

ORIGINAL



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: DIR-2019-3828-COA

Project Address: 6500 W. Olympic Place

Final Date to Appeal: 10/22/2019

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): Jennifer Quinn Gowey and Eric Gowey

Company: _____

Mailing Address: 6500 W. Olympic Place

City: Los Angeles

State: CA

Zip: 90035

Telephone: (323) 646-4098

E-mail: mybluesky9@aol.com

- 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): Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd. Suite 950

City: Encino

State: CA

Zip: 91436

Telephone: (818) 907-8755

E-mail: kkropp@lunaglushon.com

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

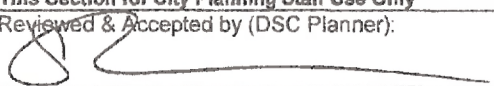
I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 10/21/2019

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>1710.00</u> | Reviewed & Accepted by (DSC Planner): <u></u> | Date: <u>10/22/2019</u> |
| Receipt No: <u>0102107058</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) |

ATTACHMENT TO APPEAL
DIR-2019-3828-COA

Appellants: Jennifer Quinn Gowey and Eric Gowey, Property Owners and thereby directly impacted by the denial of the requested Certificate of Appropriateness for a one-half (1/2) story addition and the infill of a side-facing porch on a one-story single-family structure ("Project").

In denying the Project, the Director of Planning erred and abused its discretion for the following reasons:

1. The Findings are Factually Incorrect, Inconsistent and not Supported with Substantial Supporting Evidence.

The findings of the Director are inconsistent and not supported by the weight of the evidence or by substantial evidence in light of the record. The Director specifically finds that "the proposed project meets many of the Preservation Plan Guidelines," but concludes that it fails to comply with a select few and, therefore, warrants denial.

This approach is incorrect and inconsistent with City and Office of Historic Resources' policy to use the Preservation Plan with flexibility in order to allow preservation through reasonable *management*, not outright prohibition, of development. The Director's determination takes the approach that what is noted as "not appropriate" in the Preservation Plan is meant to be prohibitive thereof. Such position was expressly stated, in error, by Planning staff at the Historic Preservation Overlay Zone ("HPOZ") Board meeting. Moreover, the language "not appropriate" contradicts a photograph in the Preservation Plan Guidelines that shows an example of a 2-story addition that is appropriate.

The Director's determination fails to take into account the evidence submitted at the hearing that the original intent of the Preservation Plan was and is not to prohibit additional stories, but rather to clarify and comply with the Secretary of the Interior's Standards. Furthermore, as set forth in the in-depth analysis and report prepared by Nelson White, Architectural Historian and Preservation Consultant, the Project, as proposed, follows *all* Guidelines of the Preservation Plan and *all* of the Secretary of the Interior's Standards. The Director's findings to the contrary are unsupported.

The Director "supports" the decision to deny with an "interpretation" of an official Department of City Planning document (Frequently Asked Questions (FAQs) on Proposed Historic Preservation Overlay Zones (HPOZs)) that is directly inconsistent therewith: even though the City Planning document states that it that pertains to HPOZ's, the Director maintains it does not apply to this particular HPOZ.

The Director's determination letter further finds and states that the proposed Project includes a second-story addition to an existing one-story structure. This is factually incorrect. The Project includes a ½ story addition. The Director's attempts to characterize this as a 2-story structure are inconsistent with the plans submitted for the Project and accepted architectural interpretation of a "story."

The Director's determination also finds that "due to the proposed second-story addition's height and street-visibility, it is not subordinate to the existing primary structure." Again, this is factually incorrect. In fact, in response to previous comments from the Planning Department on this issue, the Project's addition has been visually lowered by 10 feet.

Accordingly, the findings of the Director are inconsistent and not supported by substantial evidence.

2. The Hearing Deprived Appellants of Due Process.

Both the HPOZ Board and the Planning Department continuously advised Appellants, in private meetings and conversations, that the Project was not prohibited. Several HPOZ Board members specifically advised Appellants to revise the Project and come back to the Board for approval. In open hearing, both the HPOZ Board and Planning Department took an opposite approach, depriving Appellants of a fair and neutral process.

Both the HPOZ Board and the Planning Department also continuously advised Appellants to obtain neighborhood support. Overwhelming support was thereafter ignored based on the erroneous premise that the Project addition was prohibited.

Planning Department staff further continuously advised Appellants that the main concern with regard to the Project was the impact view, and to revise the Project to "limit the view." The Appellants did so. The Director's determination makes no mention of this misleading information.