

# ORIGINAL LETTER OF DETERMINATION ATTACHED



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.

ORIGINAL

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: CEQA:ENV-2015-1593-MND, DIR-2014-3018-SPP-1A - COMPLETE LIST ATTACHED

Project Address: 3861, 3865, 3781, 3909 & 3919 North Barryknoll Drive, Los Angeles, CA 90065

Final Date to Appeal: \_\_\_\_\_

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): BARRYKNOLL CEQA ALLIANCE

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

Mailing Address: 4013 Division St.

City: Los Angeles State: CA Zip: 90065

Telephone: (323) 697-2125 E-mail: gojamconzgo@gmail.com

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

- Self
- Other: Barryknoll CEQA Alliance

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

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): JIM CONNOR

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

Mailing Address: 4013 Division St.

City: Los Angeles State: CA Zip: 90065

Telephone: (323)697-2125 E-mail: gojamconzgo@gmail.com

**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
- 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: 

Date: 6/6/17

**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: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Edher Macedo</u>	Date: <u>6/6/17</u>
Receipt No: <u>0102744640</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified	<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

**BARRYKNOLL CEQA ALLIANCE APPEAL APPLICATION ATTACHMENT**

**Regarding Case Number(s):** CEQA: ENV-2015-1593-MND  
DIR-2014-3018-SPP-1A  
DIR-2014-3021-SPP-1A  
DIR-2014-3022-SPP-1A  
DIR-2014-3024-SPP-1A  
DIR-2014-3025-SPP-1A

**Project Addresses:** 3861, 3865, 3781, 3909 and 3919  
North Barryknoll Drive, Los Angeles, 90065.

June 5, 2017

**TO: Planning And Land Use Management Committee**  
Los Angeles City Council  
200 N. Spring St.  
Los Angeles, CA 90012

**FR: Barryknoll CEQA Alliance**  
Jim Connor, representative  
4013 Division St.  
Los Angeles, CA 90065  
(323)697-2125  
gojamconzgo@gmail.com

**Re: CEQA Appeal of ENV-2015-1593-MND**

We are submitting this CEQA Appeal of ENV-2015-1593-MND. This mitigated negative declaration applies to five houses that are proposed for construction in the Glassell Park neighborhood of Los Angeles. Their case numbers are DIR-2014-3018-SPP, DIR-2014-3021-SPP, DIR-2014-3022-SPP, DIR-2014-3024-SPP and DIR-2014-3025-SPP, and their addresses are 3861, 3865, 3781, 3909 and 3919 Barryknoll Drive, Los Angeles, 90065.

This MND as approved by the Planning Dept. is insufficient. It fails to recognize significant environmental impacts, and to review, research and offer comprehensive mitigations for those significant impacts.

**Cumulative Impacts**

- The five properties included in this MND are a part of much more extensive development that will occur along the length of Barryknoll Dr. The MND refers to further building on Barryknoll with these lines from page 52 "There is also a potential related project that would construct eight new homes west of the proposed Project site along Barryknoll Drive. A project application for this potential related project has not been submitted to the Planning Department. Further development of the Project area could occur, and would be consistent with the General Plan, and, as applicable, mitigation would be applied at the project level."

### **Land Use Impacts**

- Under CEQA, a negative land use impact occurs if the project as proposed violates a law, ordinance, policy, procedure, or regulation adopted for the purpose of avoiding and mitigating significant environmental impacts. Each of the five lots involved in this five house project, were downzoned from R1 zoning to RE11 zoning as part of the implementation of Government Code Section 65860(d) that mandates the City's zoning be consistent with its general plan. Additionally, an uncodified City ordinance, No. 159748, requires each building permit applied for to undergo an analysis of whether or not it is consistent with the Land Use Designation of the General Plan. If the project as proposed would violate the General Plan Land Use Designation, no building permit may lawfully be issued by the City. Uncodified Ordinance No. 159748, was adopted to make enforceable all reduced densities in the City's General Plans, including those in the Northeast Community Plan. The Project as proposed would violate the Northeast Community Plan Land Use Designation and it would violate the RE11 zoning of the lots.

The MND is deficient because it fails to disclose that the Project's would each violate these two laws which were enacted to carry out reduced density mitigation adopted by the City Council in the Northeast Community Plan EIRs. Because the downzoning to RE11 and Uncodified Ordinance No. 159748 will be violated by each of these five projects, the Land Use Analysis fails to disclose, analyze or justify the City's action in ignoring the Northeast Community Plan mitigation enacted as RE11 zoning on these five lots and also enforced at the building permit stage by Uncodified Ordinance No. 159748.

Vacant land has no legal entitlement to a particular zoning, and the City's enactment of RE11 zoning on these lots was lawful and implicates no impairment of any constitutional rights. Instead, the City has been derelict in its duty to enforce the mitigation it chose to impose in the form of the RE11 zoning on these lots. Thus, the Land Use section is seriously deficient by failing to disclose, analyze and justify actions that literally carry out a land use program that violates the City's General Plan and zoning code.

### **A Full EIR Is Needed**

- The Planning Department needs to acknowledge that these five properties, plus the eight that will very likely be built, should be subject to an EIR because of the cumulative impact this much construction will have on this hillside terrain and surrounding neighborhoods. We live less than 100 yards from this

section of Barryknoll Dr. and we don't feel we should be subjected to any mitigations other than those that result from a stringent EIR study and the community input that process allows.

#### **Emergency Vehicle Access**

- A 20' wide hillside street - the size planned for Barryknoll Dr. in this new construction area - is considered standard for hillside developments but this width is often insufficient for a safe and smooth flow of traffic. Cars parked along the curb reduce the width of the street to the point that it's too narrow for traffic to pass in both directions without one car having to pull over. We live in the Glassell Park hillside area when we are driving in the hillsides we frequently have to pull over so that cars can pass going the other direction, or we have to drive past a car who has pulled over for us. This can be especially dangerous when emergency vehicles need to travel on a hillside street. They can be impeded from reaching the house where the emergency is occurring. More data needs to be gathered of incidences where emergency vehicles were unable to reach their destination on hillside streets so there is a factual understanding of this kind of danger.

#### **Wildlife**

- There are many large open spaces in Glassell Park and surrounding neighborhoods, including the open space around Barryknoll Dr. They serve as an interconnected corridor throughout Northeast L.A. through which wildlife travels as well as vital habitats where they live. Coyotes, owls, raccoons, skunks, bobcats and foxes all depend on these habitats. These animals are an integral part of the character of the neighborhood where we live. All future development along Barryknoll Dr. will disrupt and impede that interconnected corridor. The City needs to do more thorough research into these open spaces, including the Barryknoll Dr. area, to accurately understand their function as a crucial part of a wildlife corridor throughout Northeast L.A.

#### **Trees**

- There are groves of protected native California Black Walnut trees on the Barryknoll properties. California Black Walnut Trees grow only in a very small and limited range within Southern California. An environmental study must do more extensive research on the regional health of the California Black Walnut groves, and whether these extended habitats are diminishing, maintaining or thriving.

In March 2015 the builder of the house at 3933 Barryknoll violated the code relating to tree driplines of protected trees. They were performing construction well inside the tree dripline, and very close to the roots, of a large, mature California Black Walnut tree. Despite a request from the Glassell Park Neighborhood Council and many community members to have the City stop or pause this construction, it continued unabated. In another nearby incident, in the open space known as Walnut Canyon, located about 200 yards from Barryknoll Dr., a crew working for the owner of properties there cut down several black walnut trees in April 2015. The community reacted and the owner stopped the cutting. These trees are a beautiful and natural part of the neighborhood where we live. Because it is so easy for developers to ignore and violate the codes that protect trees, the City should improve the existing system for monitoring protected trees, or create a new system for monitoring trees more closely. The existing system is not sufficient.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Connor", with a long horizontal line extending to the right.

Jim Connor, representative  
Barryknoll CEQA Alliance

Attachments:

- Letter Of Determination from East Los Angeles Area Planning Commission dated May 24, 2017
- Letter Of Determination from Dept. Of City Planning dated January 24, 2017