



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- ☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: CPC-2017-467-GPA-VZC-HD-SPR

Project Address: 650-676 South San Vicente Boulevard, Los Angeles, CA

Final Date to Appeal: 08/12/2022

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☐ Representative ☐ Property Owner
☐ Applicant ☐ Operator of the Use/Site

☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Beverly Wilshire Homes Association, Inc.

☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative ☐ Owner ☐ Aggrieved Party
☐ Applicant ☐ Operator

3. APPELLANT INFORMATION

Appellant's Name: Beverly Wilshire Homes Association, Inc.

Company/Organization: _____

Mailing Address: 8443 W. 4th Street

City: Los Angeles State: CA Zip: 90048

Telephone: (323) 653-6254 E-mail: mail@beverlywilshirehomes.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jamie T. Hall

Company: Channel Law Group, LLP

Mailing Address: 8383 Wilshire Blvd., Suite 750

City: Beverly Hills State: CA Zip: 90211

Telephone: (310) 982-1760 E-mail: jamie.hall@channellawgroup.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

b. 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

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: August 22, 2022

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☒ Appeal Application (form CP-7769)
☒ Justification/Reason for Appeal
☒ Copies of Original Determination Letter

b. Electronic Copy

- ☒ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☒ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☒ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☒ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION
--

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

- ☒ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

August 22, 2022

VIA ELECTRONIC UPLOAD

City of Los Angeles
Dept. of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012

Re: Appeal Justifications for Medical Office Project; CPC-2017-467-GPA-VZC-HD-SPR; ENV-2017-468-EIR

To Whom It May Concern:

This firm represents the Beverly Wilshire Homes Association ("Appellant" or "Association"). The Association is an organization dedicated to the protection of both community character and the environment. This letter outlines the appeal justifications for the entitlements for the proposed 656 South San Vicente Medical Office Project ("Project"), which was approved by the City Planning Commission on June 23, 2022.

I. THE PROJECT APPROVALS VIOLATE THE LAMC

A. Conversion of Parking Levels to Commercial Floor Area Exceeds Site Plan Review Authority

Site Plan Review allows the Director of Planning to evaluate a development proposal to ensure it is proper for its site and compatible with surrounding properties and to control or mitigate adverse impacts caused by inadequate site planning or improvements. LAMC Section 16.05-E authorizes the Director to "approve, conditionally approve, or deny" Site Plan Review

approval. If conditioning or modifying the project, the Director shall determine that any conditions or modifications are “necessary to implement the general or specific plan and to mitigate adverse effects of the development project on the environment and surrounding areas.”

Here, Site Plan Review Condition 3.b conditions the Project to require that each parking level shall be designed to be repurposed for commercial uses. The Findings once again fail to include one iota of evidence to support the finding that future conversion implements the General Plan or the Wilshire Community Plan or to mitigate effects on the environment and surrounding areas. On the contrary, it is obvious that an enlargement of floor area and a reduction in provided parking will result in further incompatibility with adjacent low-density residential zones, exacerbate neighborhood intrusion traffic impacts and heighten impacts associated with the intensity of land use on the site. Not only do the Findings lack substantial evidence as drafted, it is not possible for the City to substantiate a finding conditioning future potential enlargement of the Project.

B. The Vesting Zone Change and Height District Change are Improper

LAMC Section 12.32-C mandates that Height District Changes and Zone Changes shall be approved only when deemed consistent the General Plan and is in conformance with public necessity, convenience, general welfare and good zoning practice. Here, the Project is in conflict with foundational land use compatibility policies in both the Framework Element and the Wilshire Community Plan. The Framework Element includes a map designating which sites within the City are eligible to be within the Regional Center designation. The Long Range Land Use Diagram for the Metro area includes a potential Regional Center along Wilshire Boulevard, but the designated area clearly comes to a narrow point, rather than a rounded edge, at the intersection of Wilshire Boulevard and San Vicente Boulevard, indicating that the potential Regional Center designation extends only to properties along Wilshire Boulevard.

Furthermore, the Vesting Zone Change and Height District Change are inconsistent with numerous goals, objectives and policies in the Wilshire Community Plan. The Project results in development of a 12-story medical office building with a 50 percent reduction in vehicle parking relative to LAMC standards, after accounting for claimed reductions for transit proximity and bicycle parking. The proposed high-rise would loom over development in adjacent residential neighborhoods, zoned R3, R2 and R1, while diverting virtually all its traffic burden onto residential streets including Orange Street and Sweetzer Avenue.

Goal 1: Provide a Safe, Secure, and High-Quality Residential Environment for All Economic, Age, and Ethnic Segments of the Wilshire Community

Objective 1-3 Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policy 1-3.4 Monitor the impact of new development on residential streets. Locate access to major development projects so as not to encourage spillover traffic on local residential streets.

Program: Incorporate Neighborhood Traffic Mitigation Plans (NTMP) for major development and provide LADOT assistance to neighborhoods in design of NTMP's.

Goal 14: Discourage Non-Residential Traffic Flow on Residential Local Streets, and Encourage Community Involvement in Determining Neighborhood Traffic and Parking Controls

Objective 14-1: Initiate and continue existing Residential Neighborhood Protection Plans to mitigate traffic and parking impacts throughout the Wilshire Community Plan Area

Policy 14-1.1: The City Planning Department and LADOT should continue to work closely with the Wilshire Community Plan Area residents to identify existing and anticipated "cut-through" traffic and spillover parking from adjacent commercial areas. Through neighborhood community meetings, traffic calming programs and strategies should be developed for effective Residential Neighborhood Protection Plans

Program: Implement Residential Neighborhood Protection Plans to include traffic control monitoring programs to accomplish the following:

- *Installation of proper traffic control devices.*
- *Analysis of effectiveness.*
- *Ensure that undesirable impacts on established residential neighborhoods are minimal.*
- *Examination of the need for additional controls.*

Goal 15: Provide a Sufficient Supply of Well-Designed and Convenient Off-Street Parking Lots and Facilities Throughout the Plan Area

Objective 15-1: Provide off-street parking in appropriate locations in accordance with Citywide standards and community needs.

15-1.2: Develop off-street parking resources, including parking structures and underground parking in accordance with design standards.

C. Conversion of Parking Levels to Commercial Floor Area Exceeds the Council's Authority to Impose [Q] Conditions and [D] Limitations

In conjunction with a legislative approval such the Project's Zone and Height District Change, the City Council is authorized to impose limitations on a development restricting use or development of the property relative to the uses and development otherwise permitted in the approved Zone and Height District. LAMC Section 12.32-G.2 provides for the establishment of "Q" Qualified Conditions to establish heightened development standards on a development and requires a finding that the limitations are necessary to:

- (1) Protect the best interests of and assure a development more compatible with the surrounding property or neighborhood;*
- (2) Secure an appropriate development in harmony with the objectives of the General Plan; or*
- (3) Prevent or mitigate potential adverse environmental effects of the zone change.*

LAMC Section 12.32-G.3 allows the Council to impose a permanent "Q" Qualified classification, rather than a classification which expires, designated by a bracketed [Q].

Likewise, LAMC Section 12.32-G.4 provides for the establishment of "D" Limitations permitting a specific maximum height of floor area ratio less than that ordinarily permitted in the particular Height District Classification, limiting lot coverage or establishing additional setbacks in addition to setbacks otherwise required by the Code. LAMC Section 12.32-G.4(d) allows the Council to impose permanent "D" Limitations designated by a bracketed [D]. The establishment of [D] Limitations requires a finding that the limitations are necessary:

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

Here, the City Council imposed permanent [Q] Conditions and [D] Limitations authorizing an enlargement in the scope of development beyond what was depicted in the Project plans. The authority to impose [Q] Conditions and [D] Limitations may be exercised only to *restrict* development of the Property relative to the proposed development, not to authorize future enlargements. As such, the Council's approval of the [Q] Conditions and [D] Limitations was *ultra vires*.

Furthermore, the findings to justify the [Q] Conditions and [D] Limitations lack substantial evidence. To begin, the findings only explicitly address the Project *as proposed* while

altogether failing to address the expansion of commercial floor area into the parking levels. Nor could the Council conceivably muster substantial evidence to support this finding, as there is no logical connection between authorizing an enlargement of the Project and any of the required findings in LAMC Sections 12.32-G.2 or 12.32-G.4. An enlargement of Project floor area and a reduction in on-site parking would not result in a development that is more compatible with the surrounding neighborhood as it would exacerbate severe parking and traffic conditions which already degrade quality of life. Nor would it advance the objectives of the General Plan or the Wilshire Community Plan, which emphasize land use compatibility and minimization of neighborhood intrusion parking impacts. Finally, the conversion of parking to additional commercial floor area would not prevent or mitigate environmental effects of the Zone or Height District Change, because it could only *increase* environmental impacts. To remedy this error, all references to approved enlargements of the Project must be removed from the [Q] Conditions and [D] Limitations.

D. The 20 Percent Parking Reduction Lacks Substantial Evidence

The LAMC authorizes the Council to approve up to a 20 percent change in parking requirements incident to any legislative land use ordinance. Any parking reduction must be consistent with the required legislative findings that the approval is consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice. The Findings make no attempt to justify the 20 percent parking reduction except for stating that it is *eligible* for a reduction due to its location within a Transit Priority Area. A project's eligibility for a parking reduction is not sufficient to establish that the full extent of the parking reduction is consistent with the required findings. Here, the Project's proximity to low- and low-medium density residential zones, combined with the limited access to the frontage road will funnel vehicles onto Orange Street and Sweetzer Avenue, will exacerbate neighborhood intrusion traffic and parking issues from the parking reduction. The parking reduction request must be rejected.

II. THE GENERAL PLAN AMENDMENT VIOLATES THE CITY CHARTER

City Charter Section 555 provides that the General Plan may be amended for geographic areas only where "the area involved has significant social, economic or physical identity." Here, the Project requires an amendment to the Wilshire Community Plan to change the land use designation of the Project site from Limited Commercial to Regional Center Commercial. The Project site consists of portions of just seven legal lots comprising barely 33,000 square feet of lot area and lacking any substantial distinguishing feature relative to the similarly situated property designated Limited Commercial on San Vicente Boulevard between Orange Street and 6th Street.

The findings purportedly demonstrating compliance with Charter Section 555 (LOD p. F-11 to F-13) are deficient and rely on facts not relevant to the plain meaning of the Charter. The

findings state that the General Plan Amendment would enable development of the Project site into a medical office building, while reciting the Project's purported *future* consistency with General Plan elements promoting transit-oriented development. The City Charter notably uses the present tense verb "has" which, applied at the time of these proceedings rather than in the future, requires that the geographic area maintains significant identity *currently regardless of future development plans*. Currently, the Project site is improved with various buildings which are currently vacant but which previously were used as a sporting goods store and a private school. The current configuration of the site is split between two uses, thus resulting in a site that lacks significant social, economic or physical identity. The Project site lacks social, economic or physical identity and therefore constitutes an improper "spot" General Plan Amendment in violation of Charter Section 555. Furthermore, the City Planning Commission failed to recommend redesignation of additional areas to result in a geographic area maintaining significant social, economic or physical identity.

III. CONCLUSION

Appellant requests that the Project approvals be denied. The Project conflicts with the City Charter, conflicts with fundamental General Plan policies and exceeds the authority of the City Council by authorizing future enlargement of the Project. Appellant reserve the right to supplement the bases for appeal. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall