

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

Material which does not comply with the submission rules is not distributed to the Commission.

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If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS



Planning APCEastLA <apceastla@lacity.org>

Re: 1525 West Colorado Blvd

1 message

Nuri Cho <nuri.cho@lacity.org>

Mon, May 20, 2019 at 8:03 AM

To: Planning APCEastLA <apceastla@lacity.org>

Hi James,

I received this email for 1525 Colorado for East LA APC on 5/22 over the weekend. Can this be included in the 48-hour correspondence? Thank you.

On Sun, May 19, 2019 at 5:00 PM MeHee Hyun <mhyun09@gmail.com> wrote:

To Whom It May Concern,

I am writing to express my serious concern and opposition to the proposed project Case No. APCE-2017-2050-ZAA-SPP-SPE. The amount of traffic that this will create will be very unsafe to both the immediate residents and those in nearby areas. I'm not clear how this project aligns to the letter of the Colorado Specific Plan, it certainly does not support the spirit of creating healthy neighborhoods with strong commerce.

As a long-time resident on Dahlia Drive, I am familiar with the congestion that already occurs right at that area with the car wash traffic and the extremely narrow street. During business hours Monday through Saturday, cars from the car wash line that corner area on both sides, already making for difficult pedestrian and auto passage. With the tunnel to the local elementary school located so close by, many young children and families walk on Dahlia and they would be jeopardized by passing by yet another traffic hazard with cars crossing with poor visibility due to the walls on either side of the driveway.

This project will also not be an attractive option for potential occupants. It will be undesirable location for both potential residents and businesses, given the limited and congested parking that is planned and the difficult access in and out of that area. The immediate access to/from Dahlia given the car wash traffic and the narrow street restrict turning capacity. Further, negotiating Colorado Blvd is problematic with existing traffic and having more occupants spilling out onto Dahlia will add to this. Making a left from Dahlia onto eastbound Colorado often requires waiting through multiple lights given the speed of Colorado and the cross traffic from Trader Joe's. Making a left turn from westbound Colorado onto Dahlia also has problems with opposing traffic turning into the busy Trader Joe's parking lot (often crossing early into the middle lane), backing up those traveling eastbound from Colorado trying to turn left onto Dahlia.

I hope you will not support the Dahlia access to this property given these serious concerns that impact residents, local school families, and patrons of the existing businesses.

Sincerely,
MeHee Hyun
Dahlia Drive resident

**Nuri Cho****Central Project Planning Division
Department of City Planning**200 N. Spring St., Room 621
Los Angeles, CA. 90012**T:** (213) 978-1177

Jacqueline Ackerman, Managing Member
1539 Colorado Co. LLC
2170 Century Park East #301 South
Los Angeles, CA 90067
(310) 277-1662

May 20, 2019

DEPARTMENT OF CITY PLANNING
Staff Contact: Nuri Cho, City Planning Associate
200 N. Spring Street
Rm 621
Los Angeles, CA 90065

RE: PROJECT APCE-2017-2050-ZAA-SPP-SPE
CEQA No. ENV-2017-2051-ND
1525 WEST COLORADO BLVD.
Hearing Date: May 22, 2019

OPPOSITION TESTIMONY
OF 1539 COLORADO CO. LLC.
a California Limited Liability Company
owner of 1539 Colorado Blvd., Los Angeles, CA 90041

This **OPPOSITION** to PROJECT APCE-2017-2050-ZAA-SPP-SPE is presented by Jacqueline Ackerman, Managing Member of 1539 COLORADO CO. LLC. a CALIFORNIA LIMITED LIABILITY COMPANY and the owner of the property located at 1539 West Colorado Blvd., Los Angeles, CA 90041, hereinafter referred to as “**LLC**”.

In brief, PROJECT APCE-2017-2050-ZAA-SPP-SPE was applied for by Carlie Yapp, Townsend Development the owner of 1525 West Colorado Blvd, Los Angeles, CA hereinafter referred to as “**1525**”. It contemplates a mixed use property consisting of 6 residential units and 2 commercial units on a site that until now was a small store that only sold car parts. The proposed plan depends upon a narrow 10' wide easement to provide access to the new tenants and the public at large.

This opposition is based on the following:

Jacqueline Ackerman, Managing Member
1539 Colorado Co. LLC
2170 Century Park East #301 South
Los Angeles, CA 90067
(310) 277-1662

The project as proposed is NOT compatible with and WILL ADVERSELY AFFECT OR FURTHER DEGRADE THE PROPERTY OWNED BY THE LLC, the surrounding neighborhood, or the public health, welfare, and safety.

A. APPLICANT HAS NO RIGHT TO TRESPASS ON THE PROPERTY OF THE LLC.

The Applicant's proposal, if granted will deprive the LLC of its basic property rights. The City is aware of reciprocal ingress and egress easements granted in 1923 and attached hereto as Exhibits A and B¹. These ingress and egress easements have been terminated, extinguished and or abandoned or never properly created. The Applicant's property has been totally fenced in for over 25 years² indicating the 1525 predecessor owner's intention of terminating the easement. This termination of the easement was agreed to by the other adjacent owners including the LLC by implication and conduct contrary to the terms of Exhibits A and B.³ The LLC as well as its neighbor to the east, the owner of 1529 Colorado Blvd. (operating the Rose Bowl Motel) have each in their own ways also taken steps to terminate the reciprocal easements recorded in 1923. A gate was built more than 15 years ago to block access from Dahlia Street to the easement, the owners of 1529 have been placing materials such as wood, metal and building office extension on the easement and the LLC has been parking cars on the easement area all of which make any ingress or egress impossible. The easement ceases to exist.

In short, the Applicant at 1525 Colorado, has absolutely no legal right whatsoever to audaciously propose a plan that directs its tenants' traffic to trespass over the fee simple property owned by the LLC.

Any attempts by the City to allow the owner of 1525 or its Tenants to trespass on and over the LLC property or turn it into a public use access road deprives the LLC of its fundamental property rights and constitutes a "taking". In other words, the impairment to the LLC would be so severe that it would be tantamount to the assertion of a servitude on the LLC property for the benefit of the government for which under the U.S. Constitution, government must justly compensate the LLC.

B. LIMITING THE DIRECTION OF TRAVEL ON THE 1923 EASEMENT ALSO DEPRIVES THE LLC OF PROPERTY RIGHTS.

The proposed 1525 plan seeking to limit the direction of traffic on the easement area to one direction is contrary to the dictates of the recorded ingress and egress easement which grants the

¹ Originally, the deeds applied to 4 Lots. However, today, there are only 3 Lots that are affected by the Easement deeds. Lot 1 increased in size, Lots 2 and 3 were tied together as one lot, and Lot 4 remains the same and is owned by Applicant, 1525.

² See LA City Board of Zoning Appeals #BZA Case No.5133 [attached] where on January 8, 1996 the Board denied Applicant's request for a variance. In its SUMMARY OF HEARING section, the Board states that 1525 was not compliance with the Specific Plan because it has "no rear alley". This determination would not have been made if the easement had not been abandoned.

³ The Planning Department in its Notice of Hearing refers to the easement as "non-exclusive" but that term is not found in Exhibit A or B.

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LLC rights to two directions, both ingress and egress. Even if the ingress and egress easements described in Exhibit A and B were not abandoned, terminated and or extinguished, the City's approval of applicant's plan will deprive the LLC of fundamental property rights and also constitutes a "taking" for which the LLC must be justly compensated. Limiting the LLC's ingress and egress easement rights to "Right Turn Only" at the location of the easement will seriously devalue the LLC property.

Limiting the traffic flow to only one direction also places an undo burden on the LLC, which together with its tenants will be inconvenienced by not being allowed to travel from its own property onto the abutting and adjacent Dahlia Street.

c. **THE PLAN CREATES EXPENSIVE MAINTENANCE AND INSURANCE ISSUES FOR THE LLC.**

Should the proposed plan be granted, the back 10 foot easement area along all the 3 parcels of what was originally Tract 4147 will have to be paved and maintained (and insured) to accommodate the additional traffic generated by 12 residential vehicles, 2 commercial vehicles and numerous bicycles identified in the Proposed Plan. This level of use upon the easement areas, together with the required improvement and maintenance was never contemplated by the signors of the Deed of Easement in 1923. The easement deed places the financial responsibilities of improving and maintaining the easement on the adjacent Lot owners in equal proportion. And even if the Applicant offers to pay for the entirety of the improvement and maintenance, the LLC is not relieved of liability and will have to maintain hefty insurance policies because it remains the dominant tenement owners of a lot where substantial new traffic will traverse and pile up. If the Planning Department considers 1) the amount of increased traffic on the easement; 2) the fact that a residential tenants will be using the easement 24 hours a day, 3) the likelihood that vendor vehicles serving the new residential and commercial building will end up parking on the easement, it is clear that the City will be facilitating the Applicant's unreasonable burdening of the LLC's property.

d. **THE PLAN CREATES DANGEROUS SAFETY ISSUES FOR THE LLC.**

In the event of an emergency, with the easement only 10' wide, there may not be is not enough room for emergency vehicles to enter or exit expeditiously or to turn around. Once

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residential and commercial tenants move in, to avoid the traffic on Colorado Blvd, the narrow easement alley will be full of vendor vehicles such as Fedex, US Mail, Amazon, UPS, etc. who will inadvertently and impermissibly temporarily park on the ingress and egress easement creating additional risk for the owners and tenants of the adjacent properties. When Colorado Blvd. is bumper to bumper the 10' wide easement will invariably and impermissibly be used by drivers who will attempt to exit the property creating a big traffic nightmare in a very small area.

The easement is inadequate for fire department and other emergency vehicle access. Under the LAFD shared driveway standards, that would be applicable to the subject easement, (Fire Department Access directive 29.24.110) (a) A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway; (b) Not more than four single-family lots shall abut or touch any portion of the shared driveway and no more than four single-family units may access a shared driveway; (c) A shared driveway shall be least 16 feet wide and not longer than 150 feet.

The easement access is over 150 feet long, it is less than 16 feet wide and will be used by the tenants residing in 6 apartment units and two commercial units. The LLC asks that the City Planning Department to have the LA Fire Department (LAFD) complete a full inspection of the site and prepare a full evaluation report that is circulated to the adjacent property owners. At a minimum, the report should contain:

- i. An analysis of the ability of emergency vehicles to use alternate entrance at Dahlia Street;
- ii. The time estimated to reach the site;
- iii. Water accessibility at the north end of the project;
- iv. Adequate fire truck turn around area;
- v. The fire hazard/insurance impacts upon the LLC and other adjoining parcels.

The LLC also requests that the City complete a full evaluation of the Environmental Impacts of 1525 because of its long term use and exposures to toxic chemicals the many years it was run as an automotive repair and other automotive business.

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E. **TRAFFIC DIRECTION AND NUISANCE THAT WILL COME FROM APPLICANT'S
INTRUSIVE BUILDING DESIGN WILL PLACE A BURDEN ON THE LLC'S PROPERTY.**

a. The LLC requests that before approving the project, **the City obtain a full traffic circulation report and analysis.** While 1525 intends sufficient parking for 12 residential units and 2 commercial units, families with teens today frequently own more than 2 vehicles and there is already a shortage of on street parking. The traffic study should contain:

- i. An analysis of the impact at the intersections of Colorado Blvd and Dahlia Street;
- ii. An analysis of the impact at the intersection of Dahlia Street and the entrance to the easement on the LLC's property, the end of the easement and the exit to Colorado Blvd;

- b. **The proposed plan will create a nuisance as it effectively turn a simple ingress and egress easement into a public right of way.**

The plan calls for the main entrance of the property to be placed 140 feet away from the garage and close to Dahlia Street, a residential street rather than Colorado Blvd. This will undoubtedly create a nuisance for the LLC as well as its surrounding residential neighbors. Applicant's ill contemplated design would turn the narrow 10' easement created by two neighbors in 1923 into a public right of way. It will become the main access for the 14+ vehicles and bicycles that belong to 1925's new residential and commercial tenants but it will also require that the securely gated and closed easement area become open to the public at large. The easement area was never intended to be a public easement.

No portion of the easement area has EVER been dedicated to the City for public use and the City has never attempted to acquire the LLC's 10'x70' property by way of eminent domain.

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Allowing the public access to and over LLC property is a trespass and also a “taking” that is subject to the City's payment of just compensation.

- c. The proposed project will create a traffic nuisance adversely affecting the adjacent LLC property

A mixed use development of the size proposed by 1525 with a 1525 Colorado Boulevard address should not be allowed to design its main entrance so that it is served principally by Dahlia Street. Access should be required from Colorado Boulevard.

As presently conceived, all vehicles including industrial, commercial and personal vehicles attempting access to the 1525 Colorado Blvd. building will have to use Dahlia, a residential street with private residences.

It is reasonable to expect that many commercial vehicles and trucks belonging to the companies that play a major role in American life today such as Amazon, federal express, dumpster trucks, cable trucks, garbage trucks, food delivery, mail trucks, emergency vehicles and providers other services will be constantly traversing and impermissibly trying to park on the 10' wide LLC property beginning at the Dahlia Street entrance. There will not be enough room for a vehicle turn around and it is unlikely that City access standards from the various City departments can be met by the proposed plan. The LLC and its tenants conduct their business and have roll up doors that open right at the point where the 10' easement begins.

A locked gate was put up at this very location blocking public access to the easement entrance over 15 years ago in order to provide protection and security. The trespassers would litter, break things, steal things, threaten, were often intoxicated and engage in other acts of malicious mischief. The gate was put up because it was necessary to prevent unauthorized vehicles, vagrants and others from trespassing onto the LLC and adjacent property and causing various problems. The current proposal contemplates removal of the security gate to allow access to the

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general public. This would again, leave the LLC and its neighbors exposed to the dangers, the crime, the damage and destruction of property the gate was put up to protect against. In addition, the removal of the security gate together with the invitation to the public at large to use the easement to access 1525 instead of Colorado Blvd. will impose on the LLC and its tenants additional nuisances such as traffic noises 24 hours a day, traffic backing up within a few feet of the business, accidents on the LLC property, vagrants and uncontrolled homeless people on the property where the LLC is trying to conduct business. The opening up of the easement area to the general public will also disrupt the business of the LLC's tenant that uses the area behind the gate to park cars as it does now and as it has been doing for many years.

Conclusion:

PROJECT APCE-2017-2050-ZAA-SPP-SPE as proposed should be denied.

Because of non use, the construct of gates and fences, and the placement of objects in the subject area, the ingress and egress easement upon which 1525 relies no longer exists. The City should not approve a project that relies upon an access easement that does not exist. Even if it does exist, the City should not approve the project that when it changes the terms of the express easement from a simple neighbor based ingress and egress easement to a one way, (ingress only) open to the public access road without compensation. Approval of this project will deprive this LLC of substantial property rights and constitutes a taking under the Fifth Amendment of the US Constitution.

The easement language imposes maintenance obligations on the LLC and the plan if granted will create expensive maintenance requirements with grading, paving, lighting, etc. with the access way opened to the public. These items will become the legal responsibility of the LLC and other adjacent owners if even though the benefit will only be conferred on 1525. Moreover, even if 1525 pays these expenses, the insurance rates the LLC and its tenant will have to bear when the public at

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public at large is permitted to trespass over the LLC property 24 hours a day will be a significant increase from what the LLC pays now.

Safety issues have not been adequately addressed to assure the LLC that LAFD emergency vehicles will have expeditious access to the LLC and other nearby properties or that water accessibility will not be an issue under the Plans proposal. The proposed plan does not appear to meet all the required Fire Department standards.

No sufficient traffic study has yet been undertaken either, although the impacts to local traffic and the adjacent property owned by the LLC are obviously going to be significant as described above. An easement area not travelled upon at all for many years will now become a public way. The Applicant has audaciously proposed a plan that can only succeed if its neighbors are forced to give up significant property rights. The public at large should not be allowed to openly trespass over LLC property that has not been open to the public for almost 100 years.

The City does not need a new area of traffic chaos. The 10' width is insufficient to handle the traffic that will be generated by the addition of 6 residential and 2 commercial units in such close proximity to the LLC 24 hours a day. Commercial and industrial merchant trucks will burden the narrow 10' easement. They will want to park to make the delivery *"that will only take a minute"*. They will need to turn around. They will want access 24 hours a day because residential tenants do not keep normal business hours. The easement is not a 1525 driveway. The LLC and its tenants conduct their business, park their cars and have its roll up doors open right at the point where the 10' easement begins and behind the gate at Dahlia. Cars and trucks are 7-9 feet wide leaving only inches between the moving vehicle

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and LLC property or worse a person exiting the LLC's business area. There is a real potential for property damage and personal injury to LLC property and those doing business with the LLC's tenant.

For these reasons expressed here, and for those additional reasons offered by others who oppose this plan (which are incorporated herein by reference), the LLC respectfully requests that the application be denied.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline Ackerman". The signature is fluid and cursive, with the first name "Jacqueline" being larger and more prominent than the last name "Ackerman".

Jacqueline Ackerman, Managing Member
1539 Colorado Co. LLC

Please direct all correspondence to:
1539 Colorado Co. LLC
2170 Century Park East #301 South
Los Angeles, CA 90067

Project Site 1525 W Colorado Blvd
Case No. APC E-2017-2050-ZAASPPD
CEQA No. ENV-2017-2051-ND
Hearing Date May 22, 2019

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Witness by hand and official seal.
(Notarial Seal)

Florence W. Evans, Notary Public

In and for the County of Los Angeles, State of California.

§229. Copy of original recorded at request of Title Insurance & Tr Co., Mar 16, 1923, at 8:30 A.M. Copyist #48. Compared. C.L. Logan, County Recorder, By *N. Anderson* Deputy

Deed of Easement:

This Underture, made this 28th day of December, 1922, between Harold Parker Frackelton and Elsa L. Frackelton, his wife, parties of the first part, and Ruth Agnes Carden, party of the second part, Witnesseth: That the parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant unto the party of the second part, her heirs, grantees and assigns, who may be owners for the time being of Lots Two (2) and Three (3) of Tract No. 4147, in the City of Eagle Rock, County of Los Angeles, State of California, as per map recorded in Book 39, page 100 of Maps in the office of the County Recorder of said County, as an appurtenant to the said lots, and as an appurtenant to either of said lots, a perpetual right-of-way in common with the parties of the first part, and others, who may be owners for the time being of Lots One (1) and Four (4) of said Tract No. 4147, at any and all times, for purposes of ingress and egress, with or without vehicles and animals, over and across the Northernly ten (10) feet of said Lots One (1) and Four (4) of said Tract No. 4147, subject to the payment by the party of the second part, her heirs, grantees and assigns, and others as aforesaid, enjoying said right-of-way, of one-half of the cost and expense of maintaining and keep said right-of-way in good condition and repair for the purposes aforesaid, the owner of said Lot Two (2) to pay one-fourth of said cost and expense, and the owner of said Lot Three (3) to pay one-fourth of said cost and expense.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Witness: Geo. B. Colby.

Harold Parker Frackelton (Seal)
Elsa L. Frackelton (Seal)

State of California, County of Los Angeles) ss: On this 28th day of December, A.D., 1922, before me, John Floyd, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Harold Parker Frackelton, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Notarial Seal)
In and for said County and State.

John Floyd, Notary Public

State of California, County of Los Angeles) ss: On this 29th day of December, A.D., 1922, before me, M. Parker, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Elsa L. Frackelton, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Notarial Seal)
In and for said County and State. My Com. Exp. Sept. 26, 1926.

M. Parker, Notary Public

§229. Copy of original recorded at request of Title Guarantee & Tr Co., Mar 16, 1923, at 8:30 A.M. Copyist #48. Compared. C.L. Logan, County Recorder, By *N. Anderson* Deputy

P.I.

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A

Project Site 1525 W Colorado Blvd
Case No: APE-2017-2050-ZAASPPSPF
CEQA No. ENW-2017-2051-ND
Hearing Date May 22, 2019

1911 341

who has affixed its Seal, the day and year first above mentioned.

(CORPORATE SEAL)

TITLE GUARANTEE AND TRUST COMPANY,
By E. W. L. Franklin, Vice President,
Attested: A. R. Killgore, Secretary.

THE undersigned owner of the note secured by the Deed of Trust mentioned in the foregoing release deed, hereby requests the execution and delivery of this release deed, being in full discharge of said Trust.

A. L. Fugard.

State of California, County of Los Angeles.) ss. On this 13th day of March in the year 1923, before me John Floyd, a Notary Public in and for said County of Los Angeles, State of California residing therein, duly commissioned and qualified, personally appeared E. W. L. Franklin, known to me to be the Vice President and A. R. Killgore, known to me to be the Secretary of the Title Guarantee and Trust Company, the corporation that executed the within instrument known to me to be the persons who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

(NOTARIAL SEAL)
in and for Los Angeles County, State of California.

John Floyd, Notary Public

#15. Copy of original recorded at request of Title Insurance & Tr. Co. Mar. 16, 1923 at 8:30 A. M. Copyist #1, Compared, O. L. Logan, County Recorder, by 76. Deputy

DEED OF EASEMENT.

THIS INDENTURE, made this 28th day of December 1922, between Ruth Agnes Carden and Lester L. Carden, her husband, of Orange County, California, parties of the first part, and Harold Parker Frackelton, of Los Angeles County, California, party of the second part,

WITNESSETH: That the parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged do by these presents grant, bargain, sell, convey and confirm unto the party of the second part, his heirs, grantees and assigns, who may be owners for the time being of Lots One (1) and Four (4) Tract No. 4147 in the City of Eagle Rock, County of Los Angeles, State of California, as per map recorded in Book 39, Page 100 of maps, in the office of the County Recorder of said County, as an appurtenant to said lots, and as an appurtenant to each of said lots, a perpetual right-of-way in common with the parties of the first part, and others, who may be owners for the time being of Lots Two (2) and Three (3) of said Tract No. 4147 at any and all times for purposes of ingress and egress with or without vehicles and animals, over and across the Northerly Ten (10) feet of said Lots Two (2) and Three (3) of said Tract No. 4147 subject to the payment by the party of the second part, his heirs, grantees and assigns, and others as aforesaid, enjoying said right-of-way of one-half of the cost and expense of maintaining and keeping said right-of-way in good condition and repair for the purposes aforesaid, the owner of said Lot One (1) to pay one-fourth of said cost and expense and the owner of Lot Four (4) to pay one-fourth of said cost and expense.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Witness Geo. B. Colby.

Ruth Agnes Carden (SEAL)
Lester L. Carden (SEAL)

State of California, County of Los Angeles.) ss. On this 28th day of December A. D. 1922, before me John Floyd, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Ruth Agnes Carden and Lester L. Carden, known to

P.2

B



Los Angeles City Board of Zoning Appeals

Room 1540, 221 North Figueroa Street, Los Angeles, Ca 90012 (213) 580-5527

Mailing Date: January 8, 1996

BZA Case No. 5133
ZA Case No. 95-0176-ZV
CEQA: MND 95-0068
Fish and Game: Exempt

Address: 1525 Colorado Boulevard
Community plan: Northeast
Zone: C4-2D
Council District: 14
D.M.: 162A227
Legal: Lot 4, Tract 4147

Applicant: Robert J. and Linda Costa (Reginald R. Wong; Leo Esparza, Jess Esparza & Associates)
Appellant: Same

BOARD OF ZONING APPEALS DETERMINATION REPORT

Meeting Date: November 7, 1995

Summary of determination action:

Appeal denied
Variance denied
Findings of Z.A. adopted

Effective Date:

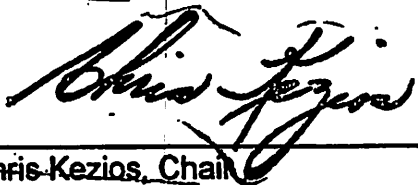
Effective upon the mailing of this report

Appeal Status:

Not appealable

Vote Summary:

Moved: Mr. Silcott
Seconded: Mr. Glushon
Aye(s): Mr. Acevedo, Ms. Kezios
No(es): None
Absent: Fifth member position is vacant


Chris Kezios, Chair


David Kuntzman, City Planner

cc: The determination notice list attached to the case file.

DO NOT file appeals with the Board. File them in accordance with the information contained in this report. Attach a copy of this report to your appeal application.

BOARD OF ZONING APPEALS DETERMINATION REPORT

BACKGROUND AND APPEAL REQUEST:

1. On June 28, 1995, Zoning Administrator Albert Landini denied a variance from Municipal Code Section 12.16-A to permit an automobile repair use, in conjunction with an existing automobile parts retail use in the C4-2D Zone.
2. The applicant appealed the entire action.
3. Time Extension and Hearing Continuance (Rescheduling): At the Board meeting of September 19, 1995, the applicant and Board concurred in an extension of time to November 7, 1995 for the Board to act on the subject case and the Board rescheduled the public hearing to November 7, 1995.

PROPERTY DESCRIPTION:

Site area: approximately 9,150 square feet

Site description: level, rectangular, interior lot

Existing use of site: retail store

ACTION: BY VIRTUE OF THE AUTHORITY VESTED IN IT BY CHARTER SECTION 99 AND MUNICIPAL CODE SECTION 12.28, THE BOARD:

1. Pursuant to Board of Zoning Appeals Case No. 5133 and Zoning Administration Case No. 95-0176-ZV, DENIED the applicant appeal.
2. DENIED the variance.
3. Environmental. DID NOT ADOPT Mitigated Negative Declaration No. 95-0068.

SUMMARY OF THE HEARING:

1. The Zoning Administrator summarized the action, findings and facts set forth in the determination and report to the Board. In addition, the Administrator stated that: the two primary reasons for denial of this case was the impact on residential properties and motel adjacent and lack of conformance to the Colorado Boulevard Specific Plan; the Specific Plan precludes specifically any additional automotive related businesses on Colorado Boulevard in commercial zones with no rear alleys; this is a small business specializing in Volkswagen repair and sale of parts; the use has fairly wide support from the greater neighborhood; the applicants and appellants

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DAY OF HEARING SUBMISSIONS