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From: **La Brea** <[labreacoalition@gmail.com](mailto:labreacoalition@gmail.com)>

Date: Wed, Jun 27, 2018 at 11:06 AM

Subject: 836-838 POINSETTIA PLACE VTT-76054-SL/LWC APPEAL FILED

To: Vince Bertoni <[Vince.Bertoni@lacity.org](mailto:Vince.Bertoni@lacity.org)>

Today La Brea Willoughby Coalition filed the appeal of the 836-8 Poinsettia SLS due to counter R3 1XL zoning codes, the approval for a 10-foot front yard and extended height limits with roof decks and guardrail.

We worked with Zev Yaroslavsky when he was our council member to formulate clear, coherent neighborhood zoning and codes that allowed positive protections as well as diverse coexistence and growth of mutually beneficial projects. City agents have now deconstructed these zoning codes by flawed case-by-case processes with grave indifference to the predictable negative impacts of their decisions.

Attached are the filing documents, 1) Appeal Form 2) Justification, and 3) Determination.

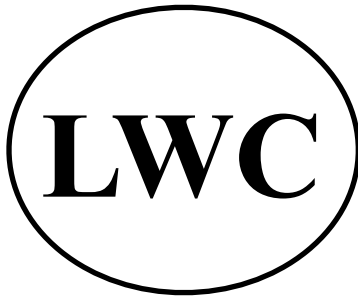
Please note LWC statements of Justification,

"In the Determination document, the relevant zoning codes, regulations, and findings needed for approval were cited, and then completely ignored as the project's requests were approved.

Now the burden to uphold the codes is put upon the aggrieved La Brea Willoughby Coalition neighborhood citizens."

As always, your comments are welcome and we shall keep you updated on our progress to protect our rights and neighborhood.

Lucille Saunders,  
La Brea Willoughby Coalition  
323.939.2754



**RE: 836-838 POINSETTIA PLACE VTT-76054-SL/LWC APPEAL JUSTIFICATION**

● **The reason for the appeal**

This Small Lot Subdivision (“SLS”) project is in the La Brea Willoughby Coalition’s (“LWC”) long held and hard fought zoned R3 1XL neighborhood. These zoning codes dictate R3 front yard setback regulation is 15-feet and 1XL strictly limits height limits to 30-feet. LWC is stymied by and must challenge the VTT Determination approval of 1) a 10-foot front yard setback and also to extend the zone code height limit by 2) the approval of roof decks which act to establish an additional living space story as well as unduly compensate for the SLS open space requirement, and 3) the subsequent “adjustment” for the hyped need for the guard rail that extends the zoning code height limit.

● **How you are aggrieved by the decision**

Now the burden to uphold the codes is put upon the aggrieved La Brea Willoughby Coalition neighborhood citizens. Lucille Saunders is a near neighbor to the project and president of the La Brea Willoughby Coalition. We undertake this appeal and stand on the laws with and for our due process rights to protect our neighborhood, and to not set a precedent for the spiraling developments’ requests thrust upon us and then approved.

● **Specifically the points at issue**

LWC and Mid City West PLUC and board’s long and consistent support of neighborhood zoning code framed the opposition to issues of any reduction of front yard setbacks and increases in the height limit of projects presented through roof decks and a guard rail to our neighborhood. Though these opinions were raised to the MCW, DCP, and at the VTT hearing, these strong oppositions to these points at issue were entirely omitted in the Determination.

● **Why you believe the decision-maker erred or abused their discretion**

In the Determination document, the relevant zoning codes, regulations, and findings needed for approval were cited, and then completely ignored as the project’s requests were approved. The challenge is the city must follow and enforce its own clear and grounded codes. To do so would clarify and simplify, reducing costs to the project processes for applicants, developers, citizens, and city staff.

To sincerely serve, protect, and respect,

*Lucille Saunders*, President,

La Brea Willoughby Coalition

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

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Decision Date: June 21, 2018

Last Day to Appeal: July 2, 2018

Haytham Kafouf (A)(O)  
836 Poinsettia, LLC  
7136 Haskell Ave #305  
Van Nuys, CA 91406

Sami Kohanim (R)  
Land Use Developers Corp.  
7136 Haskell Ave #320  
Van Nuys, CA 91406

RE: Vesting Tentative Tract No. VTT-76054-SL  
Related Case: N/A  
836-838 North Poinsettia Place  
Hollywood Planning Area  
Specific Plan Subarea: N/A  
Zone: [Q]R3-1XL  
Council District: 5  
CEQA: ENV-2017-329-CE  
Legal Description: Lot 145; Tract 6005

In accordance with provisions of Section 17.03 and 12.22 C.27 of the Los Angeles Municipal Code, the Advisory Agency adopted a Categorical Exemption from the environmental review pursuant to Article 19, Class 15332 of the CEQA State Guidelines, and approved Vesting Tentative Tract Map No. 76054 composed of one lot, located at 836-838 North Poinsettia Place, for a maximum five (5) lots, pursuant to the Small Lot Subdivision Ordinance No. 176,354, as shown on map stamp-dated June 14, 2018 in the Hollywood Community Plan. This unit density is based on the [Q]R3-1XL Zone. (The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which shall legally interpret the Zoning Code as it applies to this particular property). The Advisory Agency's approval is subject to the following conditions:

**NOTE** on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of Building and Safety for purposes of having a building permit issued.

**BUREAU OF ENGINEERING**

*Bureau of Engineering approvals are conducted at the Land Development Group, located 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. George Avanesian or Ms. Julia Li by calling (213) 202-3484.*

1. That a 3-foot wide strip of land be dedicated along Poinsettia Place adjoining the tract to complete a 33-foot wide half right-of-way in accordance with **Collector Street** Standards of LA Mobility Plan.
2. That if this tract map is approved as "Small Lot Subdivision" then, if necessary for street addresses purposes, all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
3. That if this tract map is approved as small lot subdivision, then the final map be labeled as "Small Lot Subdivision per Ordinance No. 176354" satisfactory to the City Engineer.
4. That all common access easements including the vehicular access and pedestrian access easement be part of the adjoining lots.
5. That, if necessary, public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Central Engineering District Office.
6. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
7. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
8. That all pedestrian common access easements be shown on the final map.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

*Building and Safety approvals are conducted by appointment only - contact Eric Wong at (213) 482-6876 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.*

9. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

- b. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication.
- c. Lot 1 do not comply with the minimum 15ft. front yard setback along Poinsettia Place after required street dedication is taken as required for the **[Q]R3-1XL** Zone. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning for the setback indicated in the Setback Matrix.
- d. Resubmit the map to provide and maintain a minimum 20 ft. common access strip open to the sky for the lots all the way to the public street for access and frontage purpose per Section 12.03 under the definition of "Lot". No projections are allowed into the 20 ft. minimum common access strip. Provide the 20 ft. wide common access open to the sky or obtain approval from the City Planning Advisory Agency to allow for a reduced and/or projection into the common access strip all the way to the public street.
- e. Dimension the reciprocal private easement for pedestrian and driveway egress and ingress, back up space, drainage, and utilities on the final map.

Notes:

This property is located in a Methane Zone.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinance, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

The proposed buildings may not comply with City of Los Angeles Building Code requirements concerning exterior wall, protection of openings and exit requirements with respect to the proposed and existing property lines. Compliance shall be to the satisfactory of LADBS at the time of plan check.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement. Comply with the above requirement at the time of Plan Check or obtain City Planning approval.

No parking space can back up onto a street when the driveway is serving more than two dwelling unit. Comply with the above requirement at the time of Plan Check or obtain City Planning approval.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

*Transportation approvals are conducted at 201 N. Figueroa Street, 4<sup>th</sup> Floor, Station 3. Please contact DOT at (213) 482-7024 for any questions regarding the following.*

10. That the project be subject to any recommendations from the Department of Transportation.

**FIRE DEPARTMENT**

*Fire Department approvals and review are conducted at 201 N. Figueroa Street, 3<sup>rd</sup> floor. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.*

11. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submit plot plans for Fire Department approval and review prior to recordation of this Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. The entrance and exit of all ground dwelling unit shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - d. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
  - e. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
  - f. The Fire Department may require additional roof access via parapet access roof ladders where building exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

**BUREAU OF SANITATION**

12. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated December 19, 2017. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the

Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

#### **DEPARTMENT OF RECREATION AND PARKS**

*Park fees are paid at 221 N. Figueroa Street, Suite 400, Los Angeles, CA 90012. If you have any questions or comments regarding this information please feel free to contact the RAP Park Fee staff at (213) 202-2682.*

13. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

#### **INFORMATION TECHNOLOGY AGENCY**

14. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

#### **DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

*Approvals conducted at the Metro, Valley, or West LA Development Services Centers, unless otherwise indicated.*

15. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. Limit the proposed development to a maximum of five (5) lots.
  - b. Provide a minimum of two (2) covered off-street parking spaces per dwelling unit.
  - c. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

16. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site. Approved Variations as follows:

a. The project shall comply with setbacks as indicated in the table below:

SETBACK MATRIX				
Lot	Front	Side	Side	Rear
1	10'(W)	5'(N)	5'(N)	4"(E)
2	5'(N)	5'(N)	4"(E)	16.5'(S)
3	5'(N)	5'(N)	4"(E)	16.5'(S)
4	5'(N)	5'(N)	4"(E)	16.5'(S)
5	5'(N)	5'(N)	7'(E)	5'(S)

b. The width of the common access driveway shall be a minimum of 10.5 feet and shall remain clear to the sky.

17. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.



The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

18. A Community Maintenance Agreement shall be prepared, composed of all property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway, walkways, monthly service for private fire hydrant (if required), etc. Each owner and future property owners shall automatically become party to the agreement and shall be subject to a proportionate share of the maintenance. The Community Maintenance Agreement shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded, to the Planning Department for placement in the tract file.
19. That copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
20. That the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6974) that a Certificate of Occupancy (temporary or final) for the buildings shall not be issued until the final map has been recorded.
21. That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition. The covenant and agreement shall be executed and recorded with 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation do the covenant and agreement.

22. That the subdivider shall record and execute a Covenant and Agreement to comply with [Q] Conditions per Ordinance 164,707. A copy of the [Q] Conditions shall be printed on the plans prior to submittal for plan check with the Department of Building and Safety.

#### **DEPARTMENT OF CITY PLANNING - STANDARD SINGLE-FAMILY CONDITIONS**

- SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract approval, the following conditions shall apply:
- (a) Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Development Services Center of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  - (b) All other conditions applying to Model Dwellings under Section 12.22 A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.
- SF-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.

- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
  - (b) Construct any necessary drainage facilities.
  - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
    - a. No street lighting requirements

## Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division ((213) 847-3077) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Poinsettia Place along the frontage being dedicated and adjoining the subdivision by the construction of the following:
    - 1) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway; or a 13-foot full width concrete sidewalk with tree wells.
    - 2) Suitable surfacing to join the existing pavements and to complete a 20-foot wide half roadway.
    - 3) Any necessary removal and reconstruction of existing improvements.
    - 4) The necessary transitions to join the existing improvements.
  - b. Construct the necessary on-site mainline and house connection sewers satisfactory to the City Engineer.

## NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA):**

Mitigation measures are not necessary as there are no potentially significant negative environmental effects associated with the project. The Director of Planning has determined that the project is Categorically Exempt from the environmental review pursuant to Article 19, Class 15332 of the CEQA State Guidelines.

The project includes the demolition of an existing triplex and detached garage, and the construction, use and maintenance of five (5) three-story, single-family dwellings containing 10 residential parking spaces. As a project which is characterized as in-fill development, the project qualifies for the Class 15332 Categorical Exemptions.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c) The project site has no value as habitat for endangered, rare or threatened species;
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

The project meets all of the Criteria for the Class 32 Exemption. The project will be consistent with the applicable Hollywood Community Plan designation and policies and all applicable zoning designations and regulations. The site is zoned [Q]R3-1XL and has a General Plan Land Use Designation of Medium Residential. The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.177 net acres. Lots adjacent to the subject site are developed with medium-density residential uses. The site is not, and has no value as, a habitat for endangered, rare or threatened species. The site is previously disturbed and surrounded by development. There are no protected trees on the site, as identified in a letter prepared by William McKinley, a registered Consulting Arborist dated May 8, 2017. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant

impacts on noise and water. The project is beneath the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Similarly, the project will not result in significant impacts related to air quality because it falls below interim thresholds established by DCP staff, based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The Proposed Site will be adequately served by all public utilities and services given that the construction of five (5) single-family dwellings will be on a site which has been previously developed and is consistent with the General Plan. Therefore, it can be found that the project meets the qualifications of the Class 32 Exemption.

The project does not fall within the exceptions to Categorical Exemptions as follows: There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a division of land with the construction of five (5) single-family dwellings in an area zoned and designated for such development. All adjacent lots are developed with one to two-story residential uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 1.68:1 on a site that is permitted to have a maximum FAR of 3:1. The project size, density and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing residential development in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. According to Appendix B of the City of Los Angeles Mobility Plan, the subject site is not designated as a state scenic highway, nor are there any designated state scenic highways located near the Proposed Site. Furthermore, according to Envirostor, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The proposed site has not been identified as a historic resource by local or state agencies, nor been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT):**

In connection with the approval of Vesting Tentative Tract Map No. 76054, pursuant to Section 66474 of the State of California Government Code (the Subdivision Map Act), the Advisory Agency of the City of Los Angeles makes the prescribed findings as follows:

- (a) PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The project site is located within the Hollywood Community Plan, which establishes goal, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulation applicable to the project site. The project site is located within the Hollywood Community Plan, which designates the site with a Medium Density land use

designation. The land use designation lists the R3 Zone as the corresponding zone. The Project Site is zoned R3, which is consistent with the land use designation. The site is subject to Qualified "Q" Conditions contained within Ordinance 164,707, which limits the development of the site to one dwelling per 1,200 square feet of lot area. The project site has approximately 7,735 square feet of lot area, which would permit a maximum of six dwelling units. As shown on the tract map, the Project proposes to subdivide the project site into five small lots, pursuant to LAMC 12.22 C.27, which is consistent with the density permitted by the zone. The site is not located within a specific plan area or other overlay.

In addition to LAMC Section 17.05 C, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The tract map was prepared by H. Steve Nazemi (C044100 Exp. 06-30-19) and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, and improvements of the tract map. The tract map indicated the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Additionally, as a small lot subdivision, the map indicates the common access easement for vehicular and pedestrian access to the proposed small lots, consistent with LAMC 12.22 C.27. Therefore, the proposed map demonstrates compliance with LAMC Section 17.05 C, 17.06 B and 12.22 C.27 and is consistent with the applicable General Plan.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. As the project site is zoned R3 and is subject to Qualified "Q" Conditions contained within Ordinance 164,707, which would permit a maximum of six dwellings on the approximately 7,735 square-foot site. As the map is proposed for a five small lot subdivision, it is consistent with the density permitted by the zone. As a small lot subdivision, the map indicates the common access easements from the public right-of-ways for vehicular access.

The tract map was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards. The Bureau of Engineering has recommended a 3'-wide dedication and improvements to the public right-of-way along Poinsettia Place, consistent with the standards of the Mobility Element. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The project site is made up of one 7,735 square-foot parcel. The site is currently developed with a triplex and detached garage, both of which will be demolished as part of the implementation of the proposed project. The proposed subdivision for five (5) single-family dwellings on Small Lots as allowable under the current [Q]R3 Zone, and the Medium Residential land use designation. The project site is located within two miles from the Hollywood Fault, but is not located within the Alquist-Priolo Fault Zone. The site is not located within a designated hillside area or within the BOE Special Grading Area. The site is not located within a high fire hazard severity zone, flood zone, landslide, liquefaction, or tsunami inundation zone. The site is located within a methane buffer zone and will be required to comply with all applicable regulations as it pertains to development within a methane zone. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is within Flood Zone Type X, which denotes areas located outside of flood zones. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The Grading Division of the Department of Building and Safety concluded on December 18, 2017, that no geology and soils report is required prior to planning approval and has determined that the applicant shall comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit. Therefore, the site will be physically suitable for the proposed type of development.

- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT

The adjacent properties to the north, south, east, and west are zoned [Q]R3-1XL, have land use designations of Medium Residential, and consist of multi-family residential dwellings. The project site consists of a single parcel located along the easterly side of Poinsettia Place, between Willoughby Avenue and Waring Avenue, with a total lot size of 7,735 square feet, and is developed with a triplex and a detached garage. The project proposes to construct five (5) small lot homes, which would be three stories with a maximum height of 30 feet as shown on the stamped map dated June 14, 2018. With the denial for the height adjustment, the project will adhere to the maximum permitted 30-foot building height, and therefore the height and density will be consistent with the zone and land use designation, which would permit a maximum of six dwelling units and a height of 30 feet. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.



- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There will be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Poinsettia Place, which is a public street. The project site consists of a parcel identified as Lot No. 145 of Tract 6005 and is identified by the Assessor Parcel Map No. 5525-001-027. While the project will provide a private easement for common/vehicular access purposes within the subdivision, there are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

**ADJUSTMENT FINDINGS (Sections 12.28 C.4 and 17.03 A):**

- (i) WHILE SITE CHARACTERISTIC OR EXISTING IMPROVEMENTS MAKE STRICT ADHERENCE TO THE ZONING REGULATION IMPRACTICAL OR INFEASIBLE, THE PROJECT NONETHELESS CONFORMS WITH THE INTENT OF THOSE REGULATIONS.

The subject property is a level, rectangular-shaped lot fronting Poinsettia Place located between Willoughby Avenue and Waring Avenue is zoned [Q]R3-1XL. The zoning regulations of the R3 Zone require a minimum lot area of 5,000 square feet and a minimum width of 50 feet. The project is a five-lot subdivision. Per the provisions of the Small Lot Ordinance only a five-foot setback is required between the subdivision and adjacent properties. This is in lieu of the 15-foot rear yard and 6-foot side yard setbacks that would be required for a non-small lot project that is three stories. As this provision results in an increased buildable area, adherence to the maximum permitted 30-foot building height should be feasible. Therefore, there are no site characteristics or existing improvements that make strict adherence to the height requirement impractical or infeasible given the fact that the existing lot size excess the minimum lot size requirement of the [Q]R3 Zone and that relief is granted or side and rear yard setbacks.

- (j) IN LIGHT OF THE PROJECT AS A WHOLE INCLUDING ANY MITIGATION MEASURES IMPOSED, THE PROJECT'S LOCATION, SIZE, HEIGHT, OPERATIONS AND OTHER SIGNIFICANT FEATURES WILL BE COMPATIBLE WITH AND WILL NOT ADVERSELY AFFECT OR FURTHER DEGRADE ADJACENT PROPERTIES, THE SURROUNDING NEIGHBORHOOD, OR THE PUBLIC HEALTH, WELFARE AND SAFETY.

The proposed project consists of five small lot dwellings on a 7,735 square-foot site in the [Q]R3-1XL Zone. The proposed single-family dwellings will be three stories with a rooftop deck. The request for an Adjustment is to allow a maximum building height of 33 feet, 6 inches in lieu of the permitted 30 feet. The requested adjustment is to provide railing for the roof top decks. The railing is composed of a transparent material, which the applicant states will not pose significant additional shadow on neighboring properties. The applicant also states that the railing should help limit the effects of rooftop noise.

The 800 block of North Poinsettia Place consists of one-story and two-story residential buildings. All these existing structures are less than 30 feet in height, and shorter than the proposed structures. The granting of this adjustment for an increase in height would establish a precedent on the block for further height adjustment requests which have not been approved in the past.

- (k) THE PROJECT IS IN SUBSTANTIAL CONFORMANCE WITH THE PURPOSE, INTENT AND PROVISIONS OF THE GENERAL PLAN, THE APPLICABLE COMMUNITY PLAN, AND ANY SPECIFIC PLAN.

The property is located in the Hollywood Community Plan area which designates the subject property for Medium Residential density, with corresponding zone of [Q]R3 and Height District No. 1XL. Ordinance No. 164707 set forth a [Q] Qualified Classification limiting a minimum area of 1200 square feet of lot area per dwelling unit. All other similar improvements in the vicinity observe the 30-foot height limit, an increase to 33 feet, 6 inches would therefore not be in substantial conformance with the purpose, intent and provisions of the Hollywood Community Plan.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract No. 76054-SL.

VINCENT P. BERTONI, AICP  
Advisory Agency



Kevin S. Golden  
Deputy Advisory Agency



Christina Toy Lee  
Senior City Planner

VPB:CTL:KSG:JD

Note:

If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 North Figueroa Street  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

West Los Angeles  
1828 Sawtelle Boulevard  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2901

Forms are also available on-line at <http://cityplanning.lacity.org>

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90<sup>th</sup> day following the date on which the City's decision becomes final.

If you have any questions, please call Development Services Center staff at (213) 482-7077 or (818) 374-5050 or (310) 231-2901.



**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.

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

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

Regarding Case Number: \_\_\_\_\_

Project Address: \_\_\_\_\_

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): \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

Self       Other: \_\_\_\_\_

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

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**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
- How you are aggrieved by the decision
- Specifically the points at issue
- 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. 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:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)