

#8+9

S. HOOVER STREET & W. 173RD STREET, LLC.
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August 15, 2017

Date: 8/15/17

Submitted in PLUM Committee

Council File No: 17-0401 and 17-0401-S2

Item No.: 8 + 9

Communication from Applicant Representative

Planning and Land Use Subcommittee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Re: 17236 South Hoover Street Subdivision:
Applicant Response to HAPC Denial of Tract Map and Zone Change

Honorable Plum Committee Members:

Allow me to thank you in advance for your careful review of the Harbor Community Plan Commission's January 17, 2017 denial of the requested Zone change and Vesting Tract Map for 15 two story homes to be located on vacant land located at 17236 South Hoover Street, Los Angeles California. We appreciate the effort the city has invested to evaluate this request.

I am working with Emilio Gutierrez to represent the Applicant, Ali Awad, who is the owner/developer of the proposed 15 homes on R1-1 and [Q]PF-1 zoned lots. The lots are currently designated for Public Facilities and for Public Facilities – Freeway and Low Residential land uses. Together the two lots represent an opportunity to develop fifteen (15) 5540 sf homes adjacent to existing housing of similar scale and character. The site consists of approximately 122,295 sf feet of vacant public facilities land which will be made accessible to Hoover by means of a private street. This proposed use will abate an attractive nuisance by developing vacant land and will produce much needed market rate housing.

The project owner, Mr. Awad, and his consultants have worked with the city staff and the community for several years to arrive at a project that is well-suited for the surrounding environment. His plans call for development of two-story, single family dwellings and the construction of a private road connecting the project to South Hoover Street. In order to entitle the proposed project a Zone Change and Vesting Tract Map were requested.

In discussing the project with staff, the owner and consultants sought and received guidance in order to ensure the proposed project's compliance with all City requirements, including consistency with the General Plan and Harbor Area Community Plan.

Specifically, the development team worked to ensure the project addressed questions of:

- What kind of neighborhood currently exists here?
- What kind of new housing is needed in this community?

- How do we address circulation, access and traffic safety?
- What housing types are consistent with the existing scale and character?

The proposed project is an ideal use for the site because the site is underutilized as a Public Facilities site and is adjacent to existing two-story, single-family residential development.

The Planning Department issued a Mitigated Negative Declaration (MND) for the project on May 26, 2016 and recommended approval of the requested tract map. We were pleased that City Advisory Agencies' reports supported the projects' approval and remain disappointed with the Harbor Area Community Plan Commission decision to deny the requested Zone Change and Vesting Tract Map. Our review of the project proposal and the Harbor Area Community Plan Commission denial reveals that the Commission made errors of fact and failed to make required connections between the facts on record and their findings.

The Vesting Tract Map application was denied without review based on the denial of the requested Zone Change. We note that each of the identified reasons for the Zone Change denial are logically flawed and/or factually inaccurate.

Responses to Reasons Cited by the Commission for the Denial:

- 1) **Consistency with General Plan Framework Objective 3.5 — Consistency with character and scale:** The Commission asserted that 2-Story development was not in character or scale with existing development. It is a matter of record that the existing residential development contains significant numbers of 2 story homes. It is also a matter of record that the proposed 15 homes are not a numerically significant addition to the existing development. It is therefore illogical and incorrect to assert that two-story construction is not consistent with the character or scale of surrounding development.

***FACT:** Both 1 & 2 Story Homes exist in the area. The homes adjacent to the project site are predominantly 2-Story homes.

***FACT:** Scale and character are addressed in the community plan through the land use density policy and the zoning limitations for single family homes. There is no specific authority or reference to a preference for one-story verse 2-story homes in the community plan. Instead, the Community plan calls for low to medium density. The proposed project is low density.

***FACT:** The Project consists of 15 2-story homes that are wholly consistent with the density and zoning limitation of the community plan.

- 2) Consistency with Harbor Gateway Community Plan Land Use Policy: The Community Plan calls for Low to Medium Density housing development. The Commission asserts that the proposed R1-1 zoning, which is requested to allow construction of a low-density housing development; is not consistent with the Community Plan Land Use Policy requiring low to medium development. This conclusion is illogical and unsupported by the record or any reasonable interpretation of the Community Plan.

***FACT:** Requested Zone Change is most consistent with existing adjacent zoning and project fits required density. We are requesting a change from public facilities zoning to residential zoning, and we are requesting the same zoning as the adjacent development. R1-1.

- 3) Consistency with Open Space Program: The Community Plan's Open Space Program "encourages" use of PF as open space. The Commission asserts that housing development is inconsistent with the open space program because the owner is not proposing to zone the land as open space.

***FACT:** The term "Encourage" does not mean "require". It is not appropriate to retain PF zoning of privately owned land. It frustrates the purpose of private ownership. As privately held land it should be rezoned for development consistent with Footnote #11 of the Community Plan. Footnote permits PF zoned land to be rezoned consistent with the zoning of adjacent land within 500 ft. of the site, when it is sold to private parties.

- 4) Zone Change Consistency with General Welfare; Traffic Circulation: Commission asserts that the proposed zone change is not consistent with the General Welfare citing the erroneous assertion that traffic visibility at the intersection of South Hoover and the proposed private street does not meet safety standards.

***FACT:** Project exceeds visibility requirements established for safety. The private street and site plan are designed to provide traffic visibility per city requirements. Submitted project plans plainly demonstrate that traffic will enjoy adequate lines of visibility at the project intersection due to well-designed road curvatures and building setbacks. Additionally, it would be a minor matter to make adjustments to the road curvature to further enhance pedestrian and vehicle visibility at the intersection.

- 5) Zone Change Consistency with General Welfare; Health: Commission asserts that requested zone change is inconsistent with General Welfare due to health concerns presented by project traffic. This ignores factual determinations made to the contrary via the issuance of an MND.

***FACT:** Traffic increases and traffic pollution impacts are adequately addressed in the Mitigated Negative Declaration, and so the record shows that the requested zone change is consistent with the protection of public health and welfare.

6) **Zone Change Consistency with Good Zoning Practice:** The Commission asserts that the requested zone change from PF to R-1 is inconsistent with good zoning practice because it discourages Open Space use. Neither the current Public Facilities nor the requested R-1 zoning are Open Space designations under the General Plan or Harbor Area Community Plan. Although Open Space use is not necessarily promoted by the zone change it is incorrect to jump to conclusions that a change from PF to R-1 would not be good planning practice or to jump to the conclusion that the zone change would discourages open space use. The requested R1-1 zone designation actually embodies good zoning practices of following the guidance of the Community Plan footnote #11, allowing for highly a suitable use for the subject site, and allowing for a project that mitigates all environmental impacts per the projects' MND.

***FACT:** Project does not discourage open space use since site is not currently Open Space, is not appropriate for Open Space Uses given that it is now owned by a private individual.

***FACT:** Project does not hinder access to wetlands because no public easement or other legal right to access wetlands through the site existed prior to project's proposal.

Since the zone change does not discourage open space use it is not a proper rational for denying the request. Additionally, denying residential zoning of this privates held property is not an exercise of good planning practices. If a public or private purchaser were interested in obtaining the vacant site from state, they could have done so. The did not. Instead a private purchaser acquired the site and is seeking precisely the zone change that is specifically provided for and encouraged under the Community Plan—a change to the zoning most consistent with that within 500ft of the site.

The assumptions relied on by the Commission are at odds with Advisory Agency recommendations and facts on record. When deciding to deny the requested zone change the Commission made assumptions of fact that conflict with facts on record, as well as with other readily observable facts about the matter, and their decision is not properly supported by findings or facts on record. Mere assertions, unconnected to facts or supportive findings on record, are not enough to sustain a decision on an application for a zone change and vesting tract map. To approve or deny a project the Commission needed to connect factual information to their findings to support their decision per *Topanga Ass'n for a Scenic Community v. Central Los Angeles*, 11 Cal.3d 506 (1974).

In addition to meeting all requirements for approval of a zone change and tract map, the project includes specific elements are very much in-sink with the present needs of the local community. In submitting our response to the project denial, we have addressed the issues raised by the Commission and feel that we are proposing a fully compliant project that creates high-quality housing, is consistent with the existing adjacent development, and provides safe access consistent with city fire access and traffic visibility requirements. The

project will also significantly and positively impact safety in the area by developing vacant land that may otherwise attract nuisance activities.

In the best interests of the city home buyers and local residents, please assist us in delivering this housing project to the community. We are at your disposal should you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'CSK', with a large, stylized flourish extending from the end of the signature.

Craig Keys
Keys Consulting Group

CSK

cc: Ali Awad

bcc: Emilio Gutierrez

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August 15, 2017


Planning and Land Use Subcommittee
200 N. Spring St. Rm 621
Los Angeles, California 90012
213-978-1166

Date: 8/15/17
Submitted in PLUM Committee
Council File No: 17-0401 and 17-0401-S2
Item No.: 8+9
Communication from
Applicant Rep

Applicant: Ali Awad
S Hoover & 173rd St, LLC

Subject: Agreement to Continuance
CPC-2009-3580-GPA-ZC; VTT 73816
17236 Hoover Street
Los Angeles, California 90247

Honorable Plum Committee Members:

As owner/applicant, I hereby request the continuance of the PLUM hearing for the subject Zone Change and VTT. This will allow us to deliver pertinent supporting material key to our project. *THE TIME EXTENSION REQUESTED IS TO EXPIRE ON NOV. 28th, 2017.* 

Respectfully,



Ali Awad, President