

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: LOS ANGELES CITY COUNCIL
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: APCS-2013-4102-SPE-DRB-SPP-SPR

PROJECT ADDRESS: 3780 W. MARTIN LUTHER KING JR. BLVD AND
4055-4081 S. MILTON AVENUE

FINAL DATE TO APPEAL: SEPTEMBER 17, 2014

- TYPE OF APPEAL:
- 1. Appeal by Applicant
 - 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 - 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: ARMEN D. ROSS

- Are you filing for yourself or on behalf of another party, organization or company?
 Self Other: _____

Address: 1861 BUCKINGHAM ROAD
LOS ANGELES Zip: 90019

Telephone: 323.712.5800 E-mail: ARMENRUSS@YAHOO.COM

- Are you filing to support the original applicant's position?
 Yes No

REPRESENTATIVE INFORMATION

Name: _____

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

attachment 4/1/4

Justifications/Reason for Appealing Determination
APCS-2013-4102-SPE-DRB-SPP-SPR

I am appealing the #3 determination of the South Los Angeles Area Planning Commission that, "Denied the Exception from Section 14C and Design Standard 8a of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow a 2'-6" high fence on top of the required 3'-6" high wall (total 6'-0" high) adjacent to surface parking lots fronting along adjacent streets and a 6'-0" high fence fronting along adjacent streets."

I am aggrieved by the decision because the determination is contrary to public safety concerns by law enforcement and detrimental to the overall success of the facility. Safety is a concern in all neighborhoods and a 3'-6" wall is inviting to unwelcomed guests to a facility that is being built first to accommodate Kaiser Members living in the surrounding neighborhoods and additionally for the immediate community. The facility will be open to the public during business hours, but not after closing. Therefore, it should not be inviting to members of Kaiser or the general public after hours. Security and safety will ensure that this facility, which is long in coming to our community, will remain as aesthetically pleasing and welcoming to the community when it opens as it will be ten, twenty, thirty years from now.

The decision makers erred or abused their discretion because The Crenshaw Corridor Specific Plan should not be interpreted so rigidly as to impose impediments to new projects that will benefit the greater community by bring sorely needed development, critical services, jobs, and economic infusion to the retail businesses in the area.



SOUTH LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
<http://cityplanning.lacity.org/>

SEP 02 2014

Determination Mailing Date:

CASE: APCS-2013-4102-SPE-DRB-SPP-SPR
CEQA: ENV-2013-4103-MND

Location: 3780 W. Martin Luther King Jr. Boulevard
4055 – 4081 S. Marilton Avenue
Council District: 10 – Wesson
Plan Area: West Adams-Baldwin Hills-Leimert
Zone: [Q]C2-2D

Applicant: Kaiser Foundation Health Plan, Inc.
Rep.: Donna Shen Tripp, Craig Lawson & Co.

At its meeting of August 19, 2014, the South Los Angeles Area Planning Commission took the following action:


1. **Approved** the **Site Plan Review** for development of 105,000 square feet of floor area.
2. **Approved** the **Exception** from Section 14c and Design Standard 11i of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow two surface parking lots to be located on the sides of the structure, fronting along Santa Rosalia Drive and portions of Marilton Avenue and Buckingham Road.
3. **Denied** the **Exception** from Section 14c and Design Standard 8a of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow a 2'-6" high fence on top of the required 3' – 6" high wall (total 6'-0" high) adjacent to surface parking lots fronting along adjacent streets and a 6'-0" high fence fronting along adjacent streets.
4. **Approved** the **Project Permit Compliance** with the applicable regulations of the Crenshaw Corridor Specific Plan.
5. **Adopted** the attached modified **Conditions of Approval**.
6. **Adopted** the attached **Findings**.
7. **Adopted** the Mitigated Negative Declaration No. **ENV-2013-4103-MND** pursuant to Section 21082.1(c)(3) of the California Public Resources Code.
8. **Advised** the Applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Orozco
Seconded: Bates
Ayes: Carson, Stern, Willis

Vote: 5 - 0


James K. Williams, Commission Executive Assistant II
South Los Angeles Area Planning Commission

Effective Date/Appeals: The South Los Angeles Area Planning Commission's determination is appealable. Any aggrieved party may file an appeal within 15-days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: SEP 17 2014

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval and Findings
City Planner: Michelle Singh
City Planning Associate: Lateef Sholebo

CONDITIONS OF APPROVAL

1. **Site Plan.** Except as modified by this action, the use and development of the subject property shall be in substantial conformance with the attached plans labeled as "Exhibit B", stamped, signed and dated by City Planning Staff attached to the subject case file.
2. **Development Standards.** The subject use shall be permitted the following:
 - a. **Parking Lot Location.** The surface parking lot shall be permitted on the sides of the outpatient medical facility, behind a minimum three foot landscaped buffer and solid three and one-half foot decorative wall.
 - b. **Surface Parking Walls.** The project shall be limited to a three and one-half foot solid wall for surface parking lots abutting a public right of way.
 - c. **Freestanding Walls.**
 - i. The project shall be limited to a four foot high fence located on the east and west sides of the property line adjacent to open space areas, and submit revised project plans to be in compliance with this condition.
 - ii. The project shall be limited to a six foot fence on the northern interior property line, abutting commercially zoned properties.
 - d. **Access Driveway.** Prior to issuance of a building permit, the Applicant shall provide evidence that the project is granted an easement, or other agreement, demonstrating use of the access road to Martin Luther King Jr. Boulevard in substantial conformance with the site plan labeled Exhibit B. Should the project not be granted use of the access road, the site plan and driveway plan shall be reviewed by the Department of City Planning and the Department of Transportation.
 - e. **Pedestrian Entrance.** The project shall provide a pedestrian only entrance on Santa Rosalia Drive in substantial conformance with the site plan labeled Exhibit B.
3. **Public Access.** The project shall provide retractable pedestrian gates at the access points identified on the site plan.
4. **Public Signage (Wayfinding).** A sign shall be posted at each pedestrian entrance, which states that the area is open to the public during business hours.
5. **Use.** The project shall be limited to an outpatient medical facility.
6. **Height.** The project shall be limited to a maximum of 60 feet in height, not including the solar panels.
7. **Parking.** A total of 525 parking spaces shall be provided pursuant to LAMC Section 12.21.A.4. The Applicant shall install bicycle parking spaces that conform to Section 12.21 A.16(c) through (h) of the Code.
8. **Landscape Buffer.** The Project shall provide a three foot landscape buffer in front of any freestanding wall or fences. One tree for every 15 linear feet shall be planted at a size of 24" inch box trees.
9. **Sign.** Any approval for sign(s) shall be filed under a separate application, other than that required under condition number 4.

10. **Landscape Plan.** The Applicant shall provide a revised landscape plan that shows an irrigation system for the landscaped areas. All landscaped areas shall be irrigated with an automated watering system including the public right-of-way. The landscaping shall be maintained in good health for the life of the project.
11. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the Applicant for future underground service.
12. **Surface Mechanical Equipment.** All surface or ground mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditional condensers, gas meters and electric meters cabinets shall be screened from public view and /or treated to match the materials and colors of the building which they serve.
13. **Roofs and Roof Top Equipment.** Building equipment and ducts on roofs shall be screened from view from any street, public right-of-way or adjacent property. The screening shall be solid and match the exterior materials, design and color of the building. Solar panels need not be screened.
14. **Storage, Trash and Loading Areas.** Trash enclosures shall be enclosed by a minimum five foot high, decorative masonry wall that is not located adjacent to a public street, consistent with Exhibit B. The trash area shall have a separate, enclosed area for recyclable materials.
15. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The property owner shall be required to acquire approval from the Director of Planning through a Building Permit sign-off, for the installation of any security devices.

Environmental Conditions

16. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or sidewalks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
17. **Aesthetics (Landscape Buffer).** A minimum three-foot wide landscape buffer shall be planted adjacent to the residential use.
18. **Aesthetics (Surface Parking)**
 - a. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
 - b. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning.
 - c. Palm trees shall not be considered in meeting this requirement.

- a. The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.

19. Aesthetics (Vandalism)

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material pursuant to Municipal Code Section 91.8104.
- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

20. Aesthetics (Signage on Construction Barriers)

- a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS."
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

21. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

22. **(Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

23. Air Pollution (Demolition, Grading, and Construction Activities)

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting would reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

24. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas). Proposed Project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1 - August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- b. If a protected native bird nest is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- d. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the Project.

25. Tree Removal (Non-Protected Trees).

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box

tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

- c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

26. Cultural Resources (Archaeological).

If any archaeological materials are encountered during the course of the Project development, all further development activity shall halt and:

- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact.
- b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

SCCIC Department of Anthropology
McCarthy Hall 477
CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

27. Cultural Resources (Paleontological). If any paleontological materials are encountered during the course of the Project development, all further development activities shall halt and:

- a. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Natural History Museum – who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.