

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE
SUPPLEMENTAL
*CF 17-0933***

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR	ENV-2016-2264-MND	13 – O'Farrell
PROJECT ADDRESS:		
1715 – 1721 North Wilcox Avenue		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Oliver Netburn	213-978-1382	oliver.netburn@lacity.org

NOTES / INSTRUCTION(S):	
<p>Transmitting appeal from Belson Building LLC/ Viorica Winterman.</p>	
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Office	October 16, 2017

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: 2-5

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: *[Signature]* Date: 8/15/17

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>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Sean Veal</u>	Date: <u>10/13/17</u>
Receipt No: <u>40609</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

ORIGINAL

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

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<http://planning.lacity.org>

October 11, 2017

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NOTICE OF APPEAL WITHDRAWAL AND RE-OPENING OF APPEAL PERIOD; CASE NO. CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR; ENV-2016-2264-MND; 1715-1721 North Wilcox Avenue

On August 15, 2017, an appeal from the determination of the City Planning Commission was filed with the City Council, in conjunction with the approval of a 133-room hotel with 3,580 square feet of restaurant uses at the ground floor and on the rooftop. The project includes 103 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

On October 2, 2017, the Department of City Planning was notified by the appellant that the appeal has been withdrawn. Pursuant to Section 11.5.10 of the Los Angeles Municipal Code, the appeal period is hereby reopened for ten (10) days from the date of this letter. Due to the appeal period ending on October 21, 2017, a Saturday, the last day to appeal shall be the end of business day on October 23, 2017.

Inasmuch as the public hearing notice for this matter has been mailed, any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in said notice and no further notice of the appeal hearing is required.

Sincerely,

Oliver Netburn
City Planner
c: Interested Parties

JUSTIFICATION/REASON FOR APPEAL

On behalf of Belson Building LLC as managed by Ms. Viorica Winterman, and the commercial tenants of the Belson Building LLC, we submit this appeal of the entire decision of the Los Angeles City Planning Commission, including without limitation the approval of the Conditional Use Permits.

I. Background

The family-run Belson Building LLC has owned and operated the building located at 6505-6521 Hollywood Blvd. (the “Belson Building” or the “Building”) for three generations. Built in 1917, the rear of the Building is adjacent to the south side of the project site. The Belson Building consists of nine street-level shops and a restaurant facing Hollywood Boulevard, and 16 office spaces on the second floor. Virtually all of the tenants are small ‘mom and pop’ businesses, some of which have been there for several decades.

For approximately one hundred years, the Belson Building has had secondary egress at the property line to the project site location, has been an open street-top parking lot. Almost all of the commercial units rely on it as the only means of secondary egress from the Building for the safe, efficient and legal operation of the Building and its tenants’ businesses; including without limitation ‘emergency’ egress and historical access to rubbish disposal.

In the early 1900’s, the City Planning Department actively encouraged street-top parking lots as a way to separate multi-unit residential and multi-unit commercial (as is the case here). At the time, the City Planning Department was not concerned about set-back requirements, because the parking lots were open spaces and intended to service both the adjacent residential building and the adjacent commercial building.

Nonetheless, the City Planning Department is poised to approve the project applicant’s proposed zero setback property-line construction, which would completely block the Belson Building’s secondary egress. Without it, there is a serious risk to the health, safety and welfare of tenants, their customers, and other occupants as there is no practical way to reconfigure the secondary egress. This is especially true because the Belson Building is located mid-block.

In addition to the letters and testimony submitted at the June 8, 2017 City Planning Commission meeting, the Belson Building submitted written comments. Please find attached as Exhibit A the Belson Buildings’ original written submission with respect to the proposed project.

II. Argument

With respect to the conditional use permits and other approvals described in the Letter of Determination dated July 26, 2017, the City Planning Commission erred because it did not adequately make the findings required by Section 12.24, *et. seq.* of the Los Angeles Municipal Code. Further, to the extent that the Commission did make such findings, they were an abuse of discretion because the project record lacks adequate information upon which the Commission could base such findings.

1. The L.A. City Planning Commission Did Not Properly Find That The Project Is Compatible With The Surrounding Neighborhood, Or Public Health, Welfare And Safety.

Los Angeles Municipal Code Sections 12.24 E. states:

A decision-maker shall not grant a conditional use or other approval specified in Subsections U., V., W., or X. of this Section without finding:

2. that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety....

Here, it is undisputed that the Project will destroy the secondary egress from the Belson Building that has existed for approximately one hundred years. However, the Planning Department carried out no inspection of the Belson Building or otherwise did anything to investigate the impact the project would have on the adjacent Belson Building or develop any kind of record regarding the impact the loss of the secondary egress would have on the health, welfare and safety of the Belson Building's commercial tenants and the public who conduct commerce on the premises.

The Letter of Determination does contain conclusory statements that that the "project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety." Finding 4 (Page F-8). However, the information contained in the project record is woefully inadequate to create any basis for such findings. Nonetheless, the City Planning Commission approved the Conditional Use Permits and other approvals described in the Letter of Determination. Therefore, such approvals violated the requirements of Section 12.24 E. 2. and amounted to an abuse of discretion as the findings are unsupported by the facts established by the record.

Further, the City Planning Commission approved the Zoning Administrator's Adjustment to permit a zero-foot southerly yard setback (above the ground floor) in lieu of the otherwise required 10-foot side yard setback" as outlined in item #5 of the City Planning Commission's decision. Despite that fact that the setback waiver only affects above the first story, the approval is particularly disturbing as it nonetheless contributes to the Belson Building's loss of secondary egress. There is nothing in the record to suggest that the Zoning Administrator investigated or actually considered the impact of this waiver on the health, welfare and safety of the Belson Building's occupants and visitors. Such approval was therefore an abuse of discretion.

2. The L.A. City Planning Commission Did Not Properly Find That The Project Is Compatible With The Scale And Character Of The Adjacent Belson Building.

Subsection 12.24 U. 14. (b) requires that with respect to Major development projects, in addition to the findings set forth in Section 12.24 E., the City Planning Commission shall find:

- (1) that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood;

Commissioner Samantha Millman directly raised these concerns during the June 8, 2017 City Planning Commission hearing; however, there is no indication of any part of the record before the Commission that adequately address her concerns. Indeed, the record contains virtually no reference to the adjacent Belson Building, nor does the record contain any drawings that accurately show the proposed Project in relation to the Belson Building.

Moreover, there is nothing in the record to create any basis for the City Planning Commission to conclude the Project would be compatible with the scale and character of the adjacent Belson Building, especially in light of the concerns described above. Hence, the conclusory statements described in the Letter of Determination are inadequate to satisfy the requirements of the Municipal Code and the approvals described in the decision were an abuse of discretion.

3. Specific Findings Described In The Letter Of Determination Demonstrate Inadequate Consideration With Respect To The Belson Building.

It is apparent from record and from the conclusory statements found in the Letter of Determination that the secondary egress from the Belson Building was not properly taken into consideration, despite the Commission having heard the testimony of the people who would be impacted. As part of Finding 11, the “Zoning Administrator’s Adjustment and Findings”, the rationale for the decision to approve a zero-foot side yard was that the design would allow “for redevelopment of a large underutilized parcel of land within Hollywood Center with residential and commercial uses while at the same time maintaining adjacent properties access to light and air.” First the impact of the Belson Building’s access to light and air is a concern not adequately addressed in the record; therefore, this finding is without basis and the approval upon which it relies was an abuse of discretion. Second, the statement omits any mention of the testimony regarding the Belson Building’s emergency egress and rubbish disposal needs that the Zoning Administrator, the Planning Commission, and the Director heard about at the June 8 meeting and omits any consideration of the health, welfare and safety of the members of the public who conduct commerce within the Building.

In addition, Finding 13, the “Site Plan Review”, specifically states that “The applicant, in response to community input, eliminated a request for a zero-foot side yard along the northerly property line. Thus, with the exception of the request for a zero-foot side yard along the southerly property line, the project complies with all applicable provisions of the Municipal

Code.” It is difficult to comprehend that the intention of the Commission is to make a specific exception with respect to the setback on the northerly property line while ignoring the public interest with respect to a setback for the southerly property line despite the health, welfare and safety needs of the Belson Building. However, the design of this project as approved would create this exact scenario.

III. Conclusion

This project will impact the public health, welfare, and safety as it relates to the loss of the adjacent Belson Building’s secondary egress. There is nothing in the record to indicate any investigation or bona fide consideration of the problem, nor any facts established in the record to justify the City Planning Commission’s conclusory findings. Therefore, findings were either inadequate, an abuse of discretion or both.

As described in the Letter of Determination, the City Planning Commission and Director of City Planning have the right (and in the context of this project, an obligation) “to impose additional corrective Conditions, if in the Commission’s or Director’s opinion such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.” The occupants of the Belson Building and the public who conduct commerce there will be negatively impacted by this project as approved, as losing the critical secondary egress will create an unsafe condition. We ask that after a further review of the facts as outlined above, the Planning Commission and the Director perform their duty to the community by conducting an adequate investigation into the negative impact to the public health, safety and welfare caused by the project as proposed and by preserving the Belson Building’s secondary egress.

EXHIBIT A



**Morris
Polich &
Purdy**

ATTORNEYS AT LAW

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June 7, 2017

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VIA HAND DELIVERY & E-MAIL

City Planning Commission
c/o Commission Secretariat
200 North Spring Street, Room 532
Los Angeles, CA 90012

LOS
CITY
2017 JUN -7 PM 3:34

Re: Project Site: 1715-1721 North Wilcox Avenue
Case No.: WDI-SPR
CEQA No.: ENV-2016-2264-MND
Hearing held by: City Planning Commission
Date: June 8, 2017

Dear Commissioners:

On behalf of Belson Building LLC as managed by Ms. Viorica Winterman, we submit the following update to the comments submitted on May 26, 2017 in opposition to the above-referenced project as proposed. The family-run Belson Building LLC has owned and operated the building located at 6505-6521 Hollywood Blvd. (the "Belson Building" or the "Building") for three generations. The rear of the Building is adjacent to the south side of the project site. Built in 1917, the Belson Building has a rear egress at the property line for which the LADBS issued a building permit. The Belson Building owner and its tenants have since relied on the egress for the safe, efficient and legal operation of the Building and its tenants' businesses.

The project applicant's proposed zero setback property-line construction would completely block the Belson Building's required emergency egress. Without it, there is a serious risk that the tenants will go out of business as there is no practical way to reconfigure the emergency egress. Please find enclosed aerial photos of the two parcels and drawings of the Belson Building that show the emergency egress.

The Belson Building consists of 17 street-level shops with nine office spaces on the second floor mezzanine. There are 26 commercial units total, 23 of which rely on the emergency egress. Virtually all of the tenants are small 'mom and pop' businesses, some of which have been there for several decades.

The emergency egress is a central component to the design of the interior of the Building. Most units have a back door to a central corridor, which leads to the main fire exit out the back of the Building. Without this emergency exit, many of the units would fail to meet the

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emergency exit requirement for the lawful operation of a business. Furthermore, there is no practical way to reconfigure the 'main corridor' to exit elsewhere because the Belson Building is located mid-block. The impact associated with the loss of the rear exit on the tenants of the Belson Building is potentially catastrophic as it could force them out of business. Further, it could destroy the ability to fully occupy and use the Belson Building.

Next, the project as proposed would significantly impact the availability of parking for the patrons of the Belson Building. Further, the owner is concerned about access to the back of the Belson Building for purposes of rubbish disposal and deliveries. The Belson Building tenants have historically relied upon access through the back of the Building for these purposes.

The project applicant is well aware that the Belson Building has historically relied upon its rear egress, yet has made no effort to address the issue with the Belson Building owners, who just recently became aware of its impending loss. The Belson Building objects only to these limited aspects of the project and stands ready to negotiate a solution with the project applicant.

Critically, the project applicant seeks a Zoning Administrators' Adjustment (above the ground floor) to permit zero-foot southerly side yards in lieu of the otherwise required ten (10) feet (which is adjacent to the Belson Building). If the Commission is inclined to grant the setback waiver, then as a condition of approval the applicant should adequately address our concerns.

The Belson Building owner therefore suggests that the only feasible solution is to deny the requested setback waiver at this time, delay a determination on the applicant's permit, and require the applicant to work with us to find a solution. The Commission should protect our client's interest in the historic Belson Building because the hardship the owner and the tenants would endure is significant and undoubtedly outweighs the hardship on the project applicant to find a solution which permits continued access to the longstanding egress.

Very truly yours,

Morris Polich & Purdy LLP



Steven L. Hammond

cc: Michael Gonzalez, Applicant Representative
Oliver Netburn, City Planning Associate

Enc.

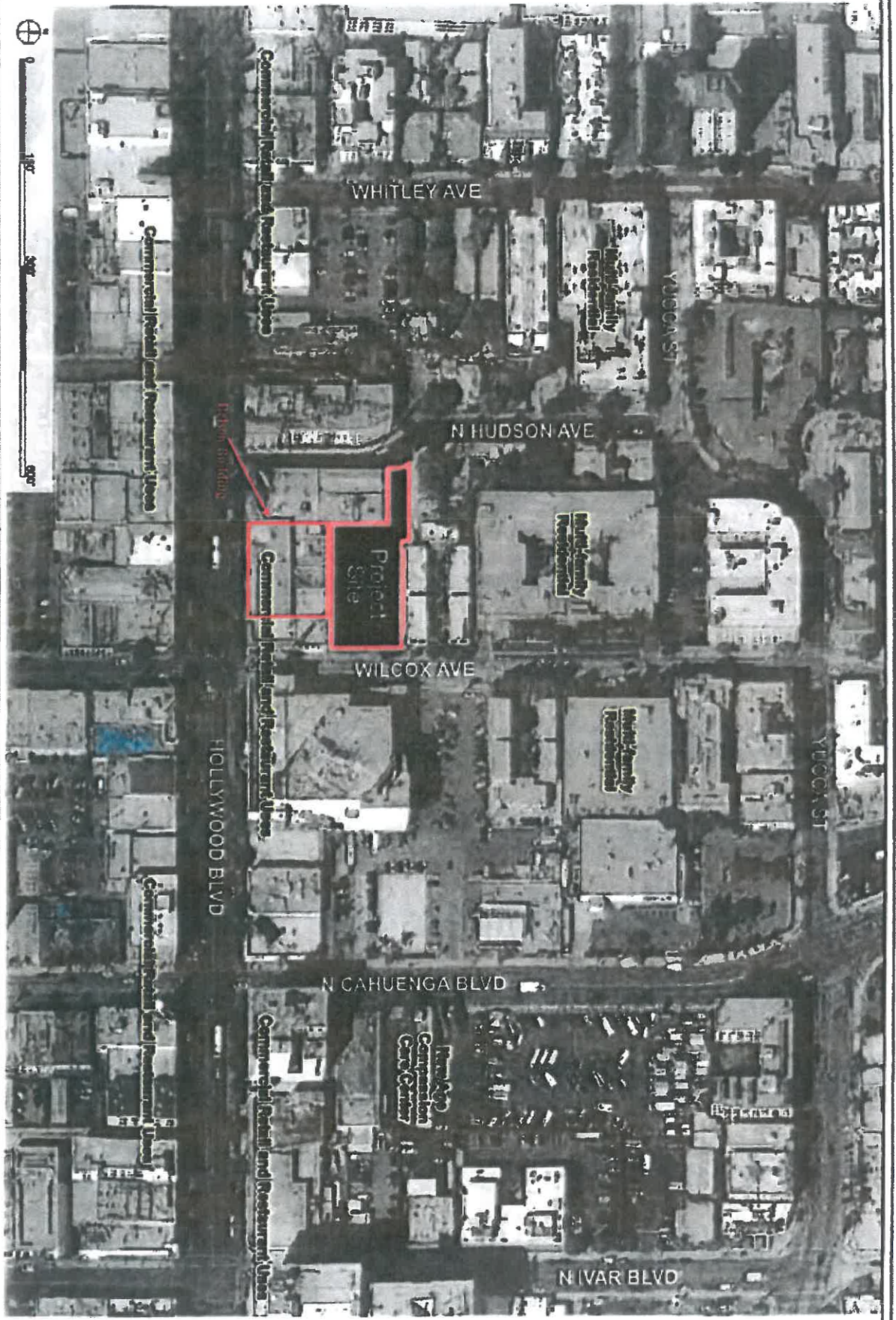
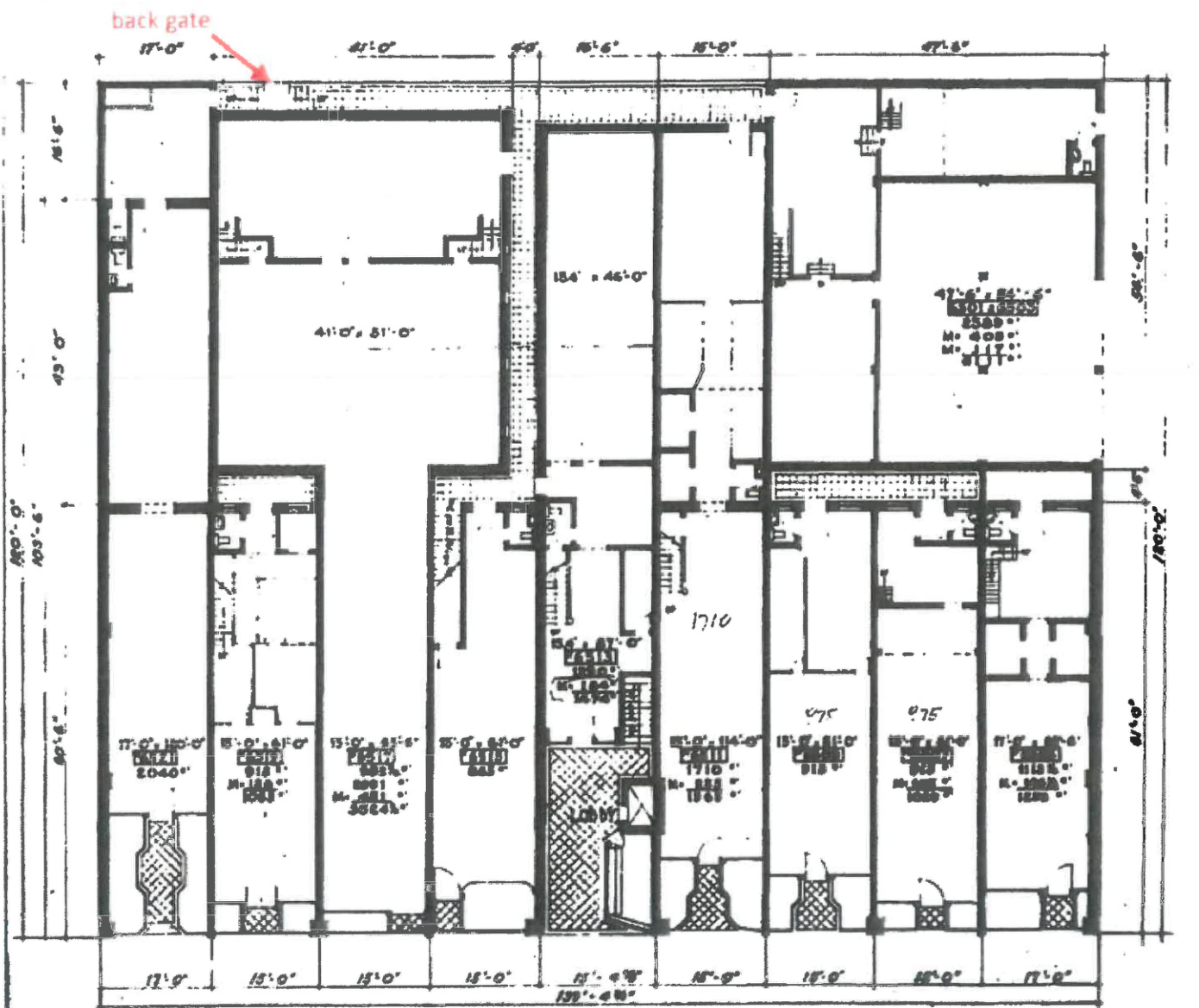


Figure A-2
Aerial Photograph of the Project Site and Vicinity

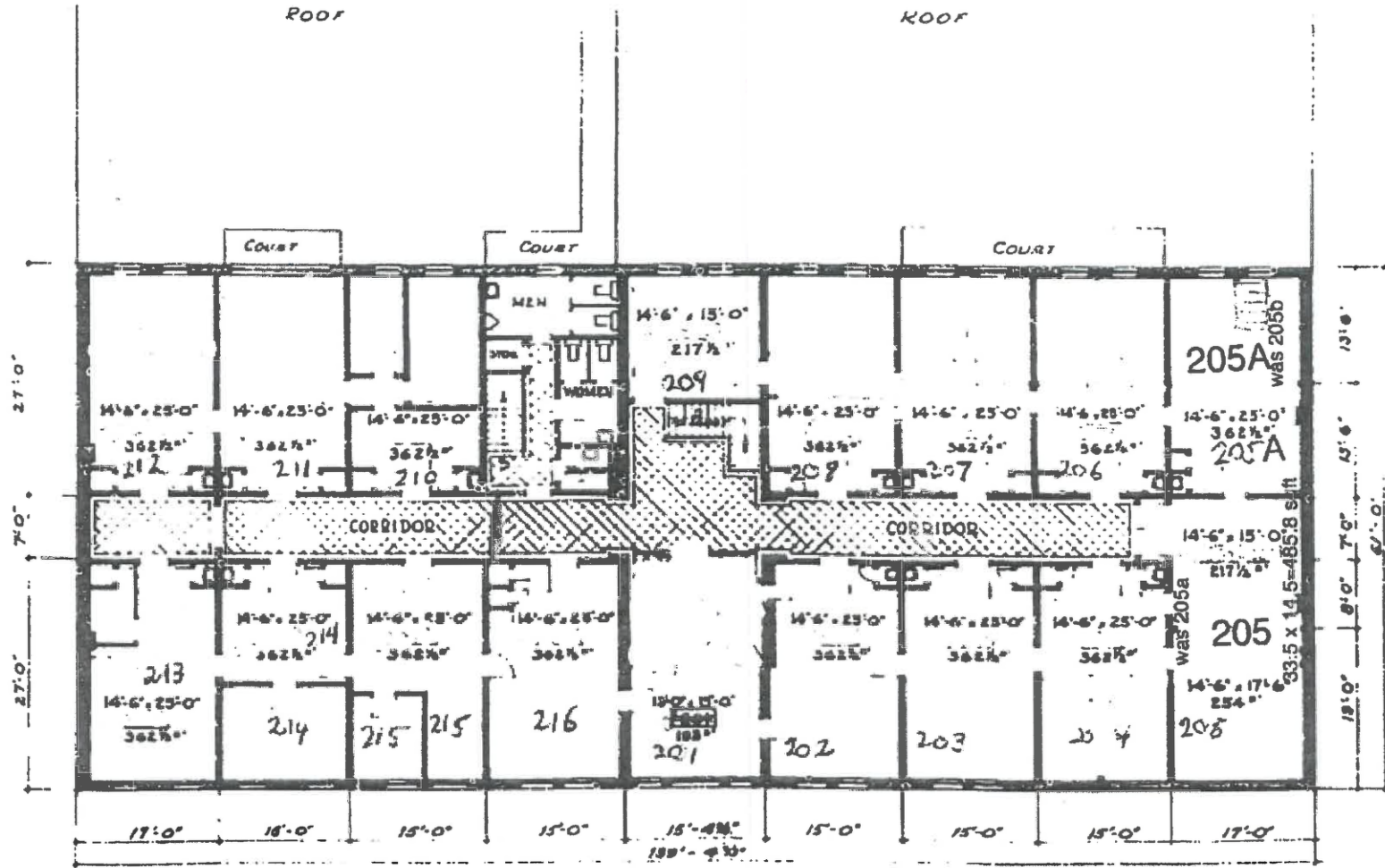




6505-6521 Hollywood Blvd. "Belson Building" First Floor Plan showing back emergency exit adjacent to project site.



HOLLYWOOD BOULEVARD
- FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"
CITTELSON LEATHERS BUILDING



HOLLYWOOD BOULEVARD

SECOND FLOOR PLAN

SCALE 1" = 10'-0"