

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: CITY COUNCIL
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: CPC-2012-3436-DB-SPR

PROJECT ADDRESS: 7407 S. La Tijera Boulevard (7401-7501 S. La Tijera Boulevard & 5630 W. 74th Street.)

FINAL DATE TO APPEAL: OCTOBER 25, 2013

- 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: 7407 LA TIJERA NORD, LLC

- Are you filing for yourself or on behalf of another party, organization or company?

Self Other: _____

Address: 4100 DEL REY AVENUE

MARINA DEL REY, CA Zip: 90292

Telephone: (310) 306-1100 E-mail: _____

- Are you filing to support the original applicant's position?

Yes No

REPRESENTATIVE INFORMATION

Name: Jonathan Lonner % BURNS & BOUCHARD, INC.

Address: 1880 CENTURY PARK EAST, SUITE 300

LOS ANGELES, CA Zip: 90067

Telephone: (310) 802-4261 E-mail: jlonner@burnsbouchard.com

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

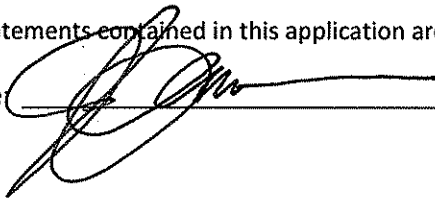
- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants 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



Date: 10-24-2013

Planning Staff Use Only

Amount	<u>\$3368.13</u>	Reviewed and Accepted by	<u>MNGUYEN</u>	Date	<u>10/25/13</u>
Receipt No.	<u>13712</u>	Deemed Complete by		Date	

Determination Authority Notified

Original Receipt and BTC Receipt (if original applicant)



LOS ANGELES CITY PLANNING COMMISSION
200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: OCT 09 2013

CASE NO.: CPC-2012-3436-DB-SPR
CEQA: ENV-2012-3437-MND

Location: 7407 S. La Tijera Boulevard, 7401-7501 S.
La Tijera Boulevard & 5630 W. 74th Street)
Council District: 11 – Bonin
Plan Area: Westchester-Playa Del Rey
Zones: C2-1VL & R1-1

Applicant: 7407 LaTijera Nord, LLC
Representative: Jonathan Lonner, Burns & Bouchard, Inc.

At its meeting on September 26, 2013, the following action was taken by the City Planning Commission:

1. Disapproved a Site Plan Review for a project creating more than 50 residential dwelling units.
2. Adopted the attached Amended Findings.

The City Planning Commission failed to act on the request for a Density Bonus with on- and off-menu incentives and failed to adopt Mitigated Negative Declaration No. ENV-2012-3437-MND. As such, Density Bonus findings have not been included in this letter of determination.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Perlman
Seconded: Lessin
Ayes: Hovaguimian, Segura, Dake Wilson
Absent: Eng
Vacant: Three

Vote: 5 - 0


James K. Williams, Commission Executive Assistant II
City Planning Commission

Appeals: The decision of the City Planning Commission is appealable to the City Council within 15 days after the mailing date of this determination. Any aggrieved party may appeal. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

Final Appeal Date: OCT 25 2013

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

AMENDED FINDINGS

Site Plan Review Findings (Disapproval). Pursuant to Section 16.05-F, the development project does not meet all of the following requirements:

- a. **The project is NOT in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The City Planning Commission found that the proposed project is in conflict with the Westchester – Playa del Rey Community Plan as it relates to preserving land use patterns and providing for a high quality residential environment.

The Plan contains objectives and policies to preserve the integrity of established neighborhood land use patterns and protect existing single-family residential neighborhoods from encroachment by higher density residential uses that are out of scale and character. The project, however, proposes to locate a mixed-use building rising up to 46 feet in height from the ground level and of a scale and massing that surpasses that of the surrounding single-family residential and low rise commercial uses.

The project also proposes to locate 15 residential "atrium" (subterranean) units below the grade level, at the north and east perimeters of the building along 74th Street and La Tijera Boulevard. These subterranean units would receive limited light and ventilation via the use of light wells that will be 10 feet wide and located between 9 and 11 feet below the grade of the adjoining public sidewalk. The City Planning Commission found that the location of the proposed subterranean units raised concerns related to habitability, security, and walkability. The subterranean units will have windows facing the light wells; however, they will not receive any direct sunlight and will resultantly be the only units of the proposed building with limited natural light and air ventilation. Additionally, their location below the street level raises questions of security and protection from passersby. As such, the provision of these subterranean units makes for a building that conflicts with a goal of Westchester – Playa del Rey Community Plan to provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Westchester – Playa del Rey Community.

It has, therefore, been determined that the project is not in substantial conformance with the purposes, intent, and provisions of the General Plan and the applicable Westchester – Playa del Rey Community Plan.

- b. **The project DOES NOT consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The City Planning Commission has determined that the proposed mixed-use building consists of a height, bulk, and design that is not compatible with the existing

development pattern for the immediate area as well as the planned development pattern as outlined in the Westchester – Playa del Rey Community Plan.

In addition to determining that the project is out of scale with neighboring properties, the City Planning Commission has found that a major design aspect of locating 15 residential units below the grade level creates issues related to habitability, security, and walkability that are discordant with the quality of surrounding development. The proposed location of these units is incompatible with any existing residential development in the region, as it is the only one that proposes to construct fully subterranean living spaces. The subterranean units would receive limited natural light and air ventilation via the use of light wells, thereby resulting in a substantial reduction in habitability for potential residents. Additionally, while the construction and use of light wells is intended to provide natural light and accessibility for residents, their location around the north and east perimeters of the building has the potential to diminish walkability and public connectivity at the street level, as well as reduce the overall security of the building. As such, the City Planning Commission has found that the project's proposal to construct subterranean units is a model of poor urban design and a planning practice that would be incompatible with future development and would set a negative precedent within the City of Los Angeles.



October 24, 2013

Los Angeles Department of City Planning
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

RE: APPEAL OF CPC Determination (CPC-2012-3436-DB-SPR)

To Whom It May Concern:

I write today to APPEAL and request that you OVERTURN the denial of the Site Plan Review for CPC-2012-3436-DC-SPR mailed on October 9, 2013, for the proposed project located at 7407 La Tijera Blvd.

As discussed at the original CPC hearing, as well as the recent CPC hearing on September 26, 2013 the project was designed in an open and transparent manner. The project was presented and discussed at approximately eight (8) Neighborhood Council meetings as well as two (2) meetings with the Westchester Neighbors Association, several meetings before the Westchester Streetscape Improvement Association, and further at the LAX Coastal Area Chamber as well as multiple additional individual meetings.

Given the nature of the lot in question, the applicant was thoughtful and diligent in the design, massing, and appropriateness of the building on this site. As part of that design, the applicant included maintaining a 10'0" buffer between the adjacent single family homes and the project, tiered the building to mirror the intent of the Transitional Height section of the code, and identified fifteen (15) "atrium units" located below grade and along the perimeter of the building so as to limit the height of the building from grade. All in all the collection of these design elements maintained the building at a height (as measured from the sidewalk) of no greater than 45' at its highest point.

The CPC identified the "atrium units" as the central reason for their denial. They believed that approving such units created a precedent for the City, and they were uncomfortable setting that precedent. These units, referenced in the amended findings, are identified as receiving limited light and ventilation and that these units pose problems related to habitability, security and walkability. A secondary finding with regard to density and height was cited as an additional concern.

While the applicant put a lot of time and thought into the design of these units, they are not precedent setting as they are already envisioned and identified in LAMC 12.21.1 A.8 (Added by Ordinance No 131,309). Additionally, these units provide expansive patios, code required light and ventilation and provide an aesthetic break in the building in which they are designed. The units themselves do not prohibit the walkability of the project as the project's commercial component is located at the corner of La Tijera and 74th Street per the mixed-use design guidelines.

While the denial also speaks to the project not being compatible with the existing development patterns in the area, it should be pointed out that the City Planning Commission denied the project only after forcing a continuation due to the fact that the applicant insisted on honoring the agreements and design supported by the Neighborhood Council rather than increase the height of the building by a minimum of 5'0" as suggested by the CPC at their August meeting. Had the applicant agreed to the increased height at that meeting a project would have been approved by the City Planning Commission that the Neighborhood Council, Council Office and other relevant stakeholder groups had not reviewed. In addition to the increase in the height of the building, the CPC recommended reducing the parking identified for the project to its minimum level, not taking a position on the volunteered off-site improvements and no discussion of the 2'0" planting strip requested under Revocable Permit. While the project changes outlined by the Planning Commission at the August hearing could be considered to not to be in substantial conformance with the Community Plan, the project, as submitted by the applicant, is in conformance with the Community Plan.

To further identify the code compliance of the project, the applicant would point to staff's initial recommendation to the City Planning Commission identifying that the project complied with the Community Plan, the Mixed-Use Design Guidelines, and took into account the Crime Prevention through Environmental Design approach. Unlike the revised findings submitted with CPC's denial I would point to the following Community Plan Objectives and Policies that support this project's design and aesthetic:

- **Objective 1-1:** Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Westchester-Playa del Rey Community Plan Area to the year 2025.
- **Policy 1-1.3:** Provide for adequate Multiple Family residential development.
- **Policy 1-1.4:** Provide for housing along mixed-use boulevards where appropriate.
- **Objective 1-2:** Locate housing near commercial centers, public facilities, and bus routes and other transit services, to reduce vehicular trips and congestion and increase access to services and facilities.
- **Policy 1-2.1:** Locate higher residential densities near commercial centers, public facilities, bus routes and other transit services.
- **Objective 1-4:** Provide affordable housing and increased accessibility to more population segments, especially students, the disabled and senior citizens.
- **Policy 1-4.1:** Promote greater individual choice in type, quality, price and location of housing.
- **Objective 1-4.2:** Promote the development of housing for persons of low to moderate income within the community.
- **Policy 1-4.4:** Encourage multiple family residential and mixed use development in commercial zones, pedestrian oriented areas, and near transit corridors.
- **Policy 1-4.5:** Encourage senior citizen and disabled housing developments at convenient locations near public transportation, commercial services and recreational, cultural, and health facilities, especially within or near Community and Regional Centers.

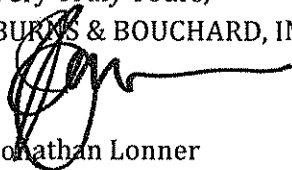
- **Objective 2-1:** Preserve and strengthen viable commercial development in the community, and provide additional opportunities for new commercial development and services within existing commercial areas.
- **Policy 2-1.1:** New commercial uses should be located in existing established commercial areas or shopping centers.
- **Objective 2-2:** Strengthen and enhance the major commercial districts of the community into distinctive, pedestrian-friendly areas providing shopping, civic, social, and recreational activities.
- **Policy 2-2.1:** Encourage pedestrian-oriented development in appropriate areas, to include Downtown Westchester, Loyola Village, Playa Del Rey and Playa Vista.
- **Policy 2-2.2:** In appropriate areas, encourage the incorporation of retail, restaurant, and other commercial uses in the ground floor street frontage of structures to promote a more lively and pedestrian- oriented commercial environment.
- **Policy 2-2.3:** Encourage mixed-use development in appropriate commercial areas to stimulate pedestrian activity and provide housing near employment, shopping, and other services.
- **Objective 2-3:** Enhance the land use compatibility, visual appearance, design and appeal of commercial development.
- **Policy 2-3.2:** Where possible, mitigate impacts of commercial uses on adjacent residential properties through the use of buffers and/or effective site design of the commercial property.
- **Policy 2-3.3:** Smaller commercial areas in or adjacent to residential neighborhoods should be developed with low intensity, neighborhood serving uses.
- **Objective 5-1:** Preserve existing open space resources and where possible develop new open space.
- **Policy 5-1.1:** Encourage the retention of passive and visual open space to provide a balance to urban development.

Given all of these concerns we request that the City Council OVERTURN the denial of the Site Plan Review for CPC-2012-3436-DC-SPR mailed on October 9, 2013, for the proposed project located at 7407 La Tijera Blvd.

If you have any questions regarding this appeal, please do not hesitate to contact us at (310) 802-4261 or via email at jlonner@burnsbouchard.com.

Thank you for your consideration.

Very Truly Yours,
 BURNS & BOUCHARD, INC.



Jonathan Lonner
 Principal