

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: 3/29/17

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>\$9,973.90</u>	Reviewed & Accepted by (DSC Planner): <u>Norali Martinez</u>	Date: <u>3/31/17</u>
Receipt No: <u>0101714996</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Project Justification & Reason for Appeal

PROPOSAL TO BUILD 15 SINGLE FAMILY DWELLINGS

Location:

17236 S. Hoover Street
Los Angeles, CA 90247

Prepared for:

City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Prepared By:

Prairie Inc.
11444 Acacia Avenue
Hawthorne CA 90250

Representative:
Emilio Gutiérrez
(310)-679-1319

March 27, 2017

Project Justification

The project's objective is to develop the currently vacant lot into fifteen single family dwellings. This land will be improved into a resourceful establishment that is beneficial to the community as well as the City of Los Angeles by delivering high quality structures, creating numerous new jobs, encouraging single family ownership, and stimulating businesses. The lot is approximately 122,295 square feet and zoned [Q]PF-1(Public Facility) and R1-1 (One-Family Dwelling).

Requested Actions Summary:

1. Pursuant to Section 12.32 LAMC, a Zone Change from R1-1 (One-Family Dwelling) and [Q]PF-1(Public Facility) to R1-1 (One-Family Dwelling
2. Approval of VTT-73816 in accordance with the provisions of Section 17.03 of the Los Angeles Municipal Code (LAMC).

Reasons for the appeal:

The Area Planning Commission (APC) erred in sustaining the appeal due to improper assessment of the facts and opinions presented by the appellant, the applicant, and Planning Department. The appellant misinterpreted the recommendations and conditions made by the leading agencies with the experience and authority on the field of engineering, code interpretation, and planning. Furthermore, the appellant presented unsubstantiated observation, opinions, and statements that contradict the approved Environmental Assessment Report, Mitigated Negative Declaration, Air Quality Study, Land Development Group & GIS Division Bureau of Engineering, and City of Los Angeles Department of Transportation reviews of the proposed improvement.

Specifically the points at issue:

1. The Zone Change is necessary to privately develop the lot.
2. The proposed zone is similar to adjacent zones and in substantial conformance with the purposes, intent, and provision of the General Plan.
3. The Zone change (Requested Actions No.1) is in compliance with the LAMC with no exceptions, request for variances, nor objections.
4. Concerns raised about the project as submitted pertain more directly to the Mitigated Negative Declaration (MND) and features for the specific project. According to the findings listed in the Environmental Report ENV-2015-3749-MND:

"The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measures (s) outlined on the attached pages(s) will reduce any potential significant adverse effects to a level of insignificance.."

5. The site is no longer public property. The Harbor Gateway Community Plan adequately designated the then State of California owned property as Public Facility (corresponding

zone included PF). However, CalTrans sold the surplus subject property to the applicant. LAMC limits the development of properties on PF zones to public uses only.

6. Caltrans reviewed the latest full set of plans and had no objection to the development. The site location in the vicinity of the viaduct is not unusual nor extraordinary. On the contrary, as proposed, the property will be developed to provide noise and health standards that exceed the majority of projects currently located in similar locations in the entire County of Los Angeles.
7. Prior to the recordation of the map and prior to obtaining a building permit, the applicant is conditioned to prepare and execute a Covenant and Agreement in a manner satisfactory to the Planning Department, binding the subdivider and all successors to implement and maintain mitigation measures proven to reduce the impact of the project to less-than-significant.
8. Urban Development Consultants, LLC prepared an Air Quality Impact Report specifically for the proposed project. According to the report, "The Project site has an approximate 300-foot set-back from the SR-110 centerline at the closest point of outdoor recreation. The farthest point is approximately 600 ft from the SR-110 Centerline. At the closest point, particulate levels are 17 percent above average. At the farthest point of the recreation area along the northwestern fence-line, "excess" particulates are only 2 percent above the ambient background . With the additional mitigation specified below (in report), the adverse effect of freeway exhaust exposure can be reduced to less-than-significant." (Report pg.24) Implementing the Project Air Purification Recommendations made in the report, the air quality at the new project will be better than the one available to most residents in the vicinity.

How are you aggrieved by the decision:

Since 2009, the applicant has made a significant investment of time, funds, and resources to modify the original project and ensure its compliance with the Los Angeles Municipal Code and expert's recommendations. There is more work to be done and the applicant is committed to work with the community, City Council, and the City of Los Angeles to deliver a sound and safe project. Aroused questions and concerns have been exhaustively addressed by the approved environmental study, MND, and additional California licensed third party professionals. Their studies and recommendations were properly submitted for review to the corresponding agencies and added to the record.

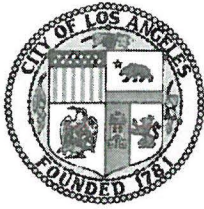
The applicant has demonstrated flexibility and significant consideration to comments and suggestions made by the community. For instance, the site's density enjoyed by all neighbors within the R1-1 Zone does allow for 20 units. However, the applicant decided to forgo 5 units and proposed only 15. Such change represents a significant loss of revenue. As a benefit, the development enjoys bigger lots and bigger units than required. The community benefits from the added value and the improvement of the site.

The APC denial of the zone change has caused the unwarranted overturning of the determination of the Deputy Advisory Agency to approve the Vesting Tentative Tract 73816 resulting in a complete loss of the adequately requested entitlements. The most consistent zone within 500 feet of the subject site is the R1-1. In accordance with the Community Plan, a zone change from the

[Q]PF-1 Zone to the R1-1 Zone was requested and approved by the City of Los Angeles, Deputy Advisory Agency. Furthermore, after reviewing the reasoning presented by the appellant, the City of Los Angeles Planning Department reconsidered the facts, requested further information, and re-contacted the leading agencies on each specific field. For a second time, Planning Department recommended the Zone Change approval made by the Advisory Agency to be sustained and the appeal made by Mr. Finnegan to be denied.

Why do you believe the decision-maker erred or abused their discretion:

The decision to deny the Zone Change was based on not uncommon safety concerns that are frequently mitigated and not on valid evidence to the contrary. In this decision, the minimum standard of care required the assessment of such concerns. However, it also required the assessment of the merit of the analysis and discretionary judgement presented by Planning Department, Building and Safety, Bureau of Engineers, and other authorities in the field. It should be highlighted that, as a result of numerous plan review iterations by these combined agencies, the requested Zone Change and VTT are in conformance with standards applicable to similar projects in the City of Los Angeles.



HARBOR AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 28 2017

Case No.: APCH-2015-3175-ZC
CEQA: ENV-2015-3749-MND
Plan Area: Harbor Gateway
Related Case: VTT-73816-1A

Council District: 15 – Buscaino

Project Site: 17236 South Hoover Street

Applicant: Ali Awad, S. Hoover Street & W. 173rd Street, LLC
Representative: Emilio Gutierrez, S. Hoover Street & W. 173rd Street, LLC

At its meeting of **January 17, 2017**, the Harbor Area Planning Commission took the actions below in conjunction with the disapproval of the following project:

The subdivision of approximately 122,295 square-feet of existing vacant land comprised of two lots into fifteen (15) lots ranging in lot area from 5,200 square-feet to 7,445 square-feet (average lot size is approximately 5,540 square feet) and fourteen (14) guest surface parking spaces. Each lot will be improved with a two-story single-family dwelling with an average floor area of approximately 2,410 square-feet and a maximum height of 24-feet. The Project Site is composed of a lot in the [Q]PF-1 Zone and a lot in the R1-1 Zone and designated for Public Facilities, Public Facilities – Freeway and Low Residential land uses, respectively. Vehicle access will be provided via a private street connecting to Hoover Street.

1. **Denied** a Zone Change from [Q]PF-1 and R1-1 to (T)(Q)R1-1; and
2. **Adopted** the attached Findings, as amended by the Commission.

This action was taken by the following vote:

Moved: Sutton
Seconded: Cortez
Ayes: Hatch
Absent: Harmatz and Ortiz

Vote: 3 -0

FINDINGS
(BY THE HARBOR AREA PLANNING COMMISSION ON JANUARY 17, 2017)

GENERAL PLAN/CHARTER FINDINGS

1. General Plan Land Use Designation

The subject site is located within the area covered by the Harbor Gateway Community Plan updated and adopted by the City Council on December 5, 1995. The Plan map designates the subject property as Public Facilities, Public Facilities – Freeway and Low Residential land uses with a zoning of [Q]PF-1 and R1-1.

The zone change from [Q]PF-1 and R1-1 to (T)(Q)R1-1 IS CONSISTENT with the Harbor Gateway Community Plan General Plan Land Use Map.

The Harbor Gateway Community Plan Land Use Map Foot Note 11 states:

“The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zone PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.”

The zone that is most consistent within 500 feet of the subject site is the R1-1 Zone. The zone change IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

2. General Plan Framework Text

The Citywide General Plan Framework defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed project IS NOT CONSISTENT based on the objective of the General Plan Framework as described below:

Objective 3.5 Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

The project site is located approximately 150 feet west of the Harbor Freeway (I-110) and the Gardena Freeway (SR-91). The Harbor Freeway Bus Transit Viaduct is located approximately 60 feet above the project site and serves as the southern and eastern boundaries of the project site. The surrounding properties to the north and west are composed of single-family residences on relatively similar sized lots zoned R1-1. Although there are two-story single-family residences along Hoover Street, the proposed project is out of character because the surrounding area consists of mostly one-story single family residences.



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: S. HOOVER STREET & W. 173RD STREET, LLC - AWAD, ALI (B:310-7222707)
Representative: GUTIERREZ, EMILIO (B:626-6791319)
Project Address: 17236 S HOOVER ST, 90247

NOTES:

APCH-2015-3175-ZC			
Item	Fee	%	Charged Fee
Zone Change-SFD/MF Residential (1-49 Units, add'l fee for each 50 units over 49) *	\$11,734.00	100%	\$11,734.00
Case Total			\$11,734.00
VTT-73816			
Item	Fee	%	Charged Fee
SFD-RE20 or Less Restrictive (5-10 lots: \$10,165; 11-49 lots: \$11,257; each add'l 50 lots: \$3,073] (15) *	\$0.00	100%	\$11,257.00
Case Total			\$11,257.00

Item	Charged Fee
*Fees Subject to Surcharges	\$22,991.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$22,991.00
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$459.82
Development Surcharge (6%)	\$1,379.46
Operating Surcharge (7%)	\$1,609.37
General Plan Maintenance Surcharge (5%)	\$1,149.55
Grand Total	\$27,589.20
Total Invoice	\$27,589.20
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$27,589.20

LA Department of Building and Safety
 LA DAVI 101066067 8/27/2015 3:19:59 PM

PLAN & LAND USE \$27,589.20
 Sub Total: \$27,589.20

Receipt #: 0101482084

Council District: 15
 Plan Area: Harbor Gateway
 Processed by AVILA, RALPH on 08/27/2015

Signature: *Ralph Avila*

Receipt #: 0101482084

Sub Total: \$27,589.2

PLAN & LAND USE \$27,589.2

LA Department of Building and Safety
 LA DAVI 101066067 8/27/2015 3:19:59 PM





LOS ANGELES
 201 N. LOS ANGELES ST., STE. 13A
 LOS ANGELES, CA 90012
 TEL: (213)617-9600, FAX: (213)617-9643

VAN NUYS
 14540 SYLVAN ST.
 VAN NUYS, CA 91411
 TEL: (818) 779-8866, FAX: (818) 779-8870

CONTRACT

CASE NUMBER: APCH-15-3175-ZC; VTT-73816 **BTCID:** LA17-343
REFERENCE: LA15-688 **DATE:** 3/31/2017
SITE ADDRESS: 17236 S. HOOVER ST.
AUTHORIZED BY: WINSTON

DESCRIPTION OF SERVICES AND FEES:

Labels and Mailing Preparation - Number	0	x \$1.77	
Mailing Only – Number	0	x \$1.42	
Appeals – Number	241	x \$1.52	\$366.32
Posting of Site – Number of signs		x \$75.00 (1 st)	
		x \$60.00 (addtl.)	
Research/Add'l N.C. and Council Notification			\$12.20
All Weather Posting (optional)		\$20.00	
Removal of Signs (optional)	0	\$50.00	

TOTAL DUE: \$378.52

A COPY OF THIS FORM MUST BE PRESENTED TO THE PLANNING DEPARTMENT AT THE TIME OF FILING TO HAVE YOUR APPLICATION DEEMED "COMPLETE"

Note: If applicant/map maker is retaining labels for addition of case number, labels must be returned to BTC within 7 days from the date of this invoice, or BTC will be forced to produce labels and charge the applicant/map maker. If bill is not paid, further processing of your other cases will stop. For cases requiring immediate mailing, labels must be submitted on the day of payment or BTC will produce labels and charge applicant/map maker.

X

The City of LA usually generates a determination letter comprising of one(1) to three(3) pages which requires 1st Class postage. If your project requires a determination letter that exceeds three pages, you will be billed for excess postage and material costs that are due on receipt of bill. A \$ 50.00 fee will be charged if you want a copy of the BTC file(s).

X

Refunds and Credits only valid one year from the original filing date. Cancellations and changes are subject to a 20% or \$50.00 handling fee, whichever is greater. Returned checks subject to a \$200.00 fee. If the check is fraudulent, the City will be notified that the invoice is null and void. A fee of 10% will be charged to re-activate all null and void invoices.

X

If instructed by the city that your case has gone to appeal, we will immediately mail out per city instructions. The cost of mail and processing of \$1.52/label, is immediately due to us from you. It is to be paid within 10 days. If we do not receive payment within 10 days, a 10% a month (starting after 10 days) fee will be charged and due.

X

Signature:

Telephone: (626) 277-3373

Print Name: SOUTH HOOVER, LLC./EMILIO GUTIERREZ

Refunds and Credits only valid one year from the original filing date.



PAID
 3-31-17
 CK#129

Office: Downtown
Applicant Copy
 Application Invoice No: 36047

City of
 Department



City Plan

NOTICE: The staff of the Planning Department will analyze your application, regardless of whether or not

This filing fee is required

17236 S HOOVER ST
 Receipt #: 0101714996
 Sub Total: \$23,646.24

LA Department of Building and Safety
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PLAN & LAND USE \$19,542.35
 DEV SERV CENTER SURCH-PLANNING \$586.27
 DEV SERV CENTER SURCH-PLANNING \$1,172.54
 OPERATING SURCHG \$1,367.96
 GEN PLAN MAINT SURCH \$977.12



Applicant: S. HOOVER STREET & W. 173RD STREET, LLC -
Representative: S. HOOVER STREET & W. 173RD STREET, LLC - GUTIERREZ, EMILIO (B:626-6791319)
Project Address: 17236 S HOOVER ST, 90247

NOTES:

APCH-2015-3175-ZC-1A			
Item	Fee	%	Charged Fee
Appeal by Applicant-85% of the Application Fee (Enter application fee amount) *	\$11,734.00	85%	\$9,973.90
Case Total			\$9,973.90
VTT-73816-2A			
Item	Fee	%	Charged Fee
Appeal by Applicant-85% of the Application Fee (Enter application fee amount) *	\$11,257.00	85%	\$9,568.45
Case Total			\$9,568.45


Item	Charged Fee
*Fees Subject to Surcharges	\$19,542.35
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$19,542.35
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$586.27
Development Surcharge (6%)	\$1,172.54
Operating Surcharge (7%)	\$1,367.96
General Plan Maintenance Surcharge (5%)	\$977.12
Grand Total	\$23,646.24
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LA Department of Building and Safety
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PLAN & LAND USE \$19,542.35
 DEV SERV CENTER SURCH-PLANNING \$586.27
 DEV SERV CENTER SURCH-PLANNING \$1,172.54
 OPERATING SURCHG \$1,367.96
 GEN PLAN MAINT SURCH \$977.12

Sub Total: \$23,646.24

Council District: 15
 Plan Area: Harbor Gateway
 Processed by MARTINEZ MAZA, NORALI on 03/31/2017

Signature: 

Receipt #: 0101714996

17236 S HOOVER ST