



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: VTT-74865

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 11, 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 11, 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 Vesting Tentative Tract for Medical Office Project;
VTT-74856-1A; Related Case CPC-2017-467-GPA-VZC-HD-SPR**

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 supplements the appeal justifications articulated in the Association's prior appeal correspondences for the appeal of the Vesting Tentative Tract Map for the proposed 656 South San Vicente Medical Office Project ("Project"), which was approved by the Advisory Agency on May 3, 2022. As noted in the May 13, 2022 appeal justifications, the Project fails to comply with the findings mandated by the Subdivision Map Act for approval of the Vesting Tentative Tract Map.

1. The Map and Subdivision are Inconsistent with General Plan

The Subdivision Map Act requires that a proposed project be consistent with the general plan. Govt. Code §66473.5; Govt. Code §66474. The Advisory Agency erred when it determined that consistency findings could be made for the Project. To begin, the Project seeks extraordinary modifications to basic planning and zoning laws to obtain the height and FAR relief necessary for the Project. As the Project's height and FAR are not permitted by the underlying zoning and land use designation, the Project has requested approval of a General Plan Amendment, a Height District Change and a Vesting Zone Change. These entitlement requests are an admission that the Project fails to comply with the General Plan and zoning requirements. Contrary to the analysis in the Findings, the Project may not presume approval of related case CPC-2017-467-GPA-VZC-HD-SPR and rely on that case to establish consistency with the General Plan. The

City's procedures put the cart before the horse, approving the Vesting Tentative Tract Map *before* the General Plan Amendment and other legislative requests. This practice not only violates the Subdivision Map Act, it violates Association's due process rights and improperly creates the impression that the City Council is foreclosed from approving anything other than the Applicant's requested General Plan Amendment and other approvals. Thus, the City is conducting unlawful proceedings for approval of the Vesting Tentative Tract Map in violation of the Subdivision Map Act.

As detailed in the May 13, 2022 appeal to the City Planning Commission, the Project violates core goals, objectives and policies of the General Plan and the Framework Element, including those addressing emergency response, traffic and transportation, land use compatibility and the provision of adequate off-street parking facilities.

Emergency Response

The Project results in degraded fire and emergency medical service response by concentrating high-density development in an area with already inadequate fire coverage and by degrading already strained response times by exacerbating local congestion. The General Plan Framework establishes a 1.5-mile distance standard for fire response and emergency medical services, yet the Project proposes to create a new medical office high-rise without contributing new fire or emergency medical service facilities. The Project's inconsistencies with the fire standards are further analyzed in the Association's letters dated February 2, 2022 and March 1, 2022 attached to the May 13, 2022 appeal.

The Findings in the Letter of Determination fail to address the Project's burden on emergency services and offer no evidence of consistency with the following core goals, objectives and policies of the Framework Element:

Goal 9J: Every neighborhood has the necessary level of fire protection service, emergency medical service (EMS) and infrastructure.

Objective 9.16: Every neighborhood has the necessary level of fire protection service, emergency medical service (EMS) and infrastructure.

Policy 9.16.1: Monitor and forecast demand for existing and projected fire facilities and service.

Objective 9.17: Collect appropriate fire and population development statistics from the purpose of evaluating fire service needs based on existing and future conditions.

Policy 9.17.2: Assure that all areas of the City have the highest level of fire protection and EMS, at the lowest possible cost, to meet existing and future demand.

Policy 9.17.4: Identify areas of the City with deficient fire facilities and/or service and prioritize the order in which these areas should be upgraded based on established fire protection standards.

Objective 9.19: Consider the Fire Department’s concerns and where feasible adhere to them, regarding the quality of the area’s fire protection and emergency medical services when developing General Plan amendments and zone changes, or considering discretionary land use permits.

Policy 9.19.1: Maintain the Los Angeles Fire Department’s ability to assure public safety in emergency situations.

Policy 9.19.3: Maintain mutual aid or mutual assistance agreements with local fire departments to ensure an adequate response in the event of a major earthquake, wildfire, urban fire, fire in areas with substandard fire protection, or other fire emergencies.

Land Use

The Project violates requirements in the Zoning Code and City Charter limiting the circumstances under which the City may approve a general plan amendment. Los Angeles City Charter, Section 555 provides:

“The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity.” (Emphasis added.)

As noted in the May 13, 2022 appeal, the requirement that the geographic area involved in a proposed general plan amendment be one of “significant social, economic or physical identity” is an express limitation on the City’s power to initiate a general plan amendment. It is an instruction that the amendment process, while not including the entire City, must include a large enough area having a significant identify of its own to avoid piecemeal planning and spot zoning. The proposed general plan amendment violates this requirement because it isolates a single block, indistinguishable from the 600 block of South San Vicente Boulevard north of the Project site.

The Findings in the Letter of Determination for the Related Case are a recitation of irrelevant facts with no bearing on whether the area to be amended has “significant social, economic or physical identity.” For instance, the Findings notes the Project’s location in a Transit Priority Area and goes on at length describing the transit facilities in the Project vicinity. However, none of these facts are unique to the area subject to the General Plan Amendment and therefore are not evidence of any social, economic or physical identity. Similarly, the Findings recite the Project description, which likewise has no bearing on the identity of the area to be amended because Project development is logically subsequent to the General Plan Amendment.

Wilshire Community Plan

The Findings fail to account for the Project’s inconsistency with core policies of the Wilshire Community Plan addressing development compatibility. The Project would degrade quality of life in adjacent residential neighborhoods by introducing an incompatible high-rise with critically inadequate parking and significant traffic generation on residential streets. Exacerbating the impacts of a use which already generates high parking demand, the Project

further requests a 20 percent reduction in parking. The Project would further reduce Level of Service (“LOS”) on impacted streets below the standards in the Community Plan. The Project is thus inconsistent with numerous goals, objectives and policies of the Wilshire Community Plan:

GOAL 1: PROVIDE A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE WILSHIRE COMMUNITY.

Objective 1.1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.1: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.

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.

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.

GOAL 14: DISCOURAGE NON-RESIDENT TRAFFIC FLOW ON RESIDENTIAL LOCAL STREETS, AND ENCOURAGE COMMUNITY INVOLVEMENT IN DETERMINING NEIGHBORHOOD TRAFFIC AND PARKING CONTROLS.

Policy 14-1.2: Support and research emerging traffic calming techniques as potential traffic mitigation factors in impacted residential neighborhoods

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.

Policy 16-1.1: To the extent feasible and consistent with the Mobility Plan 2035’s and the Community Plans’ policies promoting multimodal transportation (e.g. walking, bicycling, driving and taking public transit) and safety, maintain a satisfactory Level of Service (LOS) above LOS “D” for Boulevards II s, especially those which serve Regional Commercial Centers and Community Commercial Centers; and above LOS “D” for Avenues and Collector Streets.

2. The Design and Improvements of the Proposed Subdivision are Inconsistent with the General Plan

The design and improvements of the proposed subdivision are inconsistent with the general plan and zoning. The Project proposes a staggering increase in intensity of use and traffic generation on a site with a frontage road (San Vicente Boulevard) limiting access to major adjacent commercial streets while diverting traffic to residential neighborhoods. As demonstrated above, the General Plan has policies expressly addressing neighborhood intrusion traffic. Moreover, the Wilshire Community Plan addresses degraded LOS and establishes policies to maintain LOS "C" or above for San Vicente Boulevard, which is a Boulevard II according to the Mobility Element.

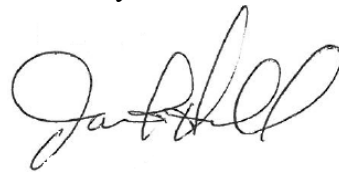
3. The Site is Not Suitable for the Proposed Density of Development

The Findings fail to accurately describe the scope of the Project by excluding any consideration of conversion of the parking levels to occupiable Floor Area. The Project contemplates the future conversion of its four parking levels into commercial floor area, which would result in an enlargement of the scope of the Project by nearly thirty percent. Not only would this exacerbate the Project's incompatibility with adjacent land uses due to its inadequate parking, it also results in a failure to substantiate the finding that the site is suitable for the contemplated development. In addition, the Project's location on a frontage road with restricted access to San Vicente Boulevard and Wilshire boulevard results in traffic being funneled to narrow residential streets where neighborhood intrusion traffic impacts would result in severe land use incompatibilities.

4. Conclusion

For the aforementioned reasons, the appeal of the Vesting Tentative Tract should be granted. Please note that Appellant reserves the right to supplement the bases of this 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