

**TRANSMITTAL TO CITY COUNCIL  
Charter Section 245**

<b>Case No.</b> ZA-2001-5451-CU-PA1-1A	<b>Planning Staff Name(s) and Contact No.</b> Jonathan Hersey (213) 9778-1337	<b>C.D. No.</b> 1
<b>Related Case No(s).</b>		<b>Last Day to Appeal</b>

**Location of Project (Include project titles, if any.)**  
3721 North Marmion Way

**Applicant(s) and Representative(s) Name(s) and Contact Information, if available.**

<b>Applicant:</b> Andrew Hollihan AT&T Wireless 12900 Park Plaza Drive Cerritos, CA 90703	<b>Representative:</b> Kathleen O'Connor-Phelps Eukon Group 65 Post, Ste. 1000 Irvine, CA 92618
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**Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.**

**Appellant:** Mike Hernandez  
3442 Arroyo Seco Avenue  
Los Angeles, CA 90065

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

Mitigated Negative Declaration and related California Environmental Quality Act and determination from the East Los Angeles Area Planning Commission relative to an appeal for 3721 N. Marmion Way. At its meeting on January 28, 2015, the East Los Angeles Area Planning Commission failed to reach a consensus. The Commission's failure to act results in the automatic denial of the appeal and the reaffirmation of the Zoning Administrator's determination pursuant to Zoning Administrator Case No. ZA-2001-5451-CU-PAI-1A in approving plans to permit the installation, use and maintenance of a new wireless telecommunications facility and to adopt Mitigated Negative Declaration ENV-2013-4161-MND as the environmental clearance for this action.

On March 3, 2015, pursuant to Charter Section 245, Council adopted Motion (Parks-Koretz) asserting jurisdiction over the January 28, 2015 (Letter of Determination dated February 18, 2015) of the East Los Angeles Area Planning Commission.

See Council File No. 14-0246.  
15-0246

Items Appealable to Council

<b>Fiscal Impact Statement</b> <small>"If determination states administrative costs are recovered through fees, indicate "Yes."</small> Yes	<b>Env. No.:</b> 2013-4161-MND	<b>Commission Vote:</b> 2-2
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 Fely C. Pingol, Commission Executive Assistant East Los Angeles Area Planning Commission	March 3, 2015  DATE:
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TO CITY CLERK FOR PLACEMENT ON NEXT  
REGULAR COUNCIL AGENDA TO BE POSTED #53

For Tuesday, March 3, 2015

**MOTION**

At its meeting on January 28, 2015 (Letter of Determination date: February 18, 2015), the East Los Angeles Area Planning Commission failed to take action in the matter of an Appeal of Case No: ZA-2001-5451-CU-PA1-1A, for the property located at 3721 North Marmion Way, Los Angeles, CA 90065.

The Commission's failure to act resulted in the automatic denial of the appeal, and thereby reaffirmation of the Zoning Administrator's decision to approve plans to permit the installation, use and maintenance of a new wireless telecommunication facility; adoption of the Findings of the Zoning Administrator; and adoption of the environmental clearance, a Mitigated Negative Declaration (ENV-2013-4161-MND), for the project.

Legitimate questions have been raised about this action which need further review. Notwithstanding the ultimate decision in this matter, the public is entitled to a hearing on this issue and an opportunity to express their views.

**I THEREFORE MOVE** that pursuant to Section 245 of the Los Angeles City Charter (PROP 5), and consistent with the advice of the City Attorney, the City Council assert jurisdiction over the January 28, 2015 (Letter of Determination date: February 18, 2015) East Los Angeles Area Planning Commission failure to take action, and therefore, effective denial of the appeal, in the matter of an Appeal of Case No: ZA-2001-5451-CU-PA1-1A, for the property located at 3721 North Marmion Way, Los Angeles, CA 90065.

**I FURTHER MOVE** that upon assertion of jurisdiction, this matter be referred to Committee for further review.

PRESENTED BY: Bernard C. Parks  
BERNARD C. PARKS  
Councilmember, 8<sup>TH</sup> District

SECONDED BY: Paul Krotz

February 27, 2015

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ORIGINAL