



Application:

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 2015-0094 (RU)

Project Address: 4905 WEST ADAMS BOULEVARD, L.A., CA 90016

Final Date to Appeal: AUGUST 13, 2015

- Type of Appeal:
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): BALUBHAI G. PATEL, Trustee of the ^{BALUBHAI} PATEL Family Trust dated 3/04/07

Company: INDIVIDUAL

Mailing Address: 255 S. Reno STREET

City: Los Angeles State: CA Zip: 90057

Telephone: (213) 386-2286 E-mail: NONE

- 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): FRANK A. Weiser - ATTORNEY AT LAW

Company: LAW OFFICES OF FRANK A. Weiser

Mailing Address: 3460 WILSHIRE BLVD, Suite 1212

City: Los Angeles State: CA Zip: 90010

Telephone: (213) 384-6964 E-mail: waimons@aol.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: entire decision appealed

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: Bambini & Patil, TRUSTEE OF BALY BHAI U-PATEL FAMILY TRUSTEE Date: 8-12-15

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

Dated 3-4-07.

- 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).
- Original Applicants must pay mailing fees to BTC and submit a copy of 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.
- 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)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: \$ <u>89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Steve Kim</u>	Date: <u>8/13/15</u>
Receipt No: <u>25275</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)

LAW OFFICES

Member of the Bar:

FRANK A. WEISER

Refer To File No.

United States Supreme Court
United States Court of Appeals for Third Circuit
United States Court of Appeals for Fourth Circuit
United States Court of Appeals for Fifth Circuit
United States Court of Appeals for Sixth Circuit
United States Court of Appeals for Eighth Circuit
United States Court of Appeals for Ninth Circuit
United States Court of Appeals for Tenth Circuit
United States Tax Court.
Master of Law in Taxation

3460 Wilshire Boulevard, Suite 1212
Los Angeles, California 90010
Telephone: (213) 384-6964
Fax: (213) 383-7368

August 13, 2015

BY PERSONAL DELIVERY

Lourdes Green
Associate Zoning Administrator
Office of Zoning Administration
201 N. Figueroa Street, Fourth Floor
Los Angeles, CA 90012

Re: 4905 West Adams Boulevard/Adams Garden Inn/
Owner: Balubhai G. Patel, Trustee/Case No. DIR
2015-0094(RV)/Appeal of Imposition of
Conditions/Reasons for Appeal

Dear Ms. Green:

As you know from my attendance at the public hearing in the above referenced matter on March 10, 2015, I represent Balubhai G. Patel, Trustee of the Patel Family Trust and owner of the Adams Garden Inn located at 4905 West Adams Avenue, Los Angeles, CA 90016 ("Motel").

Mr. Patel has received your Zoning Administrator's Decision ("Decision") dated July 29, 2015 imposing conditions on the operation of the motel. Concurrent with the filing of this letter, Mr. Patel is appealing the whole decision to the City Council.

The reasons for the appeal are as follows: There is no substantial evidence, or any evidence, that the claimed nuisance activity is actually coming from the motel. The motel is gated, locked and secure and individuals cannot come into the motel without prior clearance from Mr. Patel's on-site manager. The motel has extensive video cameras which monitor the motel 24 hours a day and security already in place with his manager who resides on site. Check in and out procedures at the motel are in place and Mr. Patel and his

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employees have never been convicted by the City or any state authorities for operating the motel as a public nuisance; (2) The claimed evidence the decision uses is stale and subject to the statute of limitations under state law; (3) Any crime problem alleged by the community stems from lack of City oversight in the area at large and in particular from businesses operating several blocks from the motel; (4) Mr. Patel has owned and operated the motel for a good many years without any previous claims by the City and has invested a good deal of monies in the upkeep and maintenance of the motel; (5) the Decision on its face and as applied to my client violates the Fourth, Fifth and Fourteenth Amendments of the United States Constitution and parallel provisions of the California Constitution, specifically the Fourth Amendment's Search and Seizure Clause, the Fifth Amendment's Taking Clause, the Fourteenth Amendment's Due Process Clause as to its substantive and procedural components and the Fourteenth Amendment's Equal Protection Clause both as to Mr. Patel and as to his guests and residents and also violates the same as to himself and his guests and residents under the Federal Fair Housing Act and state FEHA and the federal American Disabilities Act and the Unruh Act.


Further, the decision's imposition of search conditions under Los Angeles Municipal Code Section ("LAMC") 41.49 is wholly facially unconstitutional under the Fourth Amendment's Search and Seizure Clause pursuant to a recent opinion of the United States Supreme Court entitled City of Los Angeles v Patel, 576 U.S. ____ (2015) (decided June 22, 2015) (declaring LAMC 41.49 facially unconstitutional under the Fourth Amendment). I was counsel of record in the Patel case.

In addition to the above, the decision is vague, ambiguous and contradictory.

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Once again, my client wishes to appeal your decision immediatly and I request a City Council appeal hearing. I appreciate your courtesy and cooperation in the matter and I look forward to hearing from you.

Sincerely,


Frank A. Weiser
Attorney at Law

Enclosure
FAW:aw