

# 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 #: CPC-2013-3554-ZC-HD-ZV-CU-ZAA

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

FINAL DATE TO APPEAL: September 8, 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: 21600 Oxnard Street. Suite 630

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: \_\_\_\_\_

Date: 08/22/14

*Planning Staff Use Only*

Amount <u>\$ 15,932.40</u>	Reviewed and Accepted by <u>[Signature]</u>	Date <u>8/22/14</u>
Receipt No. <u>0202154173</u>	Deemed Complete by <u>[Signature]</u>	Date <u>8/22/14</u>

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

August 21, 2014

The Honorable Members of the  
Los Angeles City Council  
City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

**RE: Appeal in Part of Case No. CPC-2013-3554-ZC-HD-CU-ZV-ZAA  
Applicable to the Proposed La Quinta Inns & Suites Hotel Project  
Located at 5746 – 5750 North Sepulveda Blvd. and 5747 – 5751 North  
Halbrent Ave.**

Dear Council Members,

On behalf of the Applicant for the above referenced case, El Cortez Motel, Inc., I respectfully submit the following justifications and reasons as the basis for the Applicant's Appeal in part, of the CPC Determination for Case No. CPC-2013-3554-ZC-HD-CU-ZV-ZAA applicable to the proposed La Quinta Inns & Suites Hotel Project (the "Proposed Project") located at 5746 – 5750 North Sepulveda Blvd., and 5747 – 5751 North Halbrent Ave. (the "Subject Property"):

I. The City Planning Commission (CPC) erred in judgment and abused its discretion in the instant Determination by requiring the following Conditions For Effectuating (T) Tentative Classification Removal:

- "Sepulveda Boulevard (Major Highway Class II) – That a 6-foot wide strip of land along the property frontage be dedicated to allow for construction of a 12-foot wide sidewalk." (**Condition 2.a. on page T-1**); and
- "Sepulveda Boulevard – Construct an additional 6.5 foot concrete sidewalk along the property frontage to complete a 12-foot wide sidewalk..." (**Condition 2.b. on page T-1**).

The dedication and additional sidewalk width requirement exceeds (by 4-feet) the City's adopted Standard Street Dimensions (Standard Plan S-470-0) applicable to a Major Highway Class II street. Specifically, the existing 50-foot wide half-street right-of-way along the Subject Property's Sepulveda Boulevard frontage is 2-feet short of the required 52-foot half street public right-of-way for a Major Highway Class II street. As such, the resulting applicable dedication requirement is 2-feet, not 6-feet. Further, a 2-foot dedication of land will enable construction of a 7.5-foot wide, ADA compliant sidewalk.

These facts were identified and discussed with City staff in advance of the May 22, 2014 CPC public hearing, and were also presented to the CPC during the public hearing. Then, subsequent to the May 22, 2014 CPC public hearing, Bureau of Engineering (BOE) and Department of City Planning (DCP) staff met and concluded that they must in fact support a 2-foot dedication requirement in lieu of the 6-foot dedication requirement (please see attached email dated July 29, 2014 from BOE staff Edmond Yew, Group Manager, Land Development Group, and DCP staff Theodore Irving, City Planner, Expedite Unit). The correct yet untimely conclusion of City staff regarding the appropriate dedication and improvement requirement for the proposed La Quinta Inns & Suites Hotel Project may have contributed to the CPC's error and abuse of its discretion.

The Applicant is aggrieved because the CPC's action requires dedication of land in excess of the City's adopted Standard Street Dimensions, and on that basis alone it is arbitrary and capricious. Furthermore, the CPC did not make the required finding that a unique circumstance justified such an extreme taking of private property. Finally, the additional taking of land would significantly impact the development of the Proposed Project as proposed, thereby requiring substantial modification as well as additional but not previously requested discretionary zoning actions.

II. The City Planning Commission (CPC) also erred in judgment and abused its discretion in the instant Determination by requiring the following Conditions of Approval for the proposed La Quinta Inns & Suites new hotel use:

- "The hotel is prohibited from renting any guest room by the hour or for any period of fewer than twelve consecutive hours." (**Condition A.2.b on page C-1**);
- "The hotel is prohibited from renting any guest room more than once within any consecutive twelve-hour period measured from the start of one rental to the start of the next." (**Condition A.2.c on page C-1**);
- "The hotel is prohibited from advertising an hourly rate or any other rate for a guest room based on a rental period of fewer than twelve consecutive hours." (**Condition A.2.d on page C-1**); and
- "a minimum of 5 short term bicycle parking spaces shall be provided within the 12-foot wide sidewalk." (**Condition A.5.a. on page C-1**).

Municipal Code requirements currently and adequately regulate minimum room rental timeframes as follows: "A room shall not be rented hourly or for fewer than 12 hours unless an identification document<sup>1</sup> is obtained from the guest when he or she checks into the hotel."

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<sup>1</sup> Identification document means a document that contains the name, date of birth, description and picture of a person, issued by the federal government, the State of California, another state, a county or municipal government subdivision or one of their agencies, including but not limited to: a motor vehicle operator's license, an identification card, or an identification card issued to a member of the Armed Forces. Identification document also includes a passport issued by a foreign government or a consular

(LAMC Section 41.49 - Hotel Registers and Room Rentals). The CPC's action would place additional restrictions on the proposed new hotel that do not apply to other competitor hotels in the area, effectively eliminating a target market segment which includes business travelers, airline crews, and vacationing families who routinely arrive late and check-out early, dealing a severe blow to the viability of the proposed new hotel.

It is important to note that the existing El Cortez Motel on the subject property will be completely demolished, and replaced by a brand new La Quinta Inns & Suites hotel. Further, it will be operated as a franchise under the La Quinta Inns & Suites brand, and as such will be held to their operational standards and requirements in addition to all existing City Code requirements. It is possible that the CPC inappropriately confused the existing El Cortez Motel's historic operational problems which occurred in the 1990's under different ownership, with the Applicant's new La Quinta Inns & Suites hotel proposed for ground-up construction on the Subject Property, and that this confusion contributed to the CPC's error and abuse of its discretion. The room rental Conditions identified above are imposed without cause, and without this necessary nexus, represent a taking, and serve no legitimate governmental purpose.

The Condition requiring short-term bike parking to be located within a 12-foot wide sidewalk is based upon the false premise of a 6-foot dedication requirement. As discussed above in number I, the Proposed Project's design includes construction of a 7.5 foot wide ADA compliant sidewalk (following dedication of 2-feet), which is not wide enough to accommodate short-term bike parking spaces safely. Furthermore, it is not an option to locate required short-term bike parking within a parkway because none exists along this segment of Sepulveda Boulevard. Without the requisite sidewalk/parkway width, it is impossible to locate bike parking as required by this Condition.

III. Finally, because the CPC erred and abused its discretion as discussed above in numbers I and II, the following actions were denied yet all remain justified, and must be approved to allow the Proposed Project to be constructed and operated:

- **Approve** the Zone Variance to allow bicycle parking in the front yard setback area;
- **Approve** an Zoning Administrator's Adjustment for a bike rack within the required front yard; and
- **Approve** a Zoning Administrator's Adjustment for a paved surface area for bikes in the front yard, in lieu of required landscaping.

I wish to also note an apparent typo in the Municipal Code citation that appears at the top of page C-1 "Conditions Of Approval", which should read "Pursuant to Section 12.24 of the Municipal Code..." and not Section 12.32G.

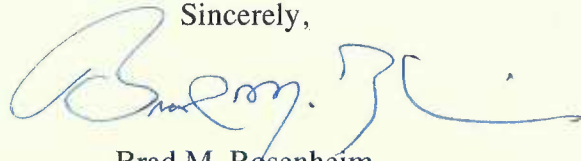
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identification card, issued by a foreign government to any of its citizens and nationals, which has been approved by the City of Los Angeles as valid identification (LAMC 41.49.1).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad M. Rosenheim". The signature is stylized with a large initial "B" and a long horizontal flourish extending to the right.

Brad M. Rosenheim  
**ROSENHEIM & ASSOCIATES, INC.**

Attachment: (1) Email from Edmond Yew, Group Manager, Land Development Group, BOE  
and Theodore Irving, City Planner, Expedite Unit, DCP.

From: Theodore Irving <theodore.irving@lacity.org>  
Subject: Re: La Quinta Inns & Suites Project - CPC 13-3554-ZC-HD-CU-ZV-ZAA (5746 - 5750 Sepulveda Boulevard)  
Date: July 29, 2014 3:29:23 PM PDT  
To: Peggy Malone-Brown <peg@raa-inc.com>  
Cc: Jae Kim <jae.h.kim@lacity.org>, Edmond Yew <edmond.yew@lacity.org>, Brad Rosenheim <brad@raa-inc.com>, Jonathan Brand <Jonathan.brand@lacity.org>, Mati Laan <mati.laan@lacity.org>, Joseph Gnade <joseph.gnade@lacity.org>

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DCP supports the dedication

On Tue, Jul 29, 2014 at 10:15 AM, Peggy Malone-Brown <peg@raa-inc.com> wrote:

Hi Theo,

Could you also confirm (by replying to this email) that the DCP supports a 2-foot dedication for the subject project, as discussed below?

--

Peggy Malone-Brown  
Rosenheim & Associates, Inc.  
21550 Oxnard Street, Suite 780  
Woodland Hills, CA 91367

Tel: 818-716-2659

Fax: 818-593-6184

peg@raa-inc.com

On Jul 29, 2014, at 8:05 AM, Edmond Yew wrote:

Peggy,

BOE supports the 2-foot dedication requirement.

Edmond

On Mon, Jul 28, 2014 at 1:52 PM, Peggy Malone-Brown <peg@raa-inc.com> wrote:

Hi Edmond and Theo,

By way of introduction, our firm is representing the Applicant for the subject proposed project. I understand that the Bureau of Engineering (BOE) and the Department of City Planning (DCP) met regarding the dedication requirement for the subject project following the May 22, 2014 City Planning Commission's public hearing, and that both the BOE and the DCP are in support of a 2-foot dedication requirement (for the subject property's Sepulveda Boulevard frontage) consistent with the City's adopted Street Standards, in lieu of a 6-foot dedication requirement.

I would greatly appreciate it if you would reply to this email and either confirm the above statements as true and correct, or provide additional details as necessary to clarify the results and conclusion of your meeting.

I truly appreciate your time and attention to this matter, and look forward to hearing from you at your earliest convenience. As always, please let me know if you need any additional information, or have questions regarding this request.

Sincerely,

--

Peggy Malone-Brown  
Rosenheim & Associates, Inc.  
21550 Oxnard Street, Suite 780

Woodland Hills, CA 91367

Tel: 818-716-2659

Fax: 818-593-6184

peg@raa-inc.com

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Edmond Yew, P.E.  
Land Development Group I Senior Civil Engineer  
Bureau of Engineering I Department of Public Works  
T: (213) 202-3490 | F: (213) 202-3499  
201 N. Figueroa Street, Rm 200  
Los Angeles, CA 90012



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Theodore L. Irving, AICP  
City Planner, Office of Zoning Administration  
Los Angeles Department of City Planning  
200 North Spring Street,  
City Hall, Room 760  
Los Angeles, CA 90012  
(213) 978-1366 Office  
(213) 978-4656 Fax





## CITY PLANNING COMMISSION

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

**Determination Mailing Date: AUG 19 2014**

**CASE: CPC-2013-3554-ZC-HD-CU-ZV-ZAA**  
**CEQA: ENV-2013-3555-MND**

**Location: 5746 – 5750 Sepulveda Blvd.**  
**5747 – 5751 Halbrent Ave.**

**Council District: 4 – LaBonge**  
**Plan Area: Van Nuys- North Sherman Oaks**  
**Zone: R3-1**

**Applicant: El Cortez Motel, Inc.**  
**Rep.: Peg Malone-Brown, Rosenheim & Assoc.**

**At its meeting of May 22, 2014, the City Planning Commission took the following action:**

1. **Denied** a Zone Variance to allow bicycle parking in the front yard setback area.
2. **Denied** an Adjustment for a bike rack within the required front yard.
3. **Denied** an Adjustment for a paved surface area for bikes in the front yard in lieu of the required landscaping.
4. **Approved** the **Zone and Height District Change** from the R3-1 Zone to **(T)(Q)RAS4-1VL** for the westerly portion of the project site.
5. **Approved** a **Conditional Use** to allow a hotel use within the proposed (T)(Q)RAS4-1VL Zone.
6. **Approved** a **Zone Variance** to allow a 2-level parking structure as an accessory use in the easterly (R3-1 Zone) portion of the site.
7. **Approved** an **Adjustment** for a 56 feet building height to allow for architectural elements.
8. **Approved** an **Adjustment** for an average front yard setback of 4.5 feet in lieu of the required 5 feet.
9. **Approved** an **Adjustment** for a 5-foot projection into the required front yard in lieu of the maximum 4-foot projection.
10. **Approved** an **Adjustment** for an awning projection of approximately 4 feet on each side of the entry way in lieu of the maximum 12 inches permitted.
11. **Approved** an **Adjustment** for a canopy structure over the driveway entrance to project approximately 2.5 feet into the required front yard.
12. **Adopted** the attached modified **Conditions of Approval**.
13. **Adopted** the attached amended **Findings**.
14. **Adopted** the Mitigated Negative Declaration No. **ENV-2013-3555-MND**.
15. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
16. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) Filing.

**RECOMMENDATIONS TO CITY COUNCIL:**

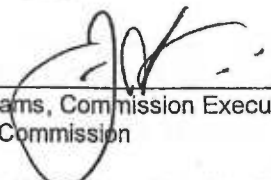
1. **Recommend** the City Council adopt the **Zone and Height District Change** from the R3-1 Zone to **(T)(Q)RAS4-1VL** for the westerly portion of the project site.
2. **Recommend** the City Council **adopt** the attached **Findings**.
3. **Recommend** the City Council **adopt** Mitigated Negative Declaration No. **ENV-2013-3555-MND**.

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:** Perlman  
**Seconded:** Ambroz  
**Ayes:** Ahn, Cabildo, Choe, Katz, Dake-Wilson  
**Absent:** Mack, Segura

**Vote:** 7 - 0



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James K. Williams, Commission Executive Assistant II  
City Planning Commission

**Effective Date/Appeals:** The City Planning Commission's determination is appealable. Any aggrieved party may file an appeal within 20-days after the mailing date of this determination letter. Any appeal not filed within the 20-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 08 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: [T] Conditions, [Q] Conditions, Ordinance, Map, modified Conditions of Approval, Findings  
City Planner: Theodore Irving

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary), the following:

### Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Bureau of Engineering. Prior to issuance of sign offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.
  - a. Sepulveda Boulevard (Major Highway Class II) - That a 6-foot wide strip of land along the property frontage be dedicated to allow for the construction of a 12-foot wide sidewalk.
  - b. Sepulveda Boulevard – Construct an additional 6.5 foot concrete sidewalk along the property frontage to complete a 12-foot wide sidewalk. Close any unused driveways with standard curb height, gutter and sidewalk and upgrade all driveways to comply with ADA requirements.
  - c. Install tree wells with root barriers and plan street trees satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077

Note: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.