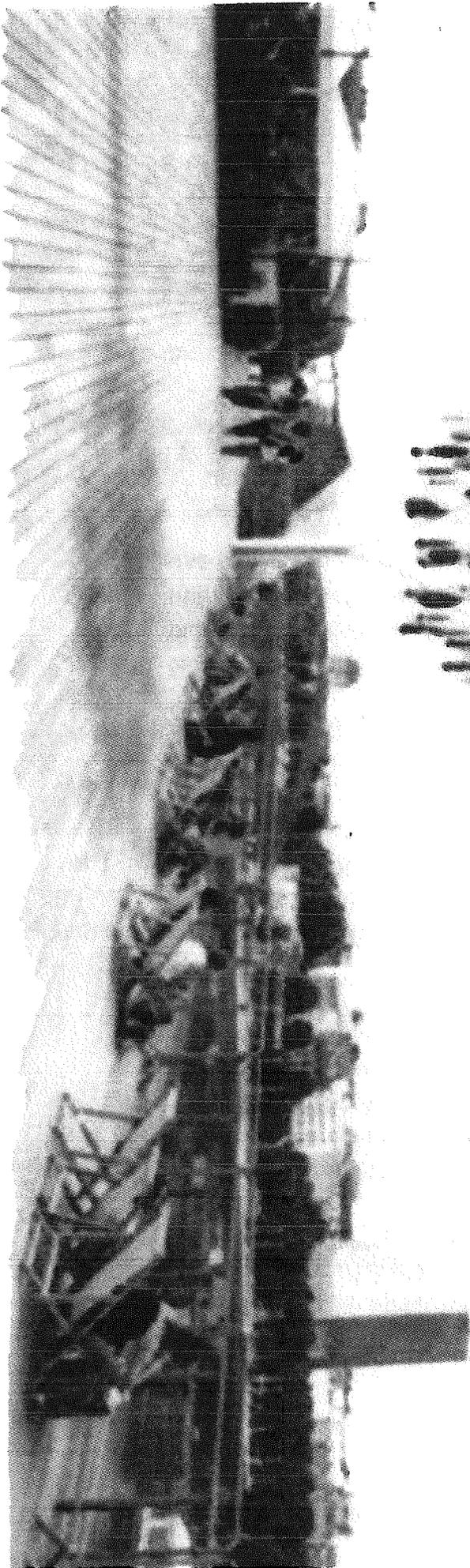
As a resident of Porter Ranch I am impacted negatively by increased traffic due to this proposed Development, as there are no mitigating measures promised, planned, or stated to be taken by the Applicant to reduce single vehicle trips to/from the Development. This increased traffic causes increased pollution to the air in Porter Ranch and in the Los Angeles area as well due to increased traffic on the 118 freeway.

As a resident of Porter Ranch, of the greater Los Angeles area and of the state of California I am aggrieved by an approval of this Development if said Development does not meet the stipulations of AB-32, or in any way inhibits the goals of AB-32 to reduce gases contributing to global warming or Global Climate Change. AB-32 includes consideration of traffic impacts since vehicles have huge impact on greenhouse gas (GHG) emissions, and thus has huge impact on Global Climate Change. I am impacted by Global Climate Change as a resident of this planet and specifically as a resident of Porter Ranch, located in southern California, as it is established science that Global Climate Change is producing more extreme and prolonged droughts, which impacts my ability to secure fresh water at reasonable prices and live in a state capable of producing, and of me securing, adequate amounts of fruits and vegetables, scientifically proven to be essential for my good health.

Furthermore, Porter Ranch sits at the base of the Aliso Canyon Gas Storage Facility, which, if allowed to reopen for business of injecting, storing, and withdrawing "natural" gas will allow that facility's leaking and off-gasing of methane to mix with Volatile Organic Compounds (emitted by vehicles coming/going to the Development and by other sources in the San Fernando Valley) and form smog in our area of Porter Ranch. **The cumulative effect of the proposed Development in the same area as the Aliso Canyon Gas Storage Facility has not been addressed in any of the EIR documents.** That is how I am aggrieved by this decision.

In conclusion, thank you for honoring this process. I hope we can work together to make the Development an asset to our community, without harm to ourselves, our children and our future generations.

6/8/25



One of the biggest criticisms against wind turbines is that they aren't usually nice to look at, but that may be about to change thanks to the French company **AWIND**. Their new device, **AWIND**, is an array of vertical wind turbines that look a lot like a tree.

Though the tree looks like a piece of modern art that would fit in at any urban area, it also provides a very important function. Each **AWIND** of 3.1 kilowatts, which might not be able to power much on its own. However, using several of the trees together as landscape features in a park or along a roadside would make more of an impact to the homes and buildings nearby.

The trees are 11 meters (36 ft) tall, and 8 meters (26 ft) in diameter at its widest point, which makes it about the same height as many urban trees. The white frame of the tree is made out of steel, and it can hold 72 turbines that sit vertically. This orientation cancels out noise, allowing the turbine to spin silently. Wind turbines are typically very tall in order to reach the altitude where the wind is stronger, but these vertical turbines are able to spin with wind blowing as low as 7 km/h (4.4 mph), making this twice as sensitive as traditional turbines. However, they are durable enough to withstand winds, which can reach 178 - 208 km/h (111-129 mph).

Each turbine "sheet," called an **AWIND**, is constructed out of lightweight plastic. The plastic has been treated with a resin which protects it from weather conditions such as humidity and salt (for areas close to the sea). The turbines are wired in parallel so that if one stops working for whatever reason, the others will not be affected