

Communication from Public

Name: Rudy Hartanto

Date Submitted: 11/03/2023 01:00 PM

Council File No: 23-0954

Comments for Public Posting: Dear City Council Members, With the below stated reasons, it is respectfully requested that the specific plan exception approval be overturned and the specific plan exception subsequently be denied. Self-imposed Hardship: The developer's assertion of facing difficulties in developing the site due to the dimensions and configuration of their lot is unjustified, as they possess a viable opportunity to build structures within the guidelines of the code and irrespective of the present lot parameters. Based on the code setbacks and the size of the lot, two (2) structures, maybe three (3) can be accommodated on the site. Having four (4) units in such a narrow lot is excessive. Their intention to seek an exception stem from a desire to capitalize and exploit the Expo TNP (Expo Corridor Transit Neighborhood Plan), to maximize their profits at the expense of the neighborhood. Such a plea for preferential treatment seems unwarranted, unfair to the neighborhood and particularly when considering that they were aware of the property's limitations prior to its acquisition. The developer is misleading the public by asserting hardship when they clearly have options to build within the setback guidelines of the code. They are requesting preferential treatment which is unfair to our law-abiding neighborhood because of greed. We would not be allowed to have our own setbacks reduced. Compromising Safety: Setbacks play a crucial role in ensuring that buildings maintain a secure distance from property boundaries and building structures. The building code is specific in these requirements, and they are to serve as a proactive measure to limit structures mass, thus preventing higher risks for fire and safety hazards by reducing the potential of fire propagation and facilitating access for emergency crews and services. It also allows the safe exit and away from a structure for the occupants under emergency. However, the developer's proposition to adhere to only 33% of the mandated setback will go against these exact safety protocols clearly established by the building code. Granting such an exception will expose the neighborhood to heightened risks unnecessarily. Lower Property Value: The proposed design of the dwelling does not align with the scale, character, or appearance of our neighborhood. Considering the prominent location at the intersection, the size of this project overwhelms the lot's scale and will stick out as a sore thumb in the neighborhood. Our

neighborhood is characterized by its low-scale ambiance and a feel of community, and it will suffer from these massive aesthetically unpleasing buildings resembling military compounds, which will lower the appeal of the neighborhood and thus will lower the property values. I am also attaching presentation slides for your review. Thanks, Rudy Hartanto

11835 Tennessee Development Project

Appeal Submission to City Council
August 25, 2023

Case No: APCW-2022-1156-SPE-HCA
Plan Area: West Los Angeles
Related Case:
AA-2022-1157-PMLA-SL-HCA

Purpose

- Support the Appeal.
- Request to scale down the project from 4 to 3 units to comply with codes and regulations.

The neighbors at the Tennessee Place Project need the support of **City Council** to deny the developer's request for setback exception.

Summary

Our neighborhood opposes the exception requested by the developer based on:

Self-imposed hardship -

- The developer is a seasoned entity with 15+ years of experience in the industry.
- The irregular physical shape of site was a known factor prior to purchase.
- The Exposition Corridor Transit Neighborhood Plan Regulations is a requirement in designing the project.
- There is no justification for the developer to request an exception of 5 feet setback for the front and back yards in lieu of the required 15 feet based on hardship.

Massive Structure -

- The development is a massive eyesore centerpiece in our cohesive low scale neighborhood and is not compatible with neighboring properties.
- The project needs to scale down to comply with current code and regulations.

Preferential treatment -

- The exception represents significant revenue enrichment for the developer AND none for the neighborhood.
- This is unfair to our neighborhood as the rest of us will not have the benefit of these exceptions.
- There is no precedence for any setback reduction in the neighborhood regardless of the size and or shape of lot. Granting this exception will create a problematic precedent, leading to further requests for reduced setbacks, disrupting the overall neighborhood planning and development.

Family values -

- These units are intended as family dwellings - with this exception, ironically, there is literally “0” open space for children and families to gather and play.

The developer should not be granted the requested setback exception based on known factors that compromises the original intent of the codes

DESCRIPTION	EXISTING PROPERTY	PROPOSED WITH EXCEPTIONS	DIFFERENCE	REMARKS
Total Property Area	7,499 SF	7,499 SF	N/A	N/A
Setback (Tennessee Ave)	15 FEET	5 FEET	10 FEET	Lot width is 200 FEET
Setback (Tennessee PL)	15 FEET	5 FEET	10 FEET	Lot width is 200 FEET
Total Setback Area (Tennessee Ave)	3,000 SF	1,000 SF	2,000 SF	Developer gains 2,000 SF in area (No gain for our neighborhood)
Total Setback Area (Tennessee PL)	3,000 SF	1,000 SF	2,000 SF	Developer again gains 2,000 SF in area (No gain for our neighborhood)
Buildable Area	1,499 SF	5,094 SF	3,595 SF	Developer gains 3,595 SF in area (No gain for our neighborhood)
Potential Buildable Structure	6,000 SF (3 units - Assumed)	9,278 SF (4 units - actual)	3,278 SF	Developer gains 3,278 SF In buildable structure
Potential Value (assumed @ \$1,000/SF)	\$6,000,000.00	\$9,278,000.00	\$3,278,000.00	Developer GAINS EXTRA \$3,278,000.00

With the exception, the developer stands to potentially enrich with an additional \$3M+ with “0” benefit to the neighborhood

Timeline

2020	<ul style="list-style-type: none">• Property lists for \$2.3M. Price reduces multiple times.
2021	<ul style="list-style-type: none">• 5/24/21 property sold for \$1.6M 6/11/21 property lists for rent 8/1/21 rental listing removed
2022	<ul style="list-style-type: none">• 2/8/22 developer applies for exceptions• Multiple neighborhood meetings with PLUM• PLUM votes against the exception• Developer re-engages with PLUM• Multiple signatures collected from neighbors opposing exception• Sawtelle PLUM reviews, inconclusive – case taken to the directors level• 8/24/22 Sawtelle PLUM directors reviews, approves
2023	<ul style="list-style-type: none">• 5/12/23 LA City Planning approves 4 units small lot subdivision with conditions• Neighbors present concerns to City Planner, Connie Chauv but Ms. Chauv unilaterally supports the project. Neighborhood concerns are dismissed• 7/19/23 West LA Area Planning Commission approves setback exception• 8/25/23 Neighborhood submits appeal

Codes and Regulations

The Los Angeles Planning and Zoning code clearly states that the front setback [shall NOT be less than 15 feet](#):

LAMC 12.10.C.1, “R3” MULTIPLE DWELLING ZONE:

C. Area – No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard – There shall be a front yard of not less than 15 feet; provided, however, that on key lots the minimum front yard shall be 10 feet. (Amended by Ord. No. 138,744, Eff. 12/24/69.)

The Exposition Corridor Transit Neighborhood Planning (Expo TNP) also emphasizes that the setback shall be set as per the Los Angeles Planning and Zoning code - 15 feet front yard:

EXPO TNP 4.3.1.A.2:

2. ...Setback requirements of the R3 zone as set forth in LAMC Section 12.10 C.1 (therein referred to as “Yards”). This Setback requirement supersedes the front yard provisions in LAMC Section 12.22 C.27(e) for small lot subdivisions.

The exceptions violates the requirements of the codes and regulations.

Codes and Regulations (continued)

Furthermore, the City of Los Angeles Ordinance notes that the Specific Plan shall prevail in the setback requirements, which in this case is 15 feet front yard:

Ordinance 186402, section 1.1.4.C:

C. Conflicting Regulations. Wherever this Specific Plan contains regulations that are different from, more restrictive, or more permissive than would be allowed or required pursuant to the provisions contained in the LAMC or any other relevant ordinances (including, but not limited to, standards such as heights, uses, parking, open space, **Setbacks** or Building Lines, or landscape requirements), this Specific Plan shall prevail and supersede the applicable provisions of the LAMC and those relevant ordinances, unless otherwise stated in this Specific Plan.

The developer has to adhere to the 15 feet setback requirements

Codes and Regulations (continued)

West Los Angeles Area Planning Commission approved the exception based on the claim that the developer met ALL the findings noted on the exception letter. This is not true and prejudicial:

LAMC 11.5.7.F.2 (a - e):

F. Exceptions from Specific Plans - Area Planning Commission With Appeals to the City Council.

2. **Findings.** The Area Planning Commission may permit an exception from a specific plan if it makes all the following findings:

(a) That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;

***Response: Not compliant.** The developer knew the limitation when purchasing the subject property. The application does not restrict the developer from building, they just need to build within the guidelines of the code, which is consistent with the requirements relative to whether it is a bigger or a smaller lot.*

(b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;

***Response: Not compliant.** The shape of the lot is not a special circumstance. The developer can still build without creating a massive eyesore in our neighborhood. A massive structure cannot be forced into a small lot just because a developer finds it lucrative - there are regulations to adhere. The rest of us would not be allowed to do so. This is a self imposed hardship.*

Codes and Regulations (continued)

- (c) That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;

Response: Not compliant. *Because a lot is smaller, it does not mean the structure can be just as big as in a larger lot. The size of the structure is relative to the buildable area. The developer needs to build within the confines of the lot. This is a self imposed hardship.*

- (d) That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

Response: Not compliant. *Having such a massive structure at the center of the neighborhood disrupts the harmony in the neighborhood. In addition, these will be housing units with "0" setback for play yard for the enjoyment of children and families.*

- (e) That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.

Response: Not compliant. *The exception is not in line with the intent of the code requirements for maintaining a 15 feet setback to align with the rest of the properties in the neighborhood.*

The developer did NOT meet ALL of the exceptions findings

Codes and Regulations (continued)

West Los Angeles Area Planning Commission does not have the authority to grant the requested exception:

LAMC 11.5.7.F.1.a:

F. Exceptions from Specific Plans - Area Planning Commission With Appeals to the City Council.

1. Authority of the Area Planning Commission. The Area Planning Commission shall have initial decision-making authority for granting exceptions from specific plan regulations. In accordance with Subsection D of Section 12.24, the Area Planning Commission shall hold a hearing at which evidence is taken.

(a) In granting an exception from a specific plan, the Area Planning Commission shall impose conditions to remedy any resulting disparity of privilege and that are necessary to protect the public health, safety, welfare and assure compliance with the objectives of the general plan and the purpose and intent of the specific plan. **An exception from a specific plan shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.**

The development is not aligned with the intent of the West Los Angeles Community Plan and purposes of the Expo TNP. It will NOT create opportunities for affordable housing nor create opportunities for the development of new housing that meets the diverse needs and income levels of City residents, these four dwelling units will sell for at least \$1.5 million - \$2.5 million per unit, if not considerably more.

The West Los Angeles Area Planning Commission does not have authority to approve exception

Conclusion:

Why exceptions should NOT be granted

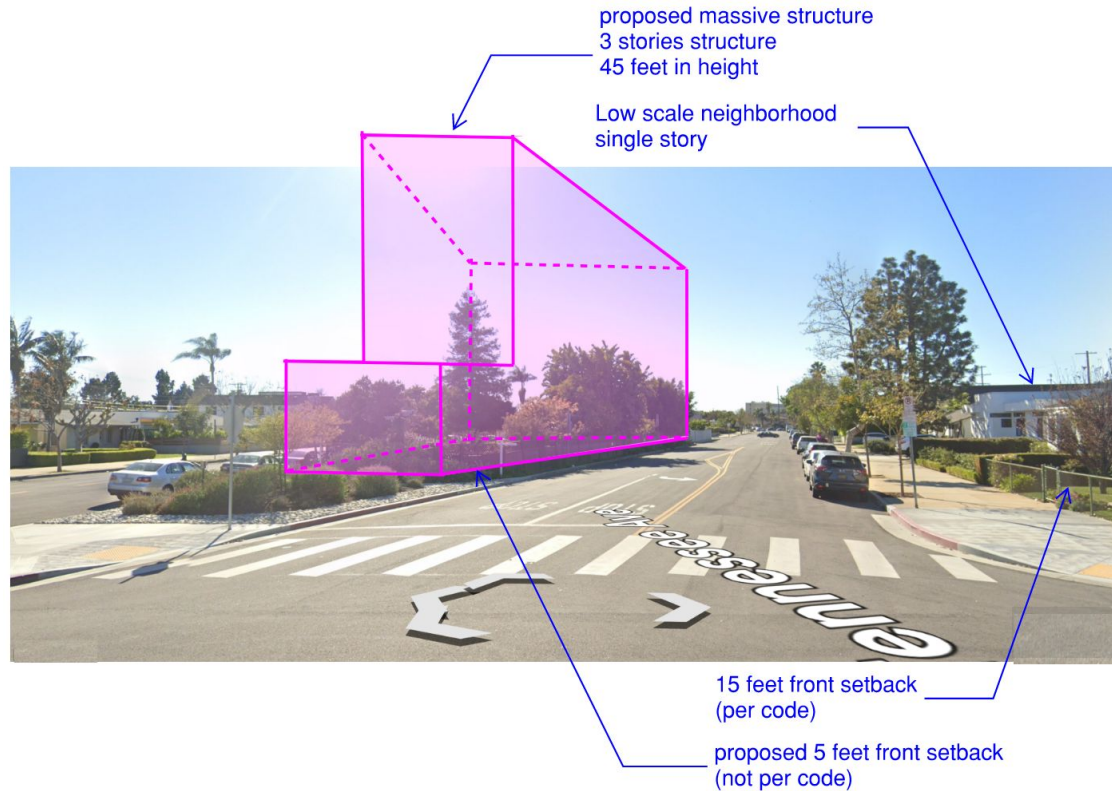
- Project does NOT comply with the current codes and regulations.
- No excuses – the conditions of the site was a known factor prior to purchase.
- It is an eyesore structure to an otherwise low scale neighborhood.
- It is unfair to our neighborhood which would not be allowed to benefit with these exceptions.
- The developer stands to gain an additional \$3M+ with no benefits to the neighborhood.
- It is against family values with “0” play area for children and family.
- The developer has the burden to come before the Department of City Planning and establish the requirements for this exception and he failed to do so.
- This case is all about greed. A greedy developer who thinks he deserves special consideration and only cares about making a huge profit while the hard working people, who actually live in the neighborhood, must follow the law.

Please see exhibits on the next pages

At the center of our low scale neighborhood would be a massive structure that is out of scale with no outdoor space for children and family to play.



The massive scale of the building is out of proportion next to the low scale of our neighborhood.



The developer will create havoc in the harmony of our neighborhood
and will leave without any regards for our community.



Communication from Public

Name:

Date Submitted: 11/03/2023 01:05 PM

Council File No: 23-0954

Comments for Public Posting: We oppose the exception for a 5' setback. It should stay as a 15' setback. Thanks you.