

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Council
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: DIR-93-0861(RV)(PA1)

PROJECT ADDRESS: 5746-5750 North Sepulveda Boulevard/5747-5751 North Halbreth Avenue

FINAL DATE TO APPEAL: April 4, 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: Mr Raju Patel, El Cortez Motel, Inc

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

Self Other: _____

Address: 5292 Duke Drive

La Palma, CA Zip: 90623

Telephone: (714) 523-0400 E-mail: rajupatel0601@gmail.com

- Are you filing to support the original applicant's position?

Yes No

REPRESENTATIVE INFORMATION

Name: Peg Malone-Brown/Brad Rosenheim, Rosenheim & Associates, Inc.

Address: 21550 Oxnard Street, Suite 780

Woodland Hills, CA Zip: 91367

Telephone: (818) 716-2659 E-mail: peg@raa-inc.com

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.

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire Part

Your justification/reason must state:

- The reasons 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

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

--CA Public Resources Code § 21151 (c)

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

Appellant Signature: [Signature] Date: 04/01/2014

Planning Staff Use Only

Amount	\$ 5,100.00	Reviewed and Accepted by	[Signature]	Date	4/2/14
Receipt No.	0202114879	Deemed Complete by	[Signature]	Date	4/2/14

- Determination Authority Notified Original Receipt and BTC Receipt (if original applicant)

ROSENHEIM & ASSOCIATES, INC.

21550 OXNARD STREET • SUITE 780 • WOODLAND HILLS, CA 91367 • TEL 818-716-2689 • FAX 818-593-6184

April 1, 2014

RE: Appeal of Case No. DIR-93-0861(RV)(PA1) applicable to the El Cortez Motel, 5746 – 5750 North Sepulveda Blvd., and 5747 – 5751 North Halbreth Ave.

To Whom It May Concern,

On behalf of the Applicant for the above referenced case, El Cortez Motel, Inc., we respectfully submit the following justifications and reasons as the basis for the Applicant's Appeal of the entire decision for Case No. DIR-93-0861(RV)(PA1) applicable to the El Cortez Motel located at 5746 – 5750 North Sepulveda Blvd., and 5747 – 5751 North Halbreth Ave. (the "Subject Property"):

Background: A revocation case that was initiated in the mid 1990's under different ownership is applicable to the existing El Cortez Motel on the Subject Property. The Subject Property is currently under review pursuant to CPC 2013-3554-ZC-HD-CU-ZV-ZAA for the demolition of the existing El Cortez Motel and the construction of a new La Quinta Inns & Suites brand hotel on the Subject Property. Because of this proposed demolition and ground-up construction of a new hotel, the Applicant sought to have the existing revocation case and it's associated Corrective Conditions terminated, contingent upon demolition of the existing El Cortez Motel, and in anticipation of the new set of Conditions of Approval that will be written specifically for the new hotel, as based on public input, Planning Department review, City Planning Commission recommendation, and City Council's approval.

I. The reason for the appeal is that the Zoning Administrator (ZA) erred in judgment and abused discretion in the instant Letter of Determination. First, the ZA ignored the facts of the proposed redevelopment on the Subject Property and denied the request to eliminate all Corrective Conditions and close the revocation case on the Subject Property applicable to the existing El Cortez Motel, contingent upon it's demolition. Second, the ZA retained/revised/added new Corrective Conditions which would apply initially to the existing El Cortez Motel, and subsequently to the new La Quinta Inns & Suites Hotel proposed for development on the Subject Property, once the existing El Cortez Motel is demolished. And third, the ZA failed to recognize the substantial change in circumstances presented in support of the Applicant's request to eliminate the Corrective Conditions and terminate the subject revocation case, and made determinations without the requisite evidence in the record needed to substantiate such actions, despite evidence to the contrary.

II. The ZA's determination does not acknowledge the significant changed circumstances which have occurred since 1994 when the City initiated revocation proceedings, including: (1) the Applicant has owned and operated/managed the El Cortez

Motel for the past 18 years (since 1996) without a history of prostitution¹, a primary factor leading to the City's initiation of revocation proceedings and in a manner consistent with Corrective Conditions and their intent; (2) the Subject Property is proposed for redevelopment with a new La Quinta Inns & Suites brand Hotel pursuant to a Conditional Use permit and is scheduled for public hearing by the CPC on May 22, 2014 (CPC 2013-3554-ZC-HD-CU-ZV-ZAA), and as such will require compliance with a unique set of Conditions of Approval developed specifically for the proposed new hotel, making continued enforcement of the subject Corrective Conditions after the Motel has been demolished redundant, costly, excessive, and unwarranted, and would serve no legitimate governmental or public purpose. As a result, the ZA was unable to incorporate conclusions as appropriate, causing error on the part of the decision maker.

III. Further, it appears that the ZA is using the Corrective Conditions of the instant case to try and address broader societal issues that may be present in the surrounding community, but which are beyond the purview and control of motel management and operations. This is particularly concerning as a clear nexus need exist and be documented demonstrating the direct relationship between the required condition, and the impact brought by the proposed project. This has not been established. As identified in the ZA's own Letter of Determination, all listed incidents reported by the LAPD to the case file came about as a result of routine checks of the registry, check on a probationer, or in response to a call, and were not as a result of failure on the part of Motel management/operations during guest registration or otherwise related to poor management practices.

The Applicant has a demonstrated longstanding history of motel management and operations consistent with current code requirements applicable to hotel guest registration/records management, and Corrective Conditions and their intent, beginning with the purchase of the subject property in 1996 (2 years after the revocation case). It is further noteworthy that the Applicant was unaware of the subject Corrective Conditions until 2013 when research associated with preparing the application for the proposed new La Quinta Inns & Suites hotel uncovered their existence.² Once their existence was discovered, the Applicant worked consistently and diligently to demonstrate compliance, as demonstrated in the ZA's Letter of Determination. This longstanding demonstrated history of Code-compliant Motel management and the Applicant's rapid and appropriate response to the Compliance Conditions also provides a telling and candid measure of the

¹ This fact is confirmed by Sgt. Fisher's statement at the January 24, 2014 public hearing, that "No arrest reports were made at the subject motel for prostitution", and is also acknowledged by the Zoning Administrator on page 20 as follows: "The manager stated that he does not knowingly permit the property to be occupied by prostitutes or their customers, nor narcotics dealers nor any person who is not identified at the time of registration. No public comments have been received indicating that this condition is not in compliance."

² As identified on page 23 of the Letter of Determination, no Covenant and Agreement was filed for the Subject Property. The existence of the revocation case and its associated Corrective Conditions was not disclosed to the current property owner/Applicant at the time of purchase, and the city's ZIMAS did not identify the existence of a revocation case on the Subject Property until after January 2013.

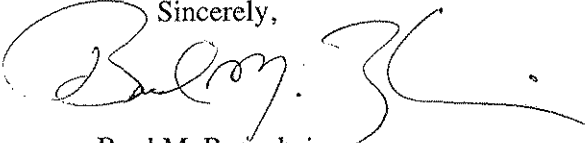
Applicant's standards for motel management and operations, which are clearly consistent with Corrective Conditions and their intent. No consideration of these important and relevant factors was given by the Zoning Administrator, and resulted in the abuse of discretion.

IV. Finally, the Applicant is aggrieved because the ZA's action to retain the Corrective Conditions and apply new additional conditions will essentially preclude redevelopment of the Subject property. Specifically, The Senior Vice President of La Quinta Inns & Suites Franchise Operations has indicated "(w)hile we certainly support, and in fact require, that every La Quinta hotel comply with all laws related to its operation, it appears to us that some of the Corrective Conditions would not be applicable to a top-quality Hotel such as your proposed La Quinta Inn & Suites, and would instead imply that the Hotel was a low-quality, crime-infested location, certainly not up to the standard expected by La Quinta guests and required under your La Quinta Franchise Agreement." (please see attached Letter from Jeff Palla dated February 25, 2014).

Redevelopment of property has long been used by cities as a catalyst for revitalization within a community, providing a fundamental and effective tool to eliminate undesirable elements and foster economic vitality. This fact was completely disregarded by the ZA in the decision. In contrast, the adjacent well-established residential neighborhood to the east, the Van Nuys Neighborhood Council, and Council District 4 (Mr. Jonathan Brand) have expressed strong and consistent support of the proposed project, and have acknowledge the revitalization opportunity it would bring to the Sepulveda Boulevard corridor (please see attached VNNC Letter of Support, and page 17 of the Letter of Determination). In light of these facts, and in absence of the requisite evidence in the record, it is difficult to understand the basis for the ZA's decision.

I wish to also identify that our request for a joint public hearing to consider both the subject revocation case and associated Compliance Conditions together with the proposed La Quinta Inns & Suites Hotel project was determined to be not possible by the Department of City Planning staff.

Thank you for your time and consideration in reviewing this Appeal.

Sincerely,

Brad M. Rosenheim
ROSENHEIM & ASSOCIATES, INC.



Jeff Palla
Senior Vice President of Franchise Operations
Telephone: (214) 492-6646
Facsimile: (214) 492-6563
Jeff.palla@laquinta.com

February 25, 2014

Via Federal Express and rajupatel0601@gmail.com

El Cortez Motel, Inc.
Attn: Raju Patel
5292 Duke Drive
La Palma, CA 90623

Re: Proposed New Construction La Quinta Inn & Suites (the "Hotel") to be Located at 5746 N. Sepulveda Boulevard, Van Nuys, CA 91411 (the "Site")

Dear Mr. Patel,

We have reviewed the "Corrective Conditions" document you provided us. We understand that the requirements in this document were put in place during the 1990's when the motel that occupies the Site was under different ownership. As you can well understand, we find certain aspects of the Corrective Conditions to be incompatible with the current status of the Site and with the La Quinta Inn & Suites Hotel that you propose to build on the Site in place of the old motel, pursuant to your Franchise Agreement with La Quinta Franchising LLC.

Under the Franchise Agreement, you are required to construct a Hotel that is based on the La Quinta prototype, which is a multi-story interior-corridor hotel with controlled access and amenities and finishes consistent with Upper Midscale hotel properties. With more than 800 owned and franchised locations across 46 states, Canada and Mexico, La Quinta has developed comprehensive brand standards that apply to every La Quinta hotel, including high standards for customer service and product quality. Your hotel will be part of the La Quinta reservation system and will be operated with our required Property Management System that handles reservations, check-in/out, and retention of customer records in compliance with applicable privacy laws and Payment Card Industry ("PCI") Standards. The La Quinta Standards require full-time management and trained managers and other Hotel personnel.

While we certainly support, and in fact require, that every La Quinta hotel comply with all laws related to its operation, it appears to us that some of the Corrective Conditions would not be applicable to a top-quality Hotel such as your proposed La Quinta Inn & Suites, and would instead imply that the Hotel was a low-quality, crime-infested location, certainly not up to the standard expected by La Quinta guests and required under your La Quinta Franchise Agreement. For this reason, we support your efforts to have the Corrective Conditions modified to reflect not only the changes in the area surrounding the Site, but the fact that you will be building a brand-new La Quinta Inn & Suites as part of a recognized, high-quality international hotel chain.

We will be happy to provide whatever additional information you need to support your efforts to obtain modifications to the Corrective Conditions.

Sincerely,

A handwritten signature in cursive script that reads "Palla".

Jeff Palla

LQConnect
peg@raa-inc.com



Van Nuys Neighborhood Council
P.O. Box 3118
Van Nuys, CA 91404-3118 (vnnc.org)



Van Nuys
Neighborhood Council
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Industrial #2

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Stakeholder at Large

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Resident Zone 4

VAROOJ AGHAZARIAN
Commercial #1

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Renter at Large #2

DEREK WALEKO
Commercial #4

HERBERT THOMPSON
Resident at Large #2

PAUL ANAND
Commercial #3

RICHARD TAYLOR
Renter At Large Zone #1

QUIRINO DE LA CUESTA
Resident #2

VACANT
Youth & Senior

March 19, 2014

Re: 5746 Sepulveda Blvd.
Van Nuys, CA 91411
Case no: CPC 2013-3554-ZC-HD-CU-ZV-ZAA
ZA 1993-0861-RV-PA1
Attention: Peg Malone Brown
Rosenheim & Associates

Dear Mrs. Brown,

In recognition in the efforts of your project, the Van Nuys Neighborhood Council at its General Meeting in March 12, 2014 voted in full support of your project for the demolition of the existing hotel and the new construction of the Quinta Inn:

5746 N. Sepulveda Blvd.
Los Angeles, CA 91411

The council felt with your due diligence in reaching out to the neighborhood, your coordination with the area's neighborhood association, with Councilman Tom LaBonge Deputy Planner Jonathan Brand, VNNC Planning and Land Use Committee and various meetings prior to our PLUM committee meeting that you meet those concerns about the area, design and construction of your project.

As highlighted by the board members of the VNNC General Meeting, we feel that this type of development is what this neighborhood needs. This project will help this area to develop and bring business to the Van Nuys Community while complementing it.

Based on your presentation, the VNNC board members are confident that you will complete the project that will meet the needs for the community and will bring a new attention for the area.

Sincerely,

Quirino de la Cuesta
Van Nuys Neighborhood Council
Planning and Land Use Committee Co-Chairman

Phone: 818-533-VNNC (8662)
INFO@VNNC.ORG

Mailing Address
Van Nuys
Neighborhood Council
P.O. Box 3118
Van Nuys, CA 91407