



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: CPC 2014-3706-VZC-HD-ZAA-SPR

Project Address: 1523-1541 N. WILCOX

Final Date to Appeal: 11/05/2015

- 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): FRAN OFFENHAUSER

Company: HOLLYWOOD HERITAGE

Mailing Address: 8762 HOLLOWAY DR.

City: WEST HOLLYWOOD State: CA Zip: 90069

Telephone: (310) 659-6600 E-mail: offenhauser@oma-la.com

- 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): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

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: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- 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: Frances Offenhouse Date: 5 Nov 15

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).
- 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>Chico G.</u>	Date: <u>11/5/2015</u>
Receipt No: <u>26687</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)

CASE:
 CPC-2014-3706-VZC-HD-ZAA-SPR
ADDRESS:
 1523-1541 N. Wilcox

PARTS OF DECISION BEING APPEALED:

- Vesting Zone and Height District Change – D condition of 2.1:1 FAR to 5.5:1 FAR
- Entitlement findings of “Public Necessity, General Welfare, and Good Zoning Practices”
- General Plan Findings on Land Use Element
- Absence of accurate understanding of role of Community Redevelopment Agency and absence of required process
- Expedited process using MND

The reason for the appeal:

- This is a case of spot zoning on a small parcel with no justification or genuine offsetting benefits.
- An MND is inadequate environmental review
- The project requests an unprecedented density and height on a very narrow congested side street and a small lot, mistakenly interpreting zoning.
- This project sets a precedent—or continues a mistaken precedent—of granting excess development rights to individuals with no offsetting benefits and effectively “taking” rights from other property owners who may be limited in the future by a cap or by infrastructure.

Specifically the points at issue:

1. **The project requests an unprecedented density of 5.5:1 and 120’ height on a narrow side street and a small lot, with no offsetting benefits.**
 - This is “spot zoning”. There is no justification, hardship, or any other reason to permit this development intensity.
 - This request exceeds the current Community Plan limitation for development on this site is 41,030 sf.
 - This requests exceeds even the 2005 redacted Hollywood Community Plan, which would have allowed 62,046 sf.
 - The Determination offers comparable projects in Table page F 13 that are not comparable—most have higher underlying permissible development and are located on Sunset Boulevard—a major arterial.

	<u>Lot Area</u>	<u>Permissible Devt</u>	<u>Proposed Devt</u>	<u>Height Allowed</u>	<u>Proposed Height</u>
C4-2D	.47 acre = 20,682 sf	2:1 FAR	5.5:1 FAR	45'	120 ft max- ¾ at 110'
		41,030 sf	113,751 sf		

2. **The project removes a “D” Condition without meeting stated requirements:** The case magically attempts to remove a “D” condition in the current zoning with a Vesting Zone Change and Height District Change.

The conditions to remove the “D” condition in the first place have not been met :

- Conformance with the Hollywood Redevelopment Plan (non compliant due to requested density in excess of 4.5:1 without procedure followed)
- Conformance with a CRA-adopted Transportation Plan under Sec 518.1 (non-compliant due to CRA Transportation Plan never adopted, CRA and City of LA non-compliant with requirement to complete such a plan)
- Conformance with any applicable Design Plan (none applies at this address)
- No Disposition and Development Agreement or Owner Participation Agreement (non compliant)
- Approval by the City Planning Commission (this complies)

Because the City of Los Angeles and Community Redevelopment Agency have failed in Hollywood to establish a viable Transfer of Development Rights program, and to meet CRA’s obligations in this regard, this “ask” for additional development rights at no cost and at no benefit to the public is spot zoning.

3. **Failure to meet conditions of Redevelopment Plan for requests to exceed 4.5:1 FAR:** The project is in a Height District which as a whole has a maximum of FAR 4.5:1, reduced intentionally by a “D” condition to 2:1 FAR .

Unlike the areas further south and east in Hollywood, the central area between Highland and Wilcox was purposely and consciously restricted in the Community Plan and Redevelopment Plan to not have discretionary increases above 4.5:1.

Sec 506.2.3 of the Redevelopment Plan requires that any development exceeding 4.5:1 FAR have a binding written agreement with the Redevelopment Agency; prove that it serves a public purpose such as the provision of additional open space, cultural facilities, public parking, or the rehabilitation of an architecturally ir historically significant building; and document the contribution and cumukative impact of peak hour trips and of totaled floor area within the Regional Center Commercial designation.

The Applicant failed to initiate the process with CRA until the last minute; thus it is far from completed. Further, it appears that City Planning has mischaracterized the continued authority of the Redevelopment Agency in Land Use regulation .

4. **General Plan findings inaccurate on Land Use Element: Meeting Framework Elements:** The Framework Goal to “provide a pattern on development consisting of distinct districts, centers, boulevards, and neighborhoods

that are differentiated by their functional role, scale, and character” is clearly violated by this 120’ tall project with a density 2 ½ times that permissible.

The Framework Goal to “conserve lower-intensity commercial districts” and guide development along the “City’s major boulevards” is also clearly not met. Wilcox Avenue, in a lower intensity district, is a narrow and congested side street, not a boulevard.

The staff and applicant seem unaware that there were sound, fundamental reasons to specifically limit density and building height in this area. The truth about the “D” conditions is this: there was a solid rationale to condition any increase in density to a completion or a solution of improved infrastructure—especially roads and parking. The outsized impact of this project is omitted from the staff report.

5. **Expedited processing and MND not consistent with requirements to assess adverse environmental effect:**

The Findings to change a “D” limitation stated in the Zoning Code reference environmental analysis which has not been provided:

1. To protect the best interests of and assure a development more compatible with the surrounding property or neighborhood
2. To secure an appropriate development in harmony with the objectives of the General Plan
3. To prevent or mitigate potentially adverse environmental effects of the Height District establishment or change

How are you aggrieved by the decision: Hollywood Heritage has worked as volunteers over the years to see that the world-reknowned historic resources of Hollywood were protected, preserved, celebrated, and reused. Although this specific project does not demolish a recognized landmark, this is one in a continuing stream of proposed projects using spot zoning to “break” the land use controls which keep a city livable and its landmarks protected.

Because these “gifts” of development are constantly given away by City Planning with a seeming lack of consciousness, the public benefit components of projects which were required prior to 2008 --and the potential to transfer development rights from historic buildings-- are lost with no justification.