

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
- 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: _____ Date: 8/10/2018

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: \$89.00	Reviewed & Accepted by (DSC Planner): <i>Kathalynn Dominguez</i>	Date: 8-10-2018
Receipt No: 0103928006	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

To:
City Council
200 North Spring Street
Los Angeles, CA 90012

From:
Susan Hunter
Save Hollywood
6500 Sunset Blvd.
Los Angeles, CA 90028

8/9/2108

RE: ENV-2017-2808-CE/ ZA-2017-2807-CUB/ 5975 W SANTA MONICA BLVD 90038

To the City Council,

I find that I am aggrieved by the decision from the hearing held on July 24, 2018 regarding 5975 W. Santa Monica Blvd. As a resident of the 13th district who will be impacted by the decision of the Zoning Administrator, I find that the Categorical Exemption to CEQA is invalid for the following reasons:

1. The ZA did state at the hearing that the original determination to combine micro-brewery and micro-distillery was not appealed. I am unable to find any documentation of any such decision/hearing being made public for public input or review.
2. The micro-brewery use and micro-distillery use are two very different uses; and therefore cannot be combined under the ZA allowance to re-interpret.
3. The dangers of micro-distillery have not been fully analyzed by qualified city staff to make a determination that micro-distillery is a safe use in a less aggressive zoning than heavy industrial manufacturing due to the explosive nature of ethanol alcohol.
4. The explosive nature of ethanol alcohol must be fully examined in such close proximity to the sensitive use of the school.

Overview

The applicant is asking that the dangerous usage of micro-distilling should be exempt from CEQA review. Hollywood Distillery, Inc is proposing a dangerous usage abutting a K-3 School.

The ZA has made a statement that the determination to combine distilling and brewing was not appealed by any member of the public. I am unable to find any public hearings or notifications in regard to the original decision. As such, if no public hearing was posted/ held/notified/ or distributed, then any correlating decisions made on this basis are also nullified.

The ZA has abused his authority in making a determination that the dangerous use of micro-distilling is similar to micro-brewing. It is not. Micro-brewing is permitted in an individual's own home without licensing due to the non-threatening nature of fermentation. Distilling is unlawful to conduct in one's own home due to Federal Law based on the dangerous nature of the distillation process. Distilling requires the use of ethanol alcohol and high heat in order to create the spirits. This is why stills have such a high occurrence of explosions and large fires. Out of the 400 distilleries operational in the U.S., on average 4-5 face an explosion and large fire a year. The largest distilling tragedy was in 1960 when nineteen firefighters were killed on duty in Glasgow trying to stop the Cheapside Street whisky bond fire. According to the Scottish Herald "As the temperature of the fire increased, the spirit casks in the warehouse had begun to rupture. This not only sent rivers of burning alcohol down the street, but caused a dangerous build-up of fumes within the building". Distillery explosions can cause massive fires that consume complete structures in very little time.

Breweries do not have such an explosive nature as the fermenting process doesn't require high heat and ethanol alcohol vapors. While spirits themselves may not be flammable, the ethanol alcohol that is created due to the distilling process is.

In one instance, a 300 gallon still exploded killing one of the distillery owners. The debris from the explosion sent heavy metal flying 90 feet. The school adjacent to the proposed micro-distillery usage is less than 25 feet away. Children playing outside will be in constant danger of flying debris and enflamed mash flying thru the air. When mash has been ignited, the alcohol burns at such a high temperature the flame is almost impossible to see. It is unconscionable to allow a combustible use within such a close proximity of a school.

Conclusion

It is clear the city can not ignore the dangers associated with distilling and the need to further analyze what these impacts will have on the environment. Gasoline refineries would never be allowed in commercial manufacturing zones or next to schools for obvious reasons. Distilling and gasoline refinery are both combustible processes that need to be treated with a large dose of healthy fear and respect.

The project's current long-term vision is only based on what the applicant wants and doesn't include the community in that vision. It is the responsibility of the city to make sure the community is included in the future vision of the community.

Susan Hunter
Save Hollywood

Exhibits

ZIMAS of proposed location – 1 pg.

Google maps image of proposed site adjacent to school and size reference of 300 gallon still – 1 pg.

Article on ethanol alcohol flash points – 1 pg.

Article from Distillery Magazine about still explosion – 1 pg.

Examples of Distillery explosions – 3 pgs.

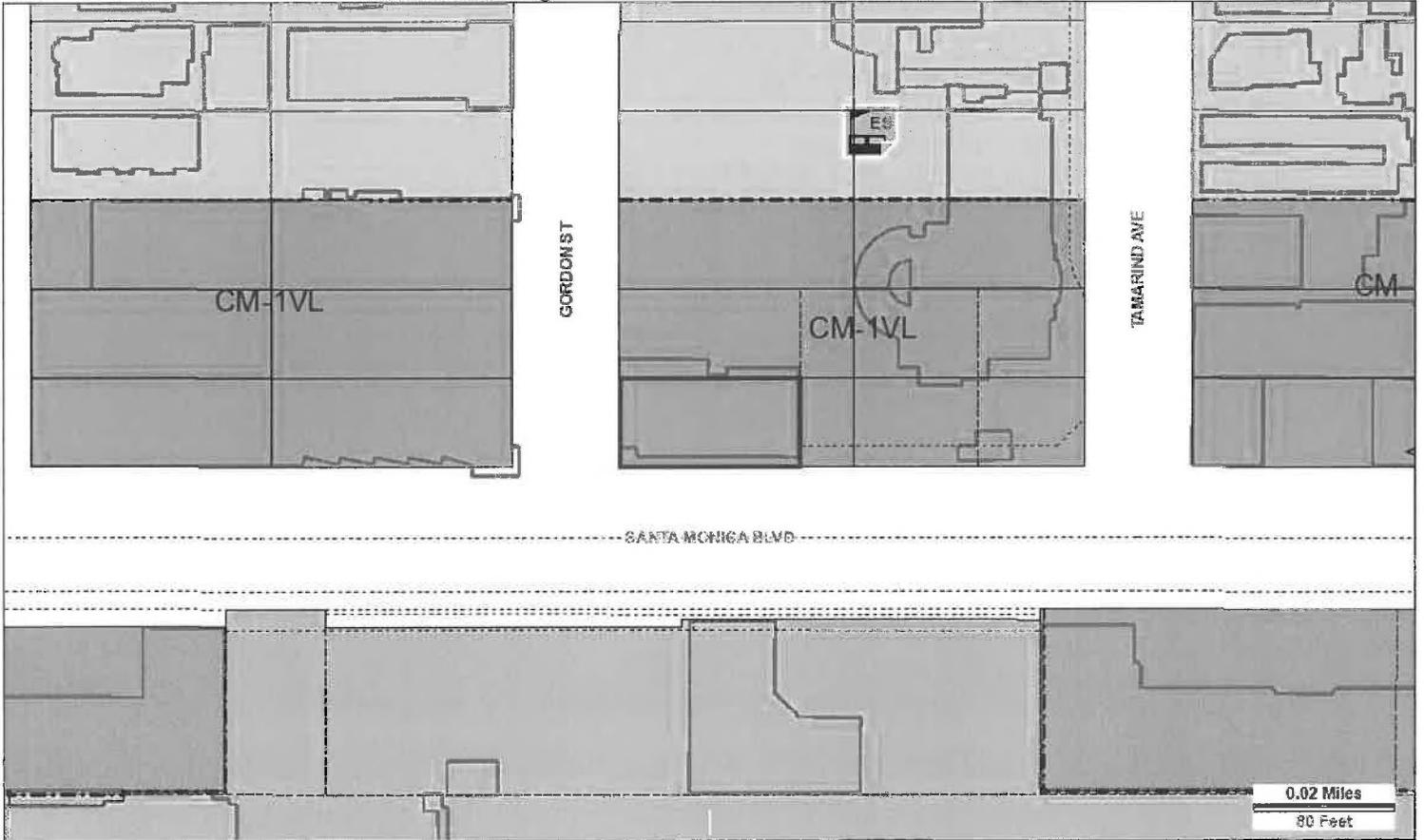
Letter of Determination for ENV-2017-2808-CE – 15 pgs.

ZIMAS PUBLIC

Generalized Zoning

08/07/2018

City of Los Angeles
Department of City Planning



Address: 5975 W SANTA MONICA BLVD

Tract: GRIDER AND HAMILTONS
HOLLYWOOD TRACT

Zoning: CM-1VL

APN: 5534012025

Block: None

General Plan: Commercial Manufacturing

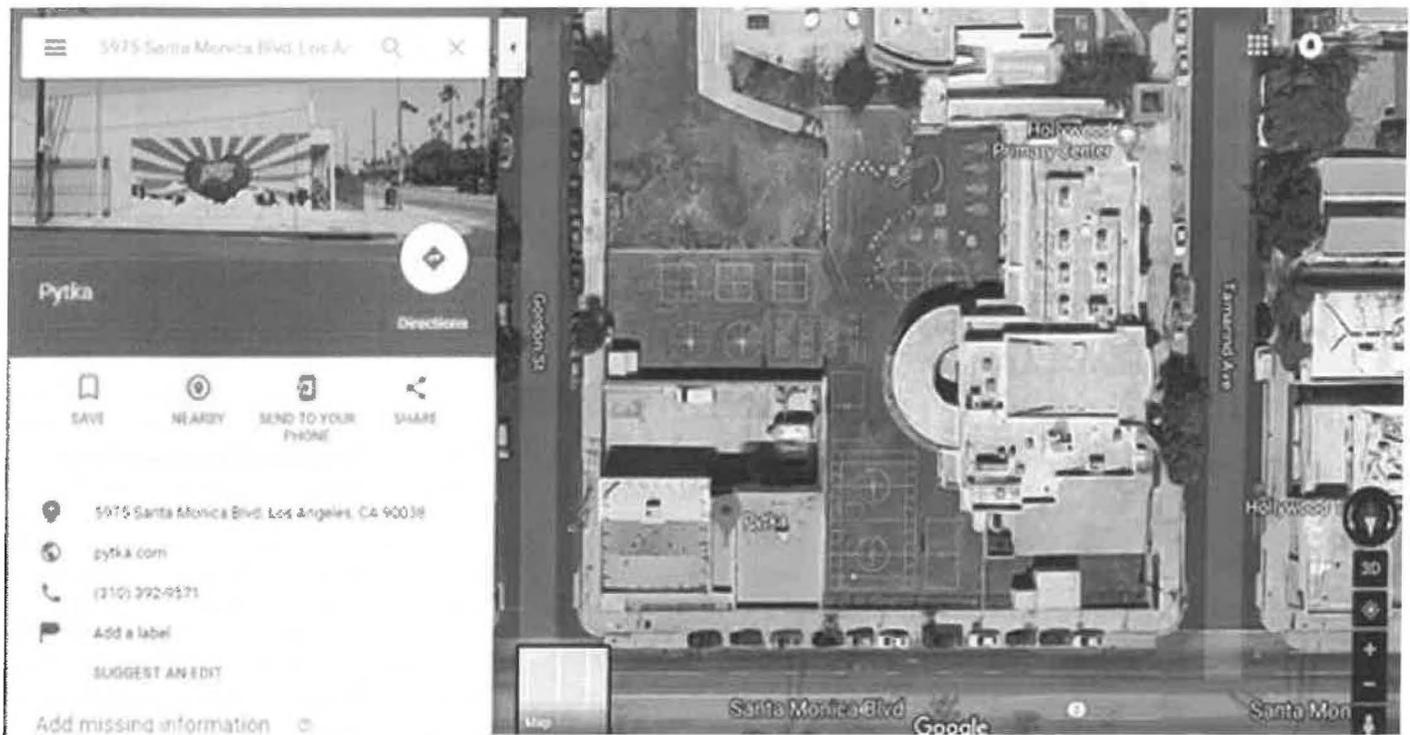
PIN #: 144B189 659

Lot: 145

Arb: 1



Streets Copyright (c) Thomas Brothers Maps, Inc.



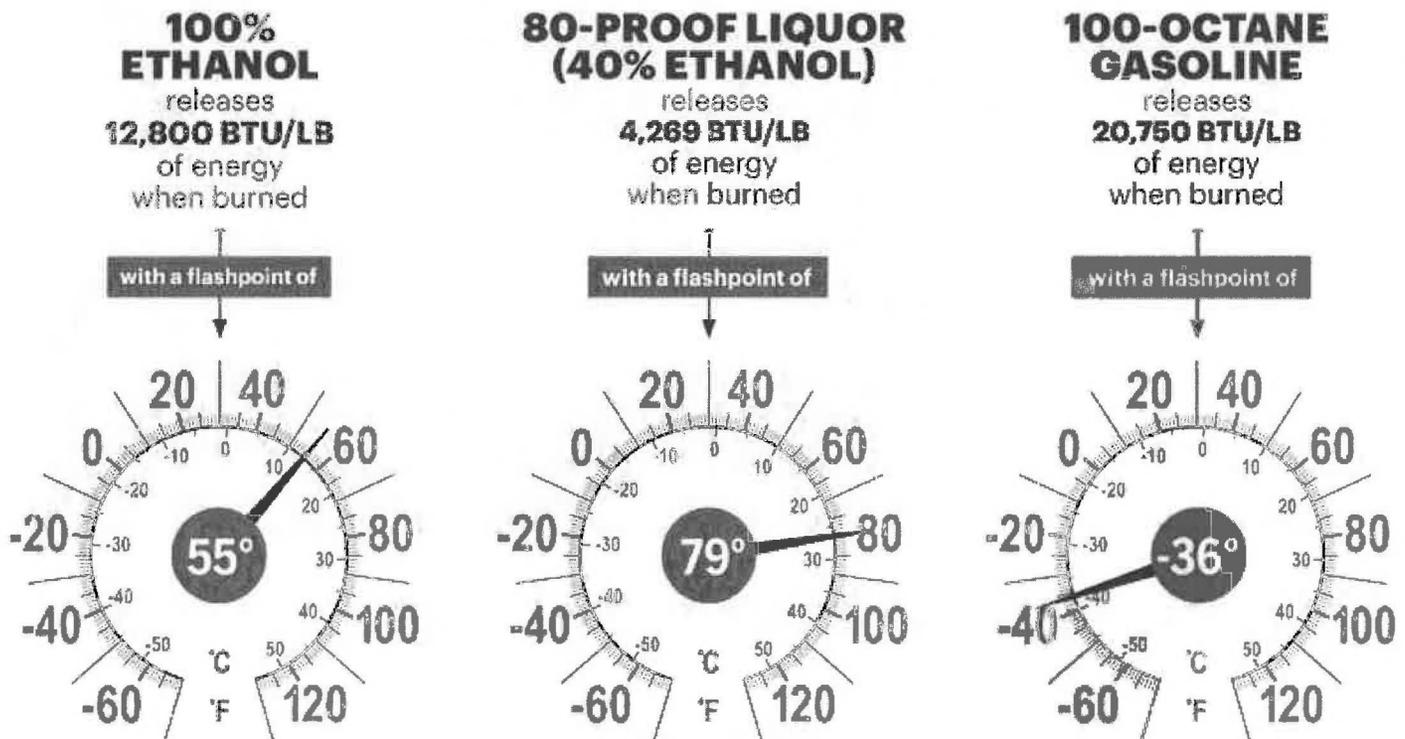
Proposed distillery site abuts the K-3 grade school.



Human size comparison of a 300 gallon still.

Potential Punch

Even in diluted form, ethanol in distilled spirits can still release significant energy when burned



Source: DISCUS fire protection manual

In January, the Pittsburgh Fire Department was called to Wigle Whiskey, a craft distillery that opened in 2012 in the city's Strip District. When firefighters arrived, they discovered that a boiler inside the distillery, located in a mixed-use brick building about 70 feet from an apartment complex, had exploded. Fire did not break out, but one employee suffered minor injuries.

While losses from the incident were minimal, it illustrates why there's concern over these facilities: you never know where they're going to pop up. Although the Heaven Hill Distillery fire of 1996 was a massive blaze, jumping from one warehouse to another and decimating what was at the time two percent of the world's whiskey stock, it burned only on the facility's sweeping plot of rural Kentucky land. But that luxury of seclusion isn't afforded to the many smaller distilleries located in repurposed buildings on dense city blocks. What if, for example, a fire had broken out after the Wigle Whiskey boiler explosion and spread to nearby apartments or other businesses?

The fire hazard of making and storing distillates can be significant. According to data in a 2005 version of the fire protection manual created by the Distilled Spirits Council of the United States (DISCUS), pure ethanol—the alcohol present in spirits, beer, and wine—releases more than half the energy of 100-octane gasoline when it burns; the gasoline releases 20,750 BTU per pound, while ethanol releases 12,800 BTU per pound. The figure is much lower for ethanol-water solutions measuring 40 percent ABV—the level of alcohol present in 80-proof distilled spirits—at about 4,300 BTU per pound. Flashpoints, or the temperature at which liquids give off enough vapor to ignite in air, also shed light on the dangers of distilling. The flashpoint of pure ethanol is 55 degrees F—well below room temperature—while the flashpoint of a 40 percent ABV solution is 79 degrees F.

NOWARNING

Jay Rogers speaks publicly for the first time about the explosion at the Silver Trail Distillery that left him severely burned and killed assistant distiller Kyle Rogers.



The Silver Trail Distillery building after a year of rebuilding and repair. The gas from the 300-gallon still blew 100 feet after exploding and hit the driveway between the stills and the shop. Photo courtesy of Kenneth Lee, Department of Housing, Building and Construction.

by ANDREW FAULKNER

APRIL 24, 2015 began with a bright spring morning, by ordinary accounts. The fire started's report says the temperature was 45 degrees, with a west wind of 5 mph blowing out of the east through the green sloping meadows and highland forest of the Lead Distillers Lakes, in Wisconsin's northern Upper Peninsula. The distillery was in its 10th year. The 300-gallon mash still, the propane-fired Reverend was coming up to temperature, distiller Jay Rogers stood by his side, and Balentine left to have breakfast at his home on the property. Halfway there, he met his wife, Shelly, who was bringing a lunch-wrapped breakfast to Rogers.

"That's a good job—when your boss is bringing you his coffee every day. That's a good thing," Rogers said in a full voice that had come to hear his story at the AIN Spirits Conference and Seminar Expo.

Rogers and Jay sat in the distillery, among his boxes and eggs while the still climbed in temperature. "Shelly says I'm a... assistant distiller," Kyle Rogers smiled for the day. Kyle had a distant cousin, almost 15 years younger. Kyle had gotten up with Jay in the Lead Distillers the Lakes, for which Jay's wife's US, Massachusetts is named. Kyle had taken a liking to his older cousin Jay, and Jay looked out for his little cousin.

The two distillers took the heads out and began collecting distillate from a sugar and water mash. The wash still was running fine and clean. Several gallons of low wines came quickly off the Reverend and the two distillers were proud of the clear run.

"It was one of the better runs that I have ever witnessed coming off of this still," said Rogers. "A great, nice, clean, so it was selling me pretty quick that it wasn't stopped up." They stood close together, less than a foot from the still, talking about this and that. Jay was telling Kyle that the author John Calhoun had once been denied to play Major League Baseball when... the Reverend exploded.

"We had no warning—no nothing. I mean, there was no noise. There was no whistle. There was no...," Rogers's voice trailed off as he looked for words that fit Jay. "There was nothing."

The force of the blast propelled the 300-gallon gas-receiver into the building, colliding with two metal doors during its flight. It hit 40 feet away, folded and scattered like an open window can, said Rogers. The right-hand packed column fell an additional 20 to 25 feet, and the meters were lay more than 90 feet away.

"Next thing I knew I was lying on my right side in a puddle about two inches of 20% degree mash. I



Distiller Jay Rogers (left) and his assistant Jay Rogers (right) in the distillery. The still on the right is the Reverend that exploded. The still on the left was built as a safety by Distillers such as Jay Rogers. Photo courtesy of Jay Rogers.

could look up ahead and I could see Kyle, who was... unconscious," said Jay Rogers.

After getting himself up, his assistant immediately went to Kyle, who was also lying in a pool of scalding mash. "I spoke to Kyle, tried to get him conscious. That was not working," said Rogers. "He was a big old boy and it wasn't very easy for me to do, considering the injuries that had already set in. I just started grabbing and tugging and getting a hold of anything I could, and proceeded to drag him, made him crawl, whatever I could do to get him outside of the building."

On the lawn outside, Kyle escaped to the ground during what appeared to Jay as a "long, deep and soft," but Jay had been partially blinded by scalding wash in his eyes and could not see Rogers. Altered due to heat, it is a color that is easily seen, Jay believes now that Kyle was on fire.

CAUSE OF EXPLOSION

Jay Rogers appeared on the AIN Conference to discuss the details of this tragic, first accident along with his best friend Jeffrey Holmes, who also works in the industry including for years at the Maker's Mark Distillery. Holmes read a statement from Silver Trail Distillery owner Spencer Balentine that said, "Let me be very clear that the investigation from Fire Marshal, as well as other external experts, have determined that the accident was ultimately caused by over-pressurization that is a design flaw on the part of Reverend still company."

Holmes said that Reverend Company pressure-rated their stills at 3 psi and made shutoff cocks at 5 psi. He said that the pressure relief valve installed at the factory was rated at 150 psi—of a type commonly used for water heaters, but inappropriate for a still. He added, "Being that the

Article from Distillery Magazine highlighting the dangers of distilling. In 2015 a 300 gallon still exploded, sending debris over 90 feet. "Jay had been partially blinded by scalding mash over both of his eyes and could not see flames. Alcohol does not burn at a color that is easily seen. Jay believes now that Kyle was on fire." "We had no warning. There was no whistle, there was nothing".

Vodka distillery explosion injures two workers

7th November, 2017 by Nicola Carruthers

An explosion at a vodka distillery in Texas has reportedly sent two employees to hospital, including one with severe burns.



The explosion at BJ Hooker's Distillery sent two employees to hospital

At about 10am on Monday (6 October) the BJ Hooker's Distillery in Harris County exploded, sending one employee by helicopter to be treated for severe burns.

Another worker was sent by ambulance to Houston Northwest Medical Center.

According to the *Chron*, the incident was caused by an employee using an immersion blender to mix vodka at the distillery, the Harris County Fire Marshal's Office confirmed.

A spokesperson from the Fire Marshal's office confirmed that the explosion was confined to a single metal warehouse on the distillery's premises.

Founded in 2013, BJ Hooker's Distillery makes BJ Hooker's Vodka, a winter wheat vodka distilled using a hybrid pot.

The *Spirits Business* has contacted BJ Hooker's Distillery for further comment.

In August this year, the former Seagram's distillery in Dundalk, Baltimore reportedly caught fire for the third time this year.

Seagrams plant has caught fire three times in one year.

When fires involving spirits do break out, they can result in much more than a monetary loss. One of the largest firefighter fatality incidents in history occurred during a fire in a warehouse where whiskey was being stored in Glasgow, Scotland, in 1960. Nineteen firefighters died in the blaze, known as the Cheapside Street whisky bond fire. "As the temperature of the fire increased, the spirit casks in the warehouse had begun to rupture. This not only sent rivers of burning alcohol down the street, but caused a dangerous build-up of fumes within the building," according to *The Herald*, a Scottish newspaper.

Besides location, there are also concerns over who owners are willing to let inside the facilities. A feature common to almost every craft distillery is a tasting room, where visitors of legal drinking age can sip free or inexpensive samples of the business's products. Some distilleries offer tours as well, where participants can get face to face with the equipment used in the distillation process. These different uses create a mashup of occupancy types and classifications, like an assembly occupancy merged with an industrial occupancy containing hazardous materials. Elliot Gittleman, a fire protection engineer who consults for both the public and private sectors in the San Francisco area, tells the story of a distillery in Nevada that wanted to have visitors walk onto a deck overhanging the whiskey processing area. "I said, 'Unless you want to buy a lot of expensive fire-rated glass, you will not be able to get building department approval,'" he says.



Bourbon Burn A fire at the Wild Turkey Distillery in 2000 in Lawrenceburg, Kentucky. Photograph: AP/WIDE WORLD

The production of beer and spirits produces solutions of ethanol, which is a highly flammable liquid. Raw materials for fermentation and mashing processes involve the handling, storage, and milling of wheat and barley, which generate flammable dust, while grain roasting and drying require huge quantities of fuel, which is usually natural gas. Hence, all types of flammable materials (vapour, dust and gas) necessary for an explosion are present in beer and spirits manufacturing facilities.

Worker injured in explosion at whiskey distillery - The Drinks Business

<https://www.thedrinksbusiness.com/.../worker-injured-in-explosion-at-whiskey-distille...> ▼

Jan 5, 2018 - The man, who has not been named, suffered "surface injuries" after a **whiskey still exploded**, the force knocking him backwards. The incident ...

2 injured in blast at vodka distillery in northeast Harris County | abc13 ...

abc13.com/worker-with-blender-sparks-blast-at-vodka-distillery/2609609/ ▼

Nov 6, 2017 - Two people were injured in an explosion at a vodka **distillery** in northeast Harris County Monday morning. ... Monday, November 06, 2017.

No one injured in distillery explosion, fire at Copley Township winery ...

https://www.cleveland.com/metro/index.../2017/05/no_one_injured_in_distillery_e.ht... ▼

May 30, 2017 - No one was injured when a distillery exploded and sparked a large fire Monday at the Winery at Wolf ... Posted May 30, 2017 at 11:27 AM.

Houston Plant Explosion Lawyer | BJ Hooker's Vodka Distillery ...

<https://www.zehflaw.com/two-workers-severely-burned-explosion-northeast-houston-...> ▼

Nov 6, 2017 - ... **2017 BJ Hooker's Vodka Distillery Explosion** in Houston, Texas. ... or Click Here to send us a confidential email via our "Contact Us" form.

Explosion Levels Kentucky Bourbon Distillery, Injures Two - NBC News

<https://www.nbcnews.com/.../us.../explosion-reported-kentucky-bourbon-distillery-n3...> ▼

Apr 24, 2015 - The **explosion** happened at a bourbon **distillery** in Hardin, Kentucky. ... Share this — U.S. news. **Explosion** Levels Kentucky Bourbon **Distillery**, ...

Barton's distillery collapse: The rest of Kentucky's Barton 1792 ...

<https://www.cbsnews.com/.../barton-1792-distillery-collapse-today-latest-updates-201...> ▼

Jul 4, 2018 - The **distillery** owner Sazerac, a Louisiana-based spirits company, already was facing a ... Kentucky **distillers** have more than 6.6 million bourbon barrels aging, according to the ... Trump says he believes U.S. intel, but declines to say Putin lied ... Steam pipe **explosion** in New York City, no injuries reported ...

Jim Beam explosion: Lightning strikes whiskey factory, making rivers ...

<https://www.independent.co.uk/News/World/Americas> ▼

Sep 5, 2015 - The Independent **US**. The perfect combination of alcohol, water and wind created firenadoes spiralling upwards (The Weather Channel).

Blast injures two at legal Kentucky moonshine distillery | Reuters

www.reuters.com/article/.../us-usa-explosion-kentucky-idUSKBN0NG0XK20150425 ▼

Apr 25, 2015 - (Reuters) - An **explosion** leveled a western Kentucky **distillery**, authorities said on Saturday, injuring two workers at one of the few facilities ...

Owner of Jersey Shore rum distillery injured in explosion | NJ.com

https://www.nj.com/...ssf/.../owner_of_jersey_shore_rum_distillery_injured_in_ex.ht... ▼

Dec 24, 2017 - An **explosion** Saturday inside Ocean County's first rum **distillery**, which opened in August, left its owner hospitalized with burns, police said.

Screenshots of a Google search to demonstrate that on average 3-5 distilleries explode per year.