

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.

ENABLE BOOKMARS ONLINE:

**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

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.

INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

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12106 Herbert St

Appeal Fence Case (F) Findings

THE REQUESTS

The Applicants, Payam Doostzadeh, Eric Cannata, Francois Comtois, Jacob Tilley, Sameer Gadhia, are seeking the following discretionary approvals from the City of Los Angeles:

Pursuant to L.A.M.C. Section 12.24X.7, a **Zoning Administrator's** approval granting relief from L.A.M.C Section 12.21.C.1(g) to permit the construction, use and maintenance of one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence, all of which are over-in-height, within the front yard of a single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping less than 42 inches in height.



PROJECT DESCRIPTION

Project Site

The subject property is a rectangular-shaped parcel located on a parcel containing approximately 5,000.2 square feet of lot area with an approximate 40-foot frontage along Herbert Street, and a lot depth of approximately 125 feet according to Zimas. The property is currently contains an existing single-family dwelling.

The subject site is located in the Palms–Mar Vista–Del Rey Community Plan in an area designated for Low Residential land uses and is zoned R1V2. The surrounding properties to the north, east, and west are also zoned R1V2 with single family dwellings on similarly sized lots. To the south, the surrounding properties are zoned R3-1. This is consistent with the patterns of development in the Palms–Mar Vista–Del Rey Community.

Proposed Project

The applicant proposes to construct one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence along with a native landscaping in the front yard setback. Both the vehicular access gate and pedestrian gate would front onto Herbert St.

LAMC Conformance

As stated above, the Applicant is requesting a Zoning Administrator's Approval of a fence application to permit the construction, use and maintenance of one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence, all of which are over-in-height, within the front yard of a single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping in the front yard setback.

Except for this instant request, the proposed project will abide by all applicable zoning and building codes per the Los Angeles Municipal Code (LAMC) and any other applicable regulating bodies.

STREETS AND CIRCULATION

Herbert St – Adjoining the property on the east is a designated Local Street - Standard.



ADDITIONAL INFORMATION / FINDINGS FOR APPROVAL OF ZONING ADMINISTRATOR FENCE APPROVAL

Pursuant to LAMC Section 12.24-X.7

1. Describe how the proposed project will enhance the built environment in the surrounding neighborhood or how it will perform a function or provide a service that is essential or beneficial to the community, city, or region

The subject property has been owned by the applicants since 2019 and the applicants do not seek to further develop or immediately sell the property following any approval. The characterization that “The applicants are real estate investors who have joined together to renovate the subject property” is not reflective of the actual owners. The owners are members of a local LA band Young the Giant that are active in their community and have well-established relationships with their neighbors (as exhibited by those neighbors letters of support). The request has not diminished the visual compatibility of the property with the subject neighborhood and the applicant’s continued relationship with their neighbors has not created a relationship of mistrust as alleged.

In fact, the property owner’s positive and trusting relationship with their neighbors is what led to the construction of the fence in the first place. Having been notified of trespassing on their property by their neighbors, the owners installed the fence. Due to their lack of familiarity with zoning codes or the permitting process, the owners did not obtain permits out of a lack of awareness rather than any effort to sidestep regulations. In fact, how they constructed the fence would be similar to fence construction that would otherwise not require a building permit per LADBS informational bulletin IB-2020-080 (although the proposed fence is slightly taller and of course within the front yard). When they were notified that the fence was not built to code, they immediately found and engaged consultants to assist with the legalization of the fence. The intentions of the owners were never to mislead nor deceive. The fence was simply built in response to concerns for their security as well as the security of their valuable musical equipment which represents their livelihood.

Furthermore, the characterization that the “the property investors are new to the community, the obstruction immediately begins to sow the seeds of mistrust” could not be farther from the truth. They have lived there for years and garnered the trust and support of their immediate neighbors as mentioned. Additionally, they utilize the property for their personal enjoyment and do not rent the property. There are no other “investors” besides themselves, and they have been good members of the community throughout their time in this home.

The existing single-family dwelling has existed on the property since 1926 without adverse impact to neighboring properties. The single-family dwelling has been well maintained by our clients and kept up with regular maintenance. Vehicular access to the site will be from one vehicular access gate on Herbert Street with pedestrian access from one gate on Herbert Street. The applicant is requesting an adjustment from LAMC Section 12.21-C,1(f) to permit the construction and continued maintenance of one 6’-6” max wood vehicular gate and one 6’-6” max vertical wood pedestrian gate flanked by a 6’-6” max vertical wood and stucco fence within the front yard of a



single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping in the front yard setback. The construction of the new fence has not resulted in any adverse impacts to the neighbors and a handful of neighboring properties contain similar fencing similar fencing that has not diminished the built environment. Thus, the Proposed Project will result in negligible change to the properties relationship to neighboring properties.

Zoning regulations limit fence/hedge heights on residentially zoned property to provide visual consistency in neighborhoods and to limit bulk and mass in the front of properties. Such regulations, however, are written on a citywide basis and cannot take into account the individual, unique characteristics that a specific parcel and surrounding area may have. In this instance, the proposed gates and fence will provide greater security and privacy to the occupants of the residence and match similar features of the existing single family residence and neighboring residences. The subject property is located in Palms–Mar Vista–Del Rey Neighborhood, which has numerous properties that have unpermitted over-in-height fences, walls, and hedges and is located in an area surrounded by multi-family dwellings and commercial. The project would provide for coherent development that is consistent with the spirit and intent of zoning.

2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed construction and continued use of over-in-height walls, vehicular and pedestrian gates in the front yard will not result in a loss of light or air for neighboring properties or result in a dramatic change in the appearance of the property. Surrounding properties are within the R1V2 and R3-1 Zones and are characterized by flat topography.

Records show that the following properties located in the Community Plan Area of the subject property have received approval from the Office of Zoning Administration to construct over-in-height fences and walls in the required yards:

- 12672 West Palms Avenue – ZA-2003-6389-F-ZAD
On December 23, 2003, the ZA approved the construction, use and maintenance of a maximum 5-foot 6-inch high wrought iron fence over masonry block wall, and pilasters (not including lights), and maximum 5-foot 6-inch wrought iron vehicular and pedestrian gates in the front yard setback of a property zoned R1.
- 12101 West Washington Blvd – ZA-2012-3399-ZAA
On March 8, 2013, the ZA approved the construction, use and maintenance of a sound barrier wall up to 14 feet in height and approximately 332 feet in length, in lieu of the maximum 8 feet permitted in the side and rear yards, in the R3-1 Zone.

Further, City records do not show any other permitted over in height fences on the subject block. However, other properties have, without any permit, installed fencing and landscaping over the permitted height in their front yard. Even though these instances cannot be considered as



precedent setting, special circumstances pertaining to the location of all properties along the same block face should be considered, and these instances do impact the character of the neighborhood.

The ZA alleges that “The fence, posts, vehicular gate and pedestrian gate, with a maximum height of 6 feet 6 inches, are not consistent with the improvements found on the single family zoned lots within the immediate neighborhood and surrounding community”. However properties containing over-in-height features in the front yard setback measuring greater than 42 inches do exist along the street and in the nearby area:

- 12016 Herbert Street (unpermitted over-in-height fence)
- 12140 Herbert Street (over-in-height fencing and landscaping along Herbert St)
- 12033 Herbert Street (unpermitted overgrown landscaping)
- 12024 Herbert Street (unpermitted over-in-height fence and landscaping)
- 4309 Grand View Blvd
- 12204 Louise Ave (unpermitted overgrown landscaping)
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- 4270 Lindblade Dr (unpermitted over-in-height fence and overgrown landscaping)
- 4250 Lindblade Dr (unpermitted over-in-height fence)
- 4157 Marcasel Ave (unpermitted overgrown landscaping)
- 4188 Marcasel Ave (unpermitted overgrown landscaping)
- 11881 Park Ave (unpermitted overgrown landscaping)

Therefore, our request is not entirely inconsistent with the surrounding community. These similar approvals and instances have not resulted in any adverse impacts to the neighboring properties. The property owner's gates are compatible in terms of height, materials, and location to these other walls. It is with this information that we hope to clarify that minimal impacts to the neighborhood will be made by allowing this fence to exist within the neighborhood while providing extensive aesthetic and security benefits to the subject property.

It should be noted that there are other homes along the street with fences containing masonry bases with wood/iron features that match the character of the project's fence design including:

- 12013 Herbert (masonry base with masonry pillars and wrought iron)
- 12016 Herbert (masonry base with wood slates on top)
- 12020 Herbert (masonry base with landscaping on top)
- 12101 Herbert (masonry base with landscaping on top)
- 12112 Herbert (masonry fence – our neighbor to the west)
- 12124 Herbert (masonry base with masonry pillars and wrought iron)



The ZA also alleges that “the 6-foot over-in-height front yard obstruction limits the future occupants' observation of, and involvement in the neighborhood, which such participation has long been attributed to the overall welfare and safety of this well established neighborhood.” If anything, the permitting and entitlement of this fence has brought the owners CLOSER to their neighborhood after actively canvassing for support and forming tighter bonds with their neighbors.

The project is categorically exempt from the provisions of the California Environmental Quality Act. The project's location, size, height and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Proposed Project substantially conforms with the purpose, intent and provisions of the General Plan and the Palms–Mar Vista–Del Rey Community Plan. There is no applicable specific plan for the Project site. The Palms–Mar Vista–Del Rey Community Plan designates the property for Low Residential land uses. The Community Plan does not address deviations in the heights of fences and walls. It is within the zoning administrator's discretion, on a case-by-case basis taking into consideration factual circumstances, to provide for zoning deviations that best serve the public health, safety and general welfare. The owners are active in the LA community and are members of a well-known local band, and the security of themselves and their music equipment is paramount to their enjoyment of the home. Their immediate neighbors have provided their support for this request as they have well-standing relationships with their neighbors. Additionally, though the neighborhood's tree-lined residential character is beautiful and quiet, the subject property is located in an area surrounded by multi-family dwellings and commercial properties creating the potential for unsafe characteristics. As the use of the property is consistent with its zoning and land use designation, the project should be found to be in substantial conformance with the purpose, intent and provisions of the General Plan and not in conflict with any provision within the Palms–Mar Vista–Del Rey Community Plan.

4. Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property

The proposed maximum 6'-6" max wood vehicular gate and one 6'-0" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence will result in no significant environmental impacts. The applicant has designed and constructed the gates and fencing with material that is consistent with the design and materials of the existing dwelling and is consistent with neighborhood character.

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Therefore, to conclude that the proposed fence would be an “incompatible element being introduced into this well-established tree-line street and will be detrimental to its existing character” would be misguided considering the existing composition of many fencing features along the street.

The entry vehicular gate will allow motorists to have adequate visibility as additional safety precautions will be taken into consideration such as installing reflective mirrors to allow pedestrian and vehicular traffic greater visibility. The request has not significantly impaired any access to light and air or impede the views of any abutting property owners. As designed, the request provides for privacy and security without Impeding the view and security of others. The request is not anticipated to have any impacts on solar access, ventilation or privacy of adjoining properties.



12106 Herbert St

Appeal Fence Case (F) Findings

THE REQUESTS

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2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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Planning APC West LA <apcwestla@lacity.org>

Attachment for No. ZA-2015-420-CUB-DRB-SPP-1A Appeal letter

3 messages

Sandra Eddy <sandra.eddy@earthlink.net>

Tue, Oct 4, 2022 at 3:45 PM

To: apcwestla@lacity.org, Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Information below is intended to supplement letter submitted by Sandra Eddy regarding my **support the LOD disapproval of the CUB.**

Thank you.

Sandra Eddy

REVISED From information previously submitted to file in
2021

CURRENT AS OF 10/4/22

ATTACHMENT - SENSITIVE USES 15401 SUNSET BLVD

Sensitive Uses* within 600 ft radius

What they submitted:

Palisades Elementary

Temescal Canyon Park

DWP STATION

Pacific Palisades Woman's Club

What they omitted:

ALL residential-

- **14 Condo and apartment buildings**, representing
hundreds of families, including **1029 Via de la Paz** which is
within 25 feet of the project

- **50 single family homes** in surround neighborhood

- **Atria Senior Living - 60 residents**

Simon Meadow YMCA - they have it 600-1000

Village Green - Community Park - Sunset at

Swarthmore

Aldersgate Retreat - Buerge Chapel and Meditation

Garden; now an elementary school

Alcohol Uses* within 600 ft radius

What they submitted:

- Ritrovo - onsite beer/wine (out of business)
- Gelsons - off-site full alcohol (did not mention their onsite wine tasting permit)
- Casa Nostra - formerly Tivoli - onsite beer/wine
- Cathay Palisades - onsite beer/wine (out of business)
- Beech Street - onsite beer/wine

What they omitted:

No mention of the 8 liquor licenses associated with Caruso development on Swarthmore between Sunset and Monument Street, one block from the Shell station

- all EIGHT Palisades Village licenses full liquor licenses.
- Erewhon (Formerly Vintage Grocer) full off-site
- Others are onsite;

*As indicated in LA Municipal Code LAMC Section 12.24 W.1

Sensitive Uses* within 600 - 1000 ft radius

What they submitted:

- Methodist Church
- YMCA
- Simon Meadow YMCA (is actually 600ft)
- Palisades Charter High School
- US Post Office
- American Legion

What they omitted:

- 7 Arrows School (private elementary school in 2 locations)
- Village School** (private elementary school)

**This school is at 1,020 ft radius, literally across the street from American Legion and the Post Office.

Alcohol Uses* within 600 - 1000 ft radius

What they submitted:

CVS - off-site

What they omitted:

Kay n Daves, [15246 W. Sunset Blvd](#) - Now full liquor onsite - New restaurant in this location will be Prima Cocina and keep the license

Pearl Dragon, [15229 W. Sunset](#) - full liquor onsite

Modo Mio, [15200 W. Sunset Blvd](#) - onsite beer/wine

Taj Palace - [15200 W. Sunset Blvd](#) - onsite beer/wine

Cinque Terre - [970 Monument St](#) - onsite beer/wine

*As indicated in LA Municipal Code LAMC Section 12.24 W.1

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Wed, Oct 5, 2022 at 8:43 AM

To: Sandra Eddy <sandra.eddy@earthlink.net>

Cc: apcwestla@lacity.org

Sandra,

Also confirming receipt of this second supplemental email.

Best always,

[Quoted text hidden]

--



LOS ANGELES
CITY PLANNING

Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org



Sandra Eddy <sandra.eddy@earthlink.net>

Wed, Oct 5, 2022 at 10:43 AM

To: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Cc: apcwestla@lacity.org

Great! Thanks so much, Nick.

Best,
Sandy

Sent from my iPhone

10/12/22, 11:03 AM

City of Los Angeles Mail - Attachment for No. ZA-2015-420-CUB-DRB-SPP-1A Appeal letter

On Oct 5, 2022, at 8:43 AM, Nick Vasuthasawat <nick.vasuthasawat@lacity.org> wrote:

[Quoted text hidden]



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP- 1A, Appeal Hearing Date: 10/19/22

1 message

Robin Weitz <robinweitz1@gmail.com>

Tue, Oct 11, 2022 at 9:10 PM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Hello and good evening.

1) I am a resident living at [1101 Monument Street, Pacific Palisades, California 90272](#), and work at [875 Via De La Paz, Suite D, Pacific Palisades, California 90272](#) - these locations are about 500 feet from the subject premises. I have lived here since 1994.

2) I hereby object to Saheed Kohanoff, Applicant and Appellant's appeal of the conditional use to allow the sale of beer and wine in conjunction with a convenience store proposed at 15401 and [15406 West Sunset Boulevard, Pacific Palisades, California 90272](#) operating as a liquor store:

a) our neighborhood is overly concentrated with alcohol serving establishments - along Sunset Boulevard from Temescal Canyon to Carey - half a mile

(i) Restaurants (15): Angelini, Armav, Beech Street, Blue Ribbon Sushi, Casa Nostra, Chipotle, Cinque Terre West, Draycott, Hank's, Kay N Dave's (sold), Modo Mio, Pearl Dragon, Porto Via, Ritrovo (closed from fire), Taj Palace,

(ii) Off-site purchases (4): Gelson's, Ralphs, CVS, Erewhon

(iii) Movie Theater (1): Cinopolis/Netflix

b) the subject property is located on a corner that services students going to Palisades Charter High School, Palisades Elementary Charter School, Seven Arrows, and Methodist Preschool;

c) the subject property has a bus stop servicing students from Paul Revere Middle School and Palisades Charter High School;

d) there is no need for alcohol to be purchased at the gas station;

e) the proposed site is adjacent to a condo complex housing several people - having alcohol purchases will be a constant disturbance - car doors slamming, cars braking, cars exiting and entering, lights flickering and flashing; back up alarms; locking and unlocking alarms; beeps; chatter; and voices;

f) The Applicant/Appellant has had a history of selling to minors;

g) the Applicant/Appellant sold juul pods to minors without asking for any verification;

Residents are not demanding this use, and I respectfully request that the West Los Angeles LA Area Planning Commission not allow the sale of beer and wine in conjunction with a convenience store operating as a liquor store. The Hearing Officer ruled correctly in not allowing the sale of beer and wine in conjunction with a convenience store proposed at 15401 and [15406 West Sunset Boulevard, Pacific Palisades, California 90272](#) - it is not necessary or warranted for our community.

Thank you for your time and attention.

Sincerely,

Robin Weitz, 310/251-9060
robinweitz1@gmail.com



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A Appeal letter

2 messages

Sandra Eddy <sandra.eddy@earthlink.net>

Tue, Oct 4, 2022 at 2:53 PM

To: apcwestla@lacity.org, Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

**To: City Planning Commission Office West Los Angeles Area Planning
Commission**

And

Nick Vasuthasawat

From: Sandra Eddy
1155 Via de la Paz
Pacific Palisades 90272
310 454-1155

Appeal Hearing Shell Station
15401 and [15406 W. Sunset Blvd.](#) 1021, 1023, 1029, and [1031 North Via de la Paz](#)
Case No. ZA-2015-420-CUB-DRB-SPP-1A
Hearing Date: October 19, 2022, 4:30p

We own a condo at 15515 Sunset where my stepson lives, which is adjacent to the Shell station. In addition, we own a home on Via de la Paz and live 2 blocks north of Sunset Blvd. , just outside the 600ft radius.

I am opposed to Saeed Kohanoff's application for a CUB, permit to sell beer and wine, and therefore **I support the LOD disapproval of the CUB; and, I support the LOD proposed placement of the mini market on the property.**

I submitted a letter on 8/18/17 which focused on Mr. Kohanoff's sensitive use attachment to his application. Not only did he under-report in every category, he completely ignored the first use listed in the use requirements in the LA Municipal Code. He did not list anything for the residential uses in the 600ft radius. This blatant omission exemplifies Mr. Kohanoff's total disregard for the surrounding neighbors.

While Mr. Kohanoff's attorney has characterized the neighborhood as 'commercial', that is clearly not the case. Mr. Kohanoff does not live in our community and apparently has complete disregard for the neighborhood surrounding his gas station. He grossly undercounted the sensitive use properties in the 500 foot radius of his gas station in other categories as well.

By walking the surrounding area, it is easy to count the 49 single family homes, 298 condos and apartments and 60 residents at Atria Senior Living, representing nearly a thousand people, that live in the 600ft radius. They ignored a thousand residents. They also ignored Aldersgate Retreat, which is now an elementary school owned by 7 Arrows. Clearly the number of people who will be impacted by the close proximity reinforces the argument that alcohol sales is inappropriate at this location. Please refer to my attachment for detailed information.

And finally, in 2015 when we were first made aware of this project, we collected nearly 300 signatures of neighbors who oppose the project. This illustrates that there is neither the need nor demand for alcohol sales at the neighborhood gas station. With 3 grocery stores (Gelson's, Erewhon and Ralph's) and a CVS within walking distance of the gas station, each selling a wide range of alcohol, selling alcohol at this gas station location does not provide an unserved need for our neighborhood. Copies of the petitions were submitted to City Planning and are in the file.

Thank you for your consideration of my request to uphold the LOD disapproval of the CUB permit.
Sincerely,

Sandra Eddy



Residents - Sensitive Use 600ftREVISED.pdf
1021K

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>
To: Sandra Eddy <sandra.eddy@earthlink.net>
Cc: apcwestla@lacity.org

Wed, Oct 5, 2022 at 8:38 AM

Hi Sandra,

Thank you for your comment. I am confirming receipt of this email and attachment which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--



LOS ANGELES
CITY PLANNING

Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A

1 message

David Greifinger <tracklaw@me.com>

Wed, Oct 5, 2022 at 11:29 PM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org



Letter re- Shell Station DRG.pdf

102K



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A

1 message

Svetlana Yanov <svtdll@yahoo.com>

Thu, Oct 6, 2022 at 2:29 PM

To: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>, apcwestla@lacity.org

Mr. Vasuthasawat,

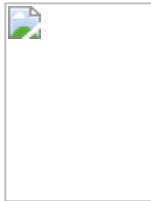
I am Svetlana Yanova living right to the Shell gas station where the proposed project planned. My address is [1029 Via De La Paz](#). Please help me and my neighbors to stop building a bigger gas station with the store inside selling alcohol. The sell of any alcohol will attract more homeless people and teenagers from the high school across the street. As you know, the homelessness is a big problem for all of us. Selling alcohol will bring more homeless people to the area and create more crime. Living next to the gas station is not fun from the beginning but have people buying alcohol and drinking over there will make it completely miserable. We have a lot of families with young children in the building and the neighborhood, Who need your help to stop this project to go forward.

Thank you for your involvement,

Svetlana Yanova

Sent from my iPhone

--

**Nick Vasuthasawat**

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

[Los Angeles, CA. 90012](#)[Planning4LA.org](#)

T: (213) 978-1250





Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-4201-CUB-DRB-SPP-1A Hearing date Oct 19 -

1 message

Ronald Vinje <ravinje@gmail.com>

Tue, Oct 11, 2022 at 5:05 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>, "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

October 10, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.orgnick.vasuthasawat@lacity.org

My name is Ronald Vinje. I live in a condo at [1029 Via de la Paz, Unit 128, Pacific Palisades](#), next door to the Shell Station. There are a total of 107 units in our condo complex, with 2 addresses in the HOA – 15515 Sunset and [1029 Via de la Paz, \(Via de la Paz Homeowners.\)](#)

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- 1. There should be NO SALE of BEER or WINE at the Shell Station—**There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School where my children went to school.) The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- 2. The Position of the Building should remain in the same approximate location (in the middle of the property)—**This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station.

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

I respectfully request the rejection of Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Ronald Vinje



Planning APC West LA <apcwestla@lacity.org>

Fw: ZA-2015-420-CUB-DRB-SPP-1A - OPPOSITION LETTER

2 messages

p.nelson09@yahoo.com <p.nelson09@yahoo.com>
To: "apcwestla@lacity.org" <apcwestla@lacity.org>
Cc: "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Sun, Oct 2, 2022 at 1:39 PM

Dear West APC, and Mr. Nick Vasuthasawat:

I am supporting LA City Planning Department's Letter of Determination recommendations for the Shell Station project. I am in support of Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

You will find a copy of my original letter to Mr. Charles Rausch dated August 14, 2021 regarding this matter below.

Thank you again for your consideration in this matter.

Sincerely,

Phyllis Nelson
Homeowner
Via de la Paz Condominium

----- Forwarded Message -----

From: p.nelson09@yahoo.com <p.nelson09@yahoo.com>
To: charlie.rausch@lacity.org <charlie.rausch@lacity.org>
Cc: nick.vasuthasawat@lacity.org <nick.vasuthasawat@lacity.org>
Sent: Saturday, August 14, 2021 at 09:27:50 AM PDT
Subject: ZA-2015-420-CUB-DRB-SPP - OPPOSITION LETTER

Dear Mr. Rausch:

As a homeowner at the Via de la Paz Condominium complex, located directly next door to the subject location, I am opposed to the proposed convenience store, alcohol sales and operating hours for the following reasons:

Alcohol Sales/Mini shopping center: This is a family oriented residential neighborhood close to schools. Alcohol sales with a super-sized convenience store with 24/7 hours of operation are inappropriate at this location.

Noise: Parking lot and related convenience store noise after 10 pm is an intrusion on the neighbors right to peace and quiet.

Traffic/safety: The issues include: Dozens of school aged kids crossing the driveways (twice a day, 5 days a week) and elderly people out for walks with their caretakers from the adjacent

nursing home; left-hand turns into the parking lot blocking traffic on Sunset and Via de la Paz; additional cars created by proposed convenience store are hazardous for drivers and pedestrians.

Loitering and Police Activity/Hours of Operation: The hours of operation at a 24/7 convenience store that sells beer and wine within 50 feet of bedroom windows of the adjacent condominium complex is unacceptable.

All night (or even late night) large-scale convenience stores are crime hot-spots. Establishing a late hour business with proposed alcohol sales would become a place for transients and homeless in the Palisades to congregate.

There are many other reasons for opposition that have been voiced in the past, and are included in your files.

Thank you for your consideration when reviewing the proposed expansion/hours/alcohol sales at this location.

I urge your rejection of the requested permits for a 2440 sq. ft. convenience store with expanded hours and the sale of alcoholic beverages.

Sincerely,
Phyllis Nelson
Via de la Paz Homeowner

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>
To: "p.nelson09@yahoo.com" <p.nelson09@yahoo.com>
Cc: "apcwestla@lacity.org" <apcwestla@lacity.org>

Tue, Oct 4, 2022 at 4:41 PM

Hello Phyllis,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--



Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Re: Case No. ZA-2015-420-CUB-DRB-SPP-1A

2 messages

Sacha Irwin-Smith <sachairwin@gmail.com>

Wed, Oct 5, 2022 at 10:19 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

To: City Planning Commission Office
West Los Angeles Area Planning Commission
apcwestla@lacity.org

Nick Vasuthasawat
nick.vasuthasawat@lacity.org

From: Sacha Irwin
sachairwin@gmail.com

Re: Case No. ZA-2015-420-CUB-DRB-SPP-1A

Appeal Hearing Shell Station
15401 and [15406 W. Sunset Blvd.](#) 1021, 1023, 1029, and [1031 North Via de la Paz](#)
Case No. ZA-2015-420-CUB-DRB-SPP-1A
Hearing Date: October 19, 2022, 4:30p

I own a condo on the ground floor at 15340 Albright which is directly across the street from the Shell station.

I am opposed to Saeed Kohanoff's application for a CUB, permit to sell beer and wine, and therefore I **support the LOD disapproval of the CUB; and, I support the LOD proposed placement of the mini market on the property.**

Attached is a photo from my future child's room window and another from my patio. It is clear that creating a mini market selling alcohol would be an intrusion to our home. I remember how shady the Mobil station was at night back before Caruso took over.

Please uphold the ruling of Mr. Rausch's Letter of Determination of July 28, 2022.
Thank you for your consideration.

Sincerely,
Sacha Irwin





Sacha Irwin-Smith

Cell Phone: 310-402-4259

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

To: Sacha Irwin-Smith <sachairwin@gmail.com>

Cc: apcwestla@lacity.org

Wed, Oct 12, 2022 at 8:11 AM

Hi Sacha,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

LOS ANGELES
CITY PLANNING**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Subject: Case No. ZA-2015-420-CUB-DRB-SPP- 1A; Appeal Hearing Date: 10/19/22

1 message

Ted Weitz <t.weitz4@verizon.net>

Fri, Oct 7, 2022 at 10:37 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

I am herewith resending my submission in objection to the appeal in Case No. ZA-2015-420-CUB-DRB-SPP- 1A as my prior submission sent 10/6/22 did not include the case number of the appeal. The case number of the appeal now appears on the bottom of the first page of the objection letter and on the bottom of the first page of the attachments.

The submission consists of a letter dated October 6, 2022 and an attachment comprising three prior letters.

Ted Weitz

ted@tedweitzlaw.com

Tel: 310.573.1238

Fax: 310.573.9348

**Shell.10.19.22.Appeal.TCW.pdf**

1820K



Planning APC West LA <apcwestla@lacity.org>

Support for Mr. Rausch's July 28,2022 Letter of Determination ZA-2015-420-CUB-DRB-SPP-1A

1 message

PPRA Palisades <ppra90272@gmail.com>

Fri, Oct 7, 2022 at 4:34 PM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org, elynorc@yahoo.com, jessicamarigeros@outlook.com, Sarah Conner <sarah@connercoast.com>, barbara@kohn.com, "sandra.eddy@earthlink.net" <sandra.eddy@earthlink.net>

Dear West APC,

In reference to case **ZA-2015-420-CUB-DRB-SPP-1A**, Pacific Palisades Residents Association, PPRA, is submitting this letter in support of Mr. Rausch's Letter of Determination Disapprovals and Approvals for the Shell Station project.

The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

This is the third letter submitted by PPRA over the last several years since the request for construction of a mini market with permission to sell alcoholic beverages. PPRA is terribly concerned and against any sale of alcoholic beverages at that site. There is absolutely no gain for offering that kind of service at that location. It is a well known fact that convenient stores that sell alcoholic beverages attract crime and people loitering in front of the markets. The Station is located in the heart of a quiet, sleepy, family oriented residential community. We need to look out for the safety of our residents and our youth. We also ask that you respect the neighbors that live adjacent to the station and follow through with the recommendations of Mr. Rausch regarding the placement of the new mini mart.

Thank you very much for including this email in the record.

Regards,

Elynor Chiu

Pacific Palisades Residents Association, President



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

2 messages

rcgold@verizon.net <rcgold@verizon.net>

Mon, Oct 3, 2022 at 7:39 AM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org

We support Mr. Rasuch's July 28, 2022 approvals and disapprovals for case ZA-2015-420-CUB-DRB- SPP-1A.

Bob and Marge Gold
353 Las Casas Ave.
Pacific Palisades, CA 90272

Sent from Marge's iPad

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Tue, Oct 4, 2022 at 4:42 PM

To: rcgold@verizon.net

Cc: apcwestla@lacity.org

Bob & Marge,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

1 message

Repetti, Rena <repetti@psych.ucla.edu>

Wed, Oct 5, 2022 at 2:09 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>

Cc: "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Dear Mr. Vasuthasawat,

I am a neighbor of the Shell gas station project site under review in case number **ZA-2015-420-CUB-DRB-SPP-1A**. I live at 1177 Galloway Street, within 500 feet of the site and am writing to express strong support for the recommendations that the LA City Planning Dept's Letter of Determination describes for the project. In particular, I am in complete agreement with Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals denying the sale of alcoholic beverages at the proposed Shell Station mini market and providing specific placement guidelines for the new building.

Please see below the letter that I sent to Mr. Vasuthasawat on July 6, 2021. It explains my position that additional sources of alcohol are simply not needed in the Palisades and that the sale of beer and wine in this location is incompatible with the quiet residential community in which the property is located.

In closing, I'd like to note again that it is incredibly disheartening for Palisades residents to have to repeatedly write letters and participate in public hearings about the same exact issue. My involvement goes all the way back to August 2017 when I participated in an in-person public hearing at which many Palisades residents expressed objections to those requests.

Thank you for considering the neighborhood's point of view.

Sincerely,

Rena Repetti

From: Repetti, Rena <repetti@psych.ucla.edu>**Date:** Tuesday, July 6, 2021 at 9:15 PM**To:** nick.vasuthasawat@lacity.org <nick.vasuthasawat@lacity.org>, jordann.turner@lacity.org <jordann.turner@lacity.org>**Cc:** Grinblatt, Mark <mark.grinblatt@anderson.ucla.edu>**Subject:** Case No. : DIR-2019-1115-CDP-MEL

City of Los Angeles

Department of City Planning

200 N. Spring Street, Room 720

[Los Angeles, CA 90012](#)

Attention: Nick Vasuthasawat, Planning Assistant

Re: Case No. : DIR-2019-1115-CDP-MEL

CEQA No. : ENV-2018-505-17346

Location : [15401-15406 West Sunset Blvd., Pacific Palisades](#)

Dear Mr. Vasuthasawat,

I am writing on behalf of myself and my husband, Mark Grinblatt, residents of Pacific Palisades. Our home at [1177 Galloway Street](#) is just a few blocks from the Shell gas station project site. We strongly oppose the Shell station's request (described in a notice of public hearing that was sent to our home) for an exemption from CEQA, a conditional use permit ("CUP") to allow 24 hours per day of operation, and a CUP to sell beer and wine. These requests repeat a past Shell station request that generated an overwhelmingly negative community response. During the summer of 2017, we participated in an in-person public hearing at which many Palisades residents expressed objections to those requests. Palisades residents are surprised that this issue has arisen again. It is quite disheartening that the city is requiring us to repeat our arguments against these proposed changes.

Additional sources of alcohol are simply not needed in the Palisades. Three supermarkets and a CVS, all of which sell beer and wine, are located within a few blocks of the project. One supermarket, Gelsons, is right across the street from the Shell station. The proposed project would unnecessarily increase the density of locations for the purchase of beer and wine for off-premise consumption, which is known to be associated with increased risks for a community. Research shows that there is a positive association between the number of such outlets in a given neighborhood and increases in crime as well as adverse health effects (e.g., <https://pubmed.ncbi.nlm.nih.gov/29227232/>).

The sale of beer and wine in this location is incompatible with a quiet residential community. The proposed changes would increase noise and attract individuals who seek inexpensive sources of alcohol but are deterred by private security guarding our local supermarkets. For example, the gas station might become a convenient pit stop for the loud motorcycle gangs that ride through the Palisades on Sunset at least twice each week. The families living right next door to the gas station will be the most adversely affected, but so will neighbors in the entire surrounding area.

Everyday, many children pass the gas station on their way to-and-from five local schools: Palisades Charter Elementary School ([800 Via de la Paz](#)), the Village School ([780 N. Swarthmore Ave](#)), Corpus Christi School (890 Toyopa Dr), Seven Arrows Elementary School ([15239 La Cruz Dr](#)), and Palisades Charter High School (15777 Bodoin Street). All are within a 5-10-minute walk from the Shell station. One recent study (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3778110/>) found that "children with an alcohol outlet on the route to school were more likely to be offered alcohol, tobacco, and other drugs as well as be exposed to drug selling and seeing people using drugs." It is also important to note that children who attend Palisades High School come from all over the city. They often wait for hours for a parental pick-up. All of our children and teens need safe after-school activities, not a nearby gas station that sells beer and wine.

The Palisades community has direct experience with this phenomenon. A minimart at the Mobil gas station that existed on the corner of Swarthmore and Sunset ([15281 W Sunset Blvd](#)) until about 2016 sold alcohol and was a disaster for the community. The minimart functioned as a gathering place for drug sales and as a location where underage minors were able to purchase inexpensive beer and wine. Because of what went on there and the frequent police activity around the station, it was treated as a "no-go zone" by families with preteens and teenagers.

To further complicate matters, there has been an explosion in the number of unhoused individuals living in cars and tents in town (including in the vicinity of the Shell station), on Will Rogers beach, and on the hills above PCH. The price point of wine and beer sold at a gas station and the easy in-and-out access at all hours would be a draw for this population. That would exacerbate a multifaceted set of problems that are already difficult to tackle among the homeless. In particular, there is a very high prevalence of substance abuse and mental illness within this population, challenges that are compounded by the use of alcohol to self-medicate.

From a bird's eye view, the request for a 24-hour mini-mart that sells alcohol might seem trivial, but for people who live, work and attend school in our quiet family neighborhood, the adverse effects are quite obvious and severe. We hope the city will deny the Shell Station's requests.

Thank you for considering our point of view.

Sincerely,

Rena Repetti

Rena Repetti, PhD

Professor

UCLA, Department of Psychology

1285 Franz Hall

Los Angeles, CA 90095-1563

Tel: (310) 206-9290

FAX: (310) 206-5895



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

1 message

Dave Barnett <dave@davebarnettproductions.com>
To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Fri, Oct 7, 2022 at 1:36 PM

October 7, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.orgnick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 115, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I myself have two children, both of whom regularly exit our condo building and walk out of the building and past the Shell station. They go every morning on their way to school, they pass it every afternoon on their way back. In addition they pass it every time they go to their friends houses and to the Village, as well as to get food.

This is our home, and we do not want an increase of traffic, we do not want people buying alcohol, we do not want people to go in and buy cigarettes and light up in front of our pathway to and from the building, and we do not want to incur any more transients and homeless than the many we already deal with.

Therefore I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

1. There should be NO SALE of BEER or WINE at the Shell Station—There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.

2. The Position of the Building should remain in the same approximate location (in the middle of the property)—This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station).

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents

of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Dave Barnett

October 11, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 129, Pacific Palisades (nextdoor to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate. I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- **There should be NO SALE of BEER or WINE at the Shell Station**—There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- **The Position of the Building should remain in the same approximate location (in the middle of the property)**—This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station).

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,
Catherine Dunne

LAW OFFICES OF
DAVID R. GREIFINGER

15515 Sunset Blvd., No. 214 • Pacific Palisades, California 90272
Telephone (424) 330-0193 • Facsimile (831) 920-4864 • E-mail: tracklaw@me.com

October 5, 2022

RE: Case No. ZA-2015-420-CUB-DRB-SPP-1A

Via email to apcwestla@lacity.org and nick.vasuthasawat@lacity.org

To Whom it May Concern:

I live at 15515 West Sunset Boulevard, Unit No. 214, in Pacific Palisades. I am writing in support of the findings in Mr. Rauch's March 28, 2022, Letter of Determination of Disapprovals and Approvals for Case No. ZA-2015-420-CUB-DRB-SPP-1A, for the Shell Station at Sunset Boulevard and Via de la Paz in Pacific Palisades. The findings are well-reasoned and consistent with the best interests of the community.

The proposed sale of alcoholic beverages at the proposed Shell Station mini market is particularly inappropriate. The station is less than a quarter of a mile from Palisades High School and Palisades Elementary School and near numerous private elementary and middle schools. Traffic is a major concern at the intersection of Via de la Paz and Sunset, and the blind westbound curve on Sunset in front of the station adds to the hazard, both for alcohol sales and an expanded mini market. Additionally, the alley behind the gas station has in recent years has become a magnet for transients. The proposed sale of alcohol will only add to the problem.

Thank you for your consideration.

Very Truly Yours,

David Greifinger

David Greifinger

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(310) 260-6016

October 6, 2022

Sent Via E-Mail
apcwestla@lacity.org
etta.armstrong@lacity.org
nick.vasuthasawat@lacity.org
jordann.turner@lacity.org

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

Honorable Commissioners:

I represent the Via De La Paz Association (“VDLPA”) and its individual members. The VDLPA is a homeowners association representing 107 condominiums and approximately 214 people in buildings immediately adjacent to and only 20’ away from the Project site.

The owner of 15401-15406 W. Sunset (“Applicant”) is seeking an exemption from CEQA, a conditional use permit (“CUP”) to allow 24/7 hours of operation, a CUP to sell beer and wine from and a Project Permit Compliance Review and Design Review (the “Project”).

The VDLPA opposes the Project.

INTRODUCTION

This is one of many hearings regarding the expansion of use at the Project site. In 2007, the City rejected an application proposing the expansion of the gas station.

In 2015, the Applicant applied for approval of the present Project. On August 31, 2017, the City conducted a public hearing. The record was closed without a decision. The City then allowed Applicant to submit further reports after the matter was closed, essentially providing Applicant with a “do-over” without any substantial justification or even an explanation. The matter was set for another public hearing. The VDLPA objected to this second hearing on the grounds that this “do-over” was unfair to the neighboring residents and violated their right of due process.

Nevertheless, on July 7, 2021, the City conducted another public hearing regarding the Project. Then over a year passed by without any decision or determination.

On July 28, 2022, Associate Zoning Administrator, Charles J. Rausch issued the City’s determination regarding the Project. The Applicant has appealed this determination.

PROJECT DESCRIPTION

The Project will demolish an existing 1,620 sf. gas station located approximately in the center of the Project site and construct a new 2,440 sf. convenience store on the western lot line of the site. The existing convenience store is only 440 sf. and Applicant proposes a new 2,440 sf. store that will double the sales area of the store to approximately 850 sf.

Applicant is requesting the following discretionary actions:

1. A Class 32 Exemption from the California Environmental Quality Act (CEQA);
2. A Conditional Use Permit (CUP) to allow the sale of beer and wine from 6 a.m. to 2 a.m.;
3. A CUP to allow hours of operation for 24 hours, 7 days a week;
4. A Project Permit Compliance and Design Review pursuant to LAMC §§11.5.7 and 16.50.

THE CITY'S JULY 28, 2022 DETERMINATION

The City made the following determinations with conditions:

1. That the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Class 5 and Section 15332 Class 32 and that there is no substantial evidence demonstrating that any exceptions apply under Section 15300.2 of the State CEQA Guidelines.
2. Disapproval of a Conditional Use allowing the sale of beer and wine.
3. Disapproval of a Conditional Use allowing 24 hour, daily operation and an approval of a Conditional Use allowing operation from 6 a.m. to 11 p.m.
4. Approval of a Project Permit Compliance and Design Review to demolish the existing structure and construct a new 2,440 sf. convenience store at an existing gas station.

Applicant requested that the new store be located on the west lot line of the site. The City imposed Condition 8, which placed the new store in the middle of the Project site, with the four parking spaces to be located on the west side of the site. Essentially, Condition 8 keeps the store in the general area where the present store is located. This preserved the existing access from Sunset Blvd. to the alley on the north side of the site.

APPLICANT'S APPEAL

Applicant appealed the 7/28/22 Determination regarding Condition 8 (the location of the store) and the denial of a conditional use permit to sell wine and beer.

Applicant contends that the imposition of Condition 8, keeping the store in the middle of the site, renders the parking and traffic circulation “problematic and potentially infeasible.” However, Applicant provided no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades.

Applicant also contends that the denial of a conditional use permit for the sale of beer and wine was erroneous because the sale of beer and wine will provide an essential service and a convenience to the community. Applicant also asserts that this use permit merely replaces one at a nearby location that closed six years ago in 2016.

THE VDLPA'S OPPOSITION TO THE APPEAL

The VDLPA opposes the Appeal of the 7/28/22 Determination for the following reasons:

1. If the Project store is moved from the middle of the site, then it will cause a serious, adverse traffic circulation impact and increase traffic congestion. Applicant's proposed plan eliminated the long-time access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' wide alley behind the Project, between the Project and residences and right under residential bedrooms. This will bring increased traffic closer to the adjacent homes. Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. The increased use of the alley, with trucks backing down with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.
2. Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. There is no public benefit to allow the Project to sell alcohol and this is not an essential service for the neighborhood. Alcohol is available for sale at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary. The neighborhood opposes this use.

CONDITION 8 IN THE CITY'S 7/28/22 DETERMINATION CORRECTLY KEEPS THE STORE LOCATION IN THE MIDDLE OF THE SITE

Applicant's proposed site plan moves the store to the west lot line, eliminating access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' alley behind the Project, which is between the Project and the next door homes.

Locating the store at the west lot line of the site will cause a dangerous traffic circulation impact. The City's 7/28/22 Determination mitigates this with Condition 8, which places the store in the center of the site, where it has been for decades.

Without Condition 8, increased traffic will be pushed closer to the adjacent homes. Persons entering the adjacent property, including deliveries, will have to use the alley. Persons leaving must back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. Traffic on Via de la Paz will slow to allow access to and from the alley. The increased use of the alley will result in vastly more noise right under the bedrooms of the adjacent homes.

Applicant contends that Condition 8 renders the parking and traffic circulation "problematic and potentially infeasible." But Applicant provides absolutely no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades. There is no good reason to move the store to the west lot line, but there would be plenty of adverse impacts if this is done. Applicant has operated a store at the center of the site for years without any adverse impacts.

The City was correct in keeping the store in the middle of the site. Nothing will be taken from Applicant if it is left there. If the Project is allowed as proposed, persons seeking access to the adjacent commercial property will be forced to use the 20' alley behind the site. This increased traffic will cause more noise and give rise to an extremely unsafe situation for drivers and pedestrians. Applicant has not and cannot dispute this.

THE CITY'S 7/28/22 DETERMINATION CORRECTLY DENIES ALCOHOL SALES

Applicant wants to sell beer and wine in the new store. In 2015, Applicant wanted alcohol sale hours of 6 a.m. to 2 a.m. Applicant now wants the hours to be from 10 a.m. to 10 p.m.

Los Angeles Municipal Code §12.24-W governs the authority to grant a conditional use to sell beer and wine for off-site consumption. §12.24-W(a) allows such a conditional use provided that the Zoning Administrator makes the following findings:

- (1) that the proposed use will not adversely affect the welfare of the pertinent community;
- (2) that the granting of the application will not result in an undue concentration of premises for the sale ... of alcoholic beverages, including beer and wine ... giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and
- (3) that the proposed use will not detrimentally affect nearby residentially zoned communities ... after giving consideration to the distance of the proposed use from residential buildings ...”

The City received substantial input from the neighboring residents to the effect that the sale of alcohol will adversely affect neighboring homes. Noise from late night customers arriving and leaving the Project site after purchasing alcoholic beverages will adversely affect the quiet enjoyment of the adjacent homes. There will be the sound of car doors opening and closing late at night. Loud conversations in the parking lot are to be expected.

Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood.

As the adjacent homes are located above the site grade only 20’ from the store, no wall or landscaping will mitigate potential adverse impacts from noise, lights, glare and other nuisances resulting from the late night purchase of alcohol. To allow this Project to sell alcohol would violate the Municipal Code.

THE CITY REJECTED AN EXPANSION OF THE STORE AT THE SITE IN 2007

In 2007, the owner (at that time) of the Project site applied for a CUP to expand the convenience store. (Case No. ZA 2006-9396 (CU) The owner also sought to build a new, separate car wash. The City rejected not only the car wash, but also the expansion of the convenience store. This involved the same gas station as the present Project.

In rejecting the expansion of the convenience store, the ZA made the following findings:

1. The proposed location will not be desirable to the public convenience or welfare.

The City found that the convenience store expansion “*provides no particular convenience given the proximity to Gelson’s Market, Ralph’s Market, CVS and a Mobile gas station food mart.*”

The City found that any patronage of the convenience store *“would be substantially from the nearby area which has responded with its opposition to the use. Therefore, the alleged convenience to be provided is a false one.”*

2. The location is not proper in relation to adjacent uses.

The City noted the presence of VDLPA’s 107 units immediately adjacent to the site and noted the adverse effects of noise from cars and increased traffic on the adjacent residents. The City found that increasing the size of the convenience store *“adds nothing beneficial to the development of the community given the availability of purchasing a wider selection of the same items at competitive prices within walking distance of the subject site.”*

3. The use will be materially detrimental to the character of the neighborhood.

Regarding traffic, the City noted that residents of this area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city, stating:

“... the degree of change may be statistically insignificant when compared to the city at large but tangibly significant to those who live and work in the immediate area of the project site ...”

Regarding the increase of traffic, the City found that *“Either the enlargement will attract more patronage ... or the expansion makes little economic sense and will attract no significant increase in revenue.”* Therefore, there would have to be more vehicle trips to the store. The City found that *“the character of the area goes to the heart of the specific plan”* and to expand the store would be to *“completely disregard the plan.”*

4. The store expansion will not be in harmony with the General Plan.

The City made the specific finding that the proposed expansion of the food mart beyond the otherwise allowed 600 sf. is *“inconsistent with the specific plan.”*

Applicant takes great pains to assert that prior applications and denials are irrelevant because they are old. (But Applicant has no problem relying on a traffic report that’s over seven years old.) However, the City’s findings made in 2007 are still true today and as this is a larger project, the adverse effects on the neighborhood will only be worse than what was anticipated in 2007.

There is no doubt (as the City found in 2007) that an enlargement of the store will attract more patronage. Otherwise the expansion makes no economic sense. Applicant’s traffic report (from Kimley-Horn) is over seven years old and completely out of date. Even so, it admits that “Project-related traffic is expected to access the site similarly to the existing site usage, albeit with greater intensity due to the increase in building area.” Trips to the store will increase. The related noise and adverse traffic impacts will increase.

There is still no basis for a conclusion that the Project will be: 1) desirable to the public convenience or welfare; 2) proper in relation to adjacent uses or the development of the community; 3) not materially detrimental to the character of the development in the immediate neighborhood; and 4) in harmony with the General Plan.

CONCLUSION

Condition 8 in the City's July 28, 2022 Determination correctly keeps the store in the Project in the middle of the site. If the store is moved to the west lot line, then it will cause a bad traffic circulation impact and create a dangerous situation for motorists and pedestrians.

With the store at the west lot line, the long-time access to the adjacent commercial property from Sunset Blvd. will be eliminated. Access to the commercial property will be limited to the alley behind the Project and next to residences, bringing increased traffic closer to the adjacent homes.

Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an unsafe situation for drivers and pedestrians. The increased use of the alley, including trucks backing up with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.

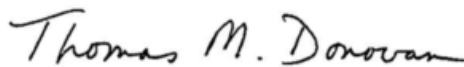
Applicant has produced no evidence that the Project will be impaired in any way if the store is kept in the middle of the Project site. There is no evidence that keeping the store in the middle of the site is infeasible in any way. That's where the store has always been. There has been no "taking" as Applicant asserts. The City is merely keeping the store in the middle of the site where it has been located for decades.

Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood. In fact, the neighborhood opposes this use. The Project's hours with the sale of beer and wine will adversely affect the quiet enjoyment of the adjacent homes. The City already rejected a lesser expansion of the convenience store.

The VDLPA also contends that a Class 32 Categorical Exemption to CEQA is inapplicable and that the Project is not in conformity with the Community Plan and the Specific Plan. The Proposed Mitigated Negative Declaration and its findings are not supported by substantial evidence. The Project violates Los Angeles Municipal Code §12.24-W. The VDLPA has provided substantial evidence to make a fair argument under CEQA that the Project may have a significant effect on the environment. The mitigation measures and conditions proposed are insufficient. The VDLPA's arguments regarding these issues are attached in Addendum A and in prior submissions to the City.

If the WLA APC is inclined to allow this Project at all, at the very least, the store should be located at the center of the site and no alcohol should be sold there.

Very truly yours,

A handwritten signature in black ink that reads "Thomas M. Donovan". The signature is written in a cursive, flowing style.

Thomas M. Donovan

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THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
(310) 260-6016

ADDENDUM “A”

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

The Via De La Paz Association (“VDLPA”) and its individual members submit this Addendum in further opposition to the proposed Project identified above.

A CLASS 32 CATEGORICAL EXEMPTION IS INAPPLICABLE TO THIS PROJECT

Despite the prior 2007 decision, the City, in its 7/28/22 Determination, approved a Class 32 Exemption from CEQA, after a Proposed Mitigated Negative Declaration was circulated. It appears that Planning changed its thinking solely because of a noise report unfairly submitted in March 2020, long after the record had closed. Regardless, a Class 32 Exemption is inapplicable.

A Class 32 exemption from CEQA under California Code of Regulations (CCR) §§15300.2 and 15332 exempts projects if they meet certain criteria.

California Code of Regulations §15300.2(c) provides in part as follows:

§15300.2. Exceptions

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. *[Emphasis added]*

California Code of Regulations §15332 provides in part as follows:

§15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. *[Emphasis added]*

The Location of the Project is in a Sensitive Environment and Unusual Circumstances Exist.

A Class 32 Exemption is inapplicable if a reasonable possibility of a significant effect due to unusual circumstances is demonstrated. The City has been presented with substantial testimony that the Project site is in a sensitive environment and presents unusual circumstances.

In 2007, the City denied the expansion of the convenience store at this same location. The City specifically found that residents of the Project site area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city. This is a finding that the Project site is in a sensitive environment and presents unusual circumstances.

Testimony from neighboring residents established that the Project site has unusual circumstances, with residential homes only 20 ft. from the Project site. The neighborhood is primarily a quiet bedroom community and noise easily travels. Residents even further away from the site can already hear noises that emanate from the present gas station in the evening.

This is a sensitive and unusual neighborhood when compared with the rest of the City. The Project will have significant unmitigated effects on traffic and public safety, which make the exemption unavailable. The testimony of the Project neighbors is adequate to establish unusual circumstances and a reasonable possibility that the project will have a significant environmental impact.

The Project is not Consistent with the Applicable Community Plan.

A Class 32 Exemption does not apply unless the project is consistent with the policies of the applicable Community Plan. (Public Resources Code 21059.25(b)(1).) Objective 2-1.3 in the Community Plan requires that projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 is to preserve community character and scale.

The City concluded in 2007 that: The proposed expansion of the food mart beyond the otherwise allowed 600 square feet and the introduction of a car wash are inconsistent with the specific plan.” No car wash is sought in the present application. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf., a greater increase than sought in 2007.

Approval of the Project Will Result in Significant Effects Relating to Traffic and Noise.

The Project will cause an adverse traffic circulation impact and increased traffic to the site. The change in traffic patterns will result in an increased use of the adjacent alley. It will also cause significant noise that will adversely affect the quiet enjoyment of the adjacent homes.

The Applicant’s traffic engineers admitted that Project-related traffic will increase, but underestimated the amount of increase. By staying open until 11 p.m., the increase will occur when nearby residents are sleeping in their homes. Opposition from nearby residents confirms this significant noise increase. The neighborhood residents have established the reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. Therefore, a categorical exemption may not be used for this Project.

A Class 5 Exemption is Also Inapplicable to the Project.

The Notice of Public Hearing on 7/7/21 did not notify the public that a Class 5 Exemption was

sought. Due to this failure, this exemption should not have been considered. The VDLPA objected to its consideration. Regardless, a Class 5 Exemption is inapplicable to the Project.

A Class 5 Exemption from CEQA under Code of Regulations (CCR) §15305 provides:

§15305 - Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

A Class 5 Exemption is inapplicable to the Project. It can only apply if there are only minor alterations of land use limitations and no changes in land use. As indicated in §15300.2, a project that is ordinarily insignificant in its impact may be significant in a particularly sensitive environment. This is one of those situations. The changes sought by the Applicant are not minor and there are specific changes in land use. The present gas station does not sell alcohol. To allow the sale of alcohol is a specific change in land use. The substantial opposition to the present application confirms that this is not a minor change.

The primary use of the present gas station is to sell gas. Its present, small, 440 sf. convenience store is an accessory to the sale of gas. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf. (at a minimum), doubling the square footage. This makes the sale of gas accessory to the sale of other items, including alcohol. This is a major change in the primary use of the site. The Project will likely make more money from the sale of alcohol and other items than from the sale of gas.

THE PROJECT DOES NOT COMPLY WITH THE COMMUNITY AND SPECIFIC PLANS FOR THE PROJECT SITE AREA

The Project site is governed by the Brentwood-Pacific Palisades Community Plan and the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. The Project conflicts with the Community Plan's goals, objectives and policies. A purpose of the Community Plan is to preserve and enhance the positive characteristics of existing residential neighborhoods.

Objective 2-1.3 in the Community Plan requires that commercial projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 in the Community Plan is to preserve community character and scale.

The Specific Plan, adopted in 2016, sets forth specific purposes. Section 2.A provides that future development be compatible with the surrounding residential community. Section 2.B indicates that the individual qualities of plan areas are to be preserved. Section 2.D states that commercial uses should be consistent with the general character of the community, which includes single-family residences and some multiple residential structures. Section 2.F notes the promotion of harmonious development by prohibiting uses inconsistent with the Plan and inappropriate to their sites, surroundings and traffic circulation.

A convenience store, operating 24/7 while selling alcohol until 11 p.m. is not consistent with the above plans and goals which are designed to protect residential neighborhoods. These operating hours with the sale of alcohol are incompatible to with the adjacent homes and inconsistent with the general neighborhood character. The Project as proposed conflicts with the community plans.

THE PROPOSED MND IS DEFICIENT IN FAILING TO IDENTIFY AND MITIGATE THE ADVERSE IMPACTS ON LAND USE

The Proposed Mitigated Negative Declaration (MND) is deficient as follows:

1. The MND Initial Study notes that increased noise levels may result, but astonishingly states that potential impacts will be mitigated simply by a 6-foot wall. This absurd mitigation will not affect the Project's noise from the projecting to the bedrooms on the floors above a wall.
2. The Initial Study indicates that the Project conforms with the existing community plans and that there is no conflict with the plans. As indicated above, this is untrue.
3. The Initial Study indicates noise as an environmental factor but mentions nothing about its effect on the adjacent homes.
4. The Initial Study finds that the Project will have no impact on traffic. No consideration is given to the Project's effect on the adjacent commercial building and the resulting change in traffic patterns. Even Applicant's traffic engineers indicate that the Project will increase traffic with greater intensity.

The proposed findings by the MND are false and not supported by sufficient evidence. The consequence is that no mitigation measures are proposed. Failing to cite inconsistencies with adopted land use policies as adverse impacts and failing to identify or propose any reasonable mitigations, is a failure to proceed in the manner required by CEQA. No doubt this is why Planning wants to consider an exemption. Otherwise, this Project would not pass muster under CEQA.

OBJECTION TO THE 7/7/21 HEARING.

The VDLPA continues to object to the Public Hearing held on 7/7/21. The Applicant filed his application in 2015 and the City held a hearing on 8/31/17. No decision was made and the record was left open to 9/22/17. The record was closed as of that date, yet the City allowed the Applicant to submit further reports and then allowed a second hearing. The City provided the Applicant with a "do-over" without any justification. This was unfair to the neighboring residents and violated their right of due process.

The City allowed the Applicant to submit a noise report dated 3/10/20. Project opponents were not notified that the record was still open. The Applicant should not have been allowed to make further submissions after the record was closed. The 7/7/21 Notice of Public Hearing was also defective in that the times to sell alcohol were not indicated and the square footage sought was misstated. A new Notice of Public Hearing should have been issued to provide full and fair notice of what was proposed. Please see the Opposition submitted by the VDLPA dated 7/6/21 for further details.

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October 6, 2022

Sent Via E-Mail
apcwestla@lacity.org
etta.armstrong@lacity.org
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jordann.turner@lacity.org

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

Honorable Commissioners:

I represent the Via De La Paz Association (“VDLPA”) and its individual members. The VDLPA is a homeowners association representing 107 condominiums and approximately 214 people in buildings immediately adjacent to and only 20’ away from the Project site.

The owner of 15401-15406 W. Sunset (“Applicant”) is seeking an exemption from CEQA, a conditional use permit (“CUP”) to allow 24/7 hours of operation, a CUP to sell beer and wine from and a Project Permit Compliance Review and Design Review (the “Project”).

The VDLPA opposes the Project.

INTRODUCTION

This is one of many hearings regarding the expansion of use at the Project site. In 2007, the City rejected an application proposing the expansion of the gas station.

In 2015, the Applicant applied for approval of the present Project. On August 31, 2017, the City conducted a public hearing. The record was closed without a decision. The City then allowed Applicant to submit further reports after the matter was closed, essentially providing Applicant with a “do-over” without any substantial justification or even an explanation. The matter was set for another public hearing. The VDLPA objected to this second hearing on the grounds that this “do-over” was unfair to the neighboring residents and violated their right of due process.

Nevertheless, on July 7, 2021, the City conducted another public hearing regarding the Project. Then over a year passed by without any decision or determination.

On July 28, 2022, Associate Zoning Administrator, Charles J. Rausch issued the City’s determination regarding the Project. The Applicant has appealed this determination.

PROJECT DESCRIPTION

The Project will demolish an existing 1,620 sf. gas station located approximately in the center of the Project site and construct a new 2,440 sf. convenience store on the western lot line of the site. The existing convenience store is only 440 sf. and Applicant proposes a new 2,440 sf. store that will double the sales area of the store to approximately 850 sf.

Applicant is requesting the following discretionary actions:

1. A Class 32 Exemption from the California Environmental Quality Act (CEQA);
2. A Conditional Use Permit (CUP) to allow the sale of beer and wine from 6 a.m. to 2 a.m.;
3. A CUP to allow hours of operation for 24 hours, 7 days a week;
4. A Project Permit Compliance and Design Review pursuant to LAMC §§11.5.7 and 16.50.

THE CITY'S JULY 28, 2022 DETERMINATION

The City made the following determinations with conditions:

1. That the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Class 5 and Section 15332 Class 32 and that there is no substantial evidence demonstrating that any exceptions apply under Section 15300.2 of the State CEQA Guidelines.
2. Disapproval of a Conditional Use allowing the sale of beer and wine.
3. Disapproval of a Conditional Use allowing 24 hour, daily operation and an approval of a Conditional Use allowing operation from 6 a.m. to 11 p.m.
4. Approval of a Project Permit Compliance and Design Review to demolish the existing structure and construct a new 2,440 sf. convenience store at an existing gas station.

Applicant requested that the new store be located on the west lot line of the site. The City imposed Condition 8, which placed the new store in the middle of the Project site, with the four parking spaces to be located on the west side of the site. Essentially, Condition 8 keeps the store in the general area where the present store is located. This preserved the existing access from Sunset Blvd. to the alley on the north side of the site.

APPLICANT'S APPEAL

Applicant appealed the 7/28/22 Determination regarding Condition 8 (the location of the store) and the denial of a conditional use permit to sell wine and beer.

Applicant contends that the imposition of Condition 8, keeping the store in the middle of the site, renders the parking and traffic circulation “problematic and potentially infeasible.” However, Applicant provided no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades.

Applicant also contends that the denial of a conditional use permit for the sale of beer and wine was erroneous because the sale of beer and wine will provide an essential service and a convenience to the community. Applicant also asserts that this use permit merely replaces one at a nearby location that closed six years ago in 2016.

THE VDLPA'S OPPOSITION TO THE APPEAL

The VDLPA opposes the Appeal of the 7/28/22 Determination for the following reasons:

1. If the Project store is moved from the middle of the site, then it will cause a serious, adverse traffic circulation impact and increase traffic congestion. Applicant's proposed plan eliminated the long-time access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' wide alley behind the Project, between the Project and residences and right under residential bedrooms. This will bring increased traffic closer to the adjacent homes. Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. The increased use of the alley, with trucks backing down with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.
2. Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. There is no public benefit to allow the Project to sell alcohol and this is not an essential service for the neighborhood. Alcohol is available for sale at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary. The neighborhood opposes this use.

CONDITION 8 IN THE CITY'S 7/28/22 DETERMINATION CORRECTLY KEEPS THE STORE LOCATION IN THE MIDDLE OF THE SITE

Applicant's proposed site plan moves the store to the west lot line, eliminating access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' alley behind the Project, which is between the Project and the next door homes.

Locating the store at the west lot line of the site will cause a dangerous traffic circulation impact. The City's 7/28/22 Determination mitigates this with Condition 8, which places the store in the center of the site, where it has been for decades.

Without Condition 8, increased traffic will be pushed closer to the adjacent homes. Persons entering the adjacent property, including deliveries, will have to use the alley. Persons leaving must back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. Traffic on Via de la Paz will slow to allow access to and from the alley. The increased use of the alley will result in vastly more noise right under the bedrooms of the adjacent homes.

Applicant contends that Condition 8 renders the parking and traffic circulation "problematic and potentially infeasible." But Applicant provides absolutely no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades. There is no good reason to move the store to the west lot line, but there would be plenty of adverse impacts if this is done. Applicant has operated a store at the center of the site for years without any adverse impacts.

The City was correct in keeping the store in the middle of the site. Nothing will be taken from Applicant if it is left there. If the Project is allowed as proposed, persons seeking access to the adjacent commercial property will be forced to use the 20' alley behind the site. This increased traffic will cause more noise and give rise to an extremely unsafe situation for drivers and pedestrians. Applicant has not and cannot dispute this.

THE CITY'S 7/28/22 DETERMINATION CORRECTLY DENIES ALCOHOL SALES

Applicant wants to sell beer and wine in the new store. In 2015, Applicant wanted alcohol sale hours of 6 a.m. to 2 a.m. Applicant now wants the hours to be from 10 a.m. to 10 p.m.

Los Angeles Municipal Code §12.24-W governs the authority to grant a conditional use to sell beer and wine for off-site consumption. §12.24-W(a) allows such a conditional use provided that the Zoning Administrator makes the following findings:

- (1) that the proposed use will not adversely affect the welfare of the pertinent community;
- (2) that the granting of the application will not result in an undue concentration of premises for the sale ... of alcoholic beverages, including beer and wine ... giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and
- (3) that the proposed use will not detrimentally affect nearby residentially zoned communities ... after giving consideration to the distance of the proposed use from residential buildings ...”

The City received substantial input from the neighboring residents to the effect that the sale of alcohol will adversely affect neighboring homes. Noise from late night customers arriving and leaving the Project site after purchasing alcoholic beverages will adversely affect the quiet enjoyment of the adjacent homes. There will be the sound of car doors opening and closing late at night. Loud conversations in the parking lot are to be expected.

Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood.

As the adjacent homes are located above the site grade only 20’ from the store, no wall or landscaping will mitigate potential adverse impacts from noise, lights, glare and other nuisances resulting from the late night purchase of alcohol. To allow this Project to sell alcohol would violate the Municipal Code.

THE CITY REJECTED AN EXPANSION OF THE STORE AT THE SITE IN 2007

In 2007, the owner (at that time) of the Project site applied for a CUP to expand the convenience store. (Case No. ZA 2006-9396 (CU) The owner also sought to build a new, separate car wash. The City rejected not only the car wash, but also the expansion of the convenience store. This involved the same gas station as the present Project.

In rejecting the expansion of the convenience store, the ZA made the following findings:

1. The proposed location will not be desirable to the public convenience or welfare.

The City found that the convenience store expansion “*provides no particular convenience given the proximity to Gelson’s Market, Ralph’s Market, CVS and a Mobile gas station food mart.*”

The City found that any patronage of the convenience store *“would be substantially from the nearby area which has responded with its opposition to the use. Therefore, the alleged convenience to be provided is a false one.”*

2. The location is not proper in relation to adjacent uses.

The City noted the presence of VDLPA’s 107 units immediately adjacent to the site and noted the adverse effects of noise from cars and increased traffic on the adjacent residents. The City found that increasing the size of the convenience store *“adds nothing beneficial to the development of the community given the availability of purchasing a wider selection of the same items at competitive prices within walking distance of the subject site.”*

3. The use will be materially detrimental to the character of the neighborhood.

Regarding traffic, the City noted that residents of this area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city, stating:

“... the degree of change may be statistically insignificant when compared to the city at large but tangibly significant to those who live and work in the immediate area of the project site ...”

Regarding the increase of traffic, the City found that *“Either the enlargement will attract more patronage ... or the expansion makes little economic sense and will attract no significant increase in revenue.”* Therefore, there would have to be more vehicle trips to the store. The City found that *“the character of the area goes to the heart of the specific plan”* and to expand the store would be to *“completely disregard the plan.”*

4. The store expansion will not be in harmony with the General Plan.

The City made the specific finding that the proposed expansion of the food mart beyond the otherwise allowed 600 sf. is *“inconsistent with the specific plan.”*

Applicant takes great pains to assert that prior applications and denials are irrelevant because they are old. (But Applicant has no problem relying on a traffic report that’s over seven years old.) However, the City’s findings made in 2007 are still true today and as this is a larger project, the adverse effects on the neighborhood will only be worse than what was anticipated in 2007.

There is no doubt (as the City found in 2007) that an enlargement of the store will attract more patronage. Otherwise the expansion makes no economic sense. Applicant’s traffic report (from Kimley-Horn) is over seven years old and completely out of date. Even so, it admits that “Project-related traffic is expected to access the site similarly to the existing site usage, albeit with greater intensity due to the increase in building area.” Trips to the store will increase. The related noise and adverse traffic impacts will increase.

There is still no basis for a conclusion that the Project will be: 1) desirable to the public convenience or welfare; 2) proper in relation to adjacent uses or the development of the community; 3) not materially detrimental to the character of the development in the immediate neighborhood; and 4) in harmony with the General Plan.

CONCLUSION

Condition 8 in the City's July 28, 2022 Determination correctly keeps the store in the Project in the middle of the site. If the store is moved to the west lot line, then it will cause a bad traffic circulation impact and create a dangerous situation for motorists and pedestrians.

With the store at the west lot line, the long-time access to the adjacent commercial property from Sunset Blvd. will be eliminated. Access to the commercial property will be limited to the alley behind the Project and next to residences, bringing increased traffic closer to the adjacent homes.

Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an unsafe situation for drivers and pedestrians. The increased use of the alley, including trucks backing up with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.

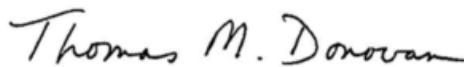
Applicant has produced no evidence that the Project will be impaired in any way if the store is kept in the middle of the Project site. There is no evidence that keeping the store in the middle of the site is infeasible in any way. That's where the store has always been. There has been no "taking" as Applicant asserts. The City is merely keeping the store in the middle of the site where it has been located for decades.

Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood. In fact, the neighborhood opposes this use. The Project's hours with the sale of beer and wine will adversely affect the quiet enjoyment of the adjacent homes. The City already rejected a lesser expansion of the convenience store.

The VDLPA also contends that a Class 32 Categorical Exemption to CEQA is inapplicable and that the Project is not in conformity with the Community Plan and the Specific Plan. The Proposed Mitigated Negative Declaration and its findings are not supported by substantial evidence. The Project violates Los Angeles Municipal Code §12.24-W. The VDLPA has provided substantial evidence to make a fair argument under CEQA that the Project may have a significant effect on the environment. The mitigation measures and conditions proposed are insufficient. The VDLPA's arguments regarding these issues are attached in Addendum A and in prior submissions to the City.

If the WLA APC is inclined to allow this Project at all, at the very least, the store should be located at the center of the site and no alcohol should be sold there.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas M. Donovan".

Thomas M. Donovan

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A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
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ADDENDUM “A”

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

The Via De La Paz Association (“VDLPA”) and its individual members submit this Addendum in further opposition to the proposed Project identified above.

A CLASS 32 CATEGORICAL EXEMPTION IS INAPPLICABLE TO THIS PROJECT

Despite the prior 2007 decision, the City, in its 7/28/22 Determination, approved a Class 32 Exemption from CEQA, after a Proposed Mitigated Negative Declaration was circulated. It appears that Planning changed its thinking solely because of a noise report unfairly submitted in March 2020, long after the record had closed. Regardless, a Class 32 Exemption is inapplicable.

A Class 32 exemption from CEQA under California Code of Regulations (CCR) §§15300.2 and 15332 exempts projects if they meet certain criteria.

California Code of Regulations §15300.2(c) provides in part as follows:

§15300.2. Exceptions

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. *[Emphasis added]*

California Code of Regulations §15332 provides in part as follows:

§15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. *[Emphasis added]*

The Location of the Project is in a Sensitive Environment and Unusual Circumstances Exist.

A Class 32 Exemption is inapplicable if a reasonable possibility of a significant effect due to unusual circumstances is demonstrated. The City has been presented with substantial testimony that the Project site is in a sensitive environment and presents unusual circumstances.

In 2007, the City denied the expansion of the convenience store at this same location. The City specifically found that residents of the Project site area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city. This is a finding that the Project site is in a sensitive environment and presents unusual circumstances.

Testimony from neighboring residents established that the Project site has unusual circumstances, with residential homes only 20 ft. from the Project site. The neighborhood is primarily a quiet bedroom community and noise easily travels. Residents even further away from the site can already hear noises that emanate from the present gas station in the evening.

This is a sensitive and unusual neighborhood when compared with the rest of the City. The Project will have significant unmitigated effects on traffic and public safety, which make the exemption unavailable. The testimony of the Project neighbors is adequate to establish unusual circumstances and a reasonable possibility that the project will have a significant environmental impact.

The Project is not Consistent with the Applicable Community Plan.

A Class 32 Exemption does not apply unless the project is consistent with the policies of the applicable Community Plan. (Public Resources Code 21059.25(b)(1).) Objective 2-1.3 in the Community Plan requires that projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 is to preserve community character and scale.

The City concluded in 2007 that: The proposed expansion of the food mart beyond the otherwise allowed 600 square feet and the introduction of a car wash are inconsistent with the specific plan.” No car wash is sought in the present application. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf., a greater increase than sought in 2007.

Approval of the Project Will Result in Significant Effects Relating to Traffic and Noise.

The Project will cause an adverse traffic circulation impact and increased traffic to the site. The change in traffic patterns will result in an increased use of the adjacent alley. It will also cause significant noise that will adversely affect the quiet enjoyment of the adjacent homes.

The Applicant’s traffic engineers admitted that Project-related traffic will increase, but underestimated the amount of increase. By staying open until 11 p.m., the increase will occur when nearby residents are sleeping in their homes. Opposition from nearby residents confirms this significant noise increase. The neighborhood residents have established the reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. Therefore, a categorical exemption may not be used for this Project.

A Class 5 Exemption is Also Inapplicable to the Project.

The Notice of Public Hearing on 7/7/21 did not notify the public that a Class 5 Exemption was

sought. Due to this failure, this exemption should not have been considered. The VDLPA objected to its consideration. Regardless, a Class 5 Exemption is inapplicable to the Project.

A Class 5 Exemption from CEQA under Code of Regulations (CCR) §15305 provides:

§15305 - Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

A Class 5 Exemption is inapplicable to the Project. It can only apply if there are only minor alterations of land use limitations and no changes in land use. As indicated in §15300.2, a project that is ordinarily insignificant in its impact may be significant in a particularly sensitive environment. This is one of those situations. The changes sought by the Applicant are not minor and there are specific changes in land use. The present gas station does not sell alcohol. To allow the sale of alcohol is a specific change in land use. The substantial opposition to the present application confirms that this is not a minor change.

The primary use of the present gas station is to sell gas. Its present, small, 440 sf. convenience store is an accessory to the sale of gas. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf. (at a minimum), doubling the square footage. This makes the sale of gas accessory to the sale of other items, including alcohol. This is a major change in the primary use of the site. The Project will likely make more money from the sale of alcohol and other items than from the sale of gas.

THE PROJECT DOES NOT COMPLY WITH THE COMMUNITY AND SPECIFIC PLANS FOR THE PROJECT SITE AREA

The Project site is governed by the Brentwood-Pacific Palisades Community Plan and the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. The Project conflicts with the Community Plan's goals, objectives and policies. A purpose of the Community Plan is to preserve and enhance the positive characteristics of existing residential neighborhoods.

Objective 2-1.3 in the Community Plan requires that commercial projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 in the Community Plan is to preserve community character and scale.

The Specific Plan, adopted in 2016, sets forth specific purposes. Section 2.A provides that future development be compatible with the surrounding residential community. Section 2.B indicates that the individual qualities of plan areas are to be preserved. Section 2.D states that commercial uses should be consistent with the general character of the community, which includes single-family residences and some multiple residential structures. Section 2.F notes the promotion of harmonious development by prohibiting uses inconsistent with the Plan and inappropriate to their sites, surroundings and traffic circulation.

A convenience store, operating 24/7 while selling alcohol until 11 p.m. is not consistent with the above plans and goals which are designed to protect residential neighborhoods. These operating hours with the sale of alcohol are incompatible to with the adjacent homes and inconsistent with the general neighborhood character. The Project as proposed conflicts with the community plans.

THE PROPOSED MND IS DEFICIENT IN FAILING TO IDENTIFY AND MITIGATE THE ADVERSE IMPACTS ON LAND USE

The Proposed Mitigated Negative Declaration (MND) is deficient as follows:

1. The MND Initial Study notes that increased noise levels may result, but astonishingly states that potential impacts will be mitigated simply by a 6-foot wall. This absurd mitigation will not affect the Project's noise from the projecting to the bedrooms on the floors above a wall.
2. The Initial Study indicates that the Project conforms with the existing community plans and that there is no conflict with the plans. As indicated above, this is untrue.
3. The Initial Study indicates noise as an environmental factor but mentions nothing about its effect on the adjacent homes.
4. The Initial Study finds that the Project will have no impact on traffic. No consideration is given to the Project's effect on the adjacent commercial building and the resulting change in traffic patterns. Even Applicant's traffic engineers indicate that the Project will increase traffic with greater intensity.

The proposed findings by the MND are false and not supported by sufficient evidence. The consequence is that no mitigation measures are proposed. Failing to cite inconsistencies with adopted land use policies as adverse impacts and failing to identify or propose any reasonable mitigations, is a failure to proceed in the manner required by CEQA. No doubt this is why Planning wants to consider an exemption. Otherwise, this Project would not pass muster under CEQA.

OBJECTION TO THE 7/7/21 HEARING.

The VDLPA continues to object to the Public Hearing held on 7/7/21. The Applicant filed his application in 2015 and the City held a hearing on 8/31/17. No decision was made and the record was left open to 9/22/17. The record was closed as of that date, yet the City allowed the Applicant to submit further reports and then allowed a second hearing. The City provided the Applicant with a "do-over" without any justification. This was unfair to the neighboring residents and violated their right of due process.

The City allowed the Applicant to submit a noise report dated 3/10/20. Project opponents were not notified that the record was still open. The Applicant should not have been allowed to make further submissions after the record was closed. The 7/7/21 Notice of Public Hearing was also defective in that the times to sell alcohol were not indicated and the square footage sought was misstated. A new Notice of Public Hearing should have been issued to provide full and fair notice of what was proposed. Please see the Opposition submitted by the VDLPA dated 7/6/21 for further details.

October 7, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 201, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- 1. There should be NO SALE of BEER or WINE at the Shell Station—**There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- 2. The Position of the Building should remain in the same approximate location (in the middle of the property)—**This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station.

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Jill Jones

**JOHN B. MURDOCK
ATTORNEY AT LAW
1209 PINE STREET
SANTA MONICA, CA 90405
TEL: (310) 450-1859
jbmlaw@hotmail.com**

October 10, 2022

West L.A. Area Planning Commission
c/o Nick Vasuthasawat, Planning Assistant
200 N. Spring Street
Los Angeles, CA 90012
Via email only: Nick.Vasuthasawat@lacity.org

FOR HEARING DATE: OCTOBER 19, 2022
Project Address: SHELL GAS STATION at 15401 and 15406 Sunset Blvd;
1021, 1023, 1029, and 1031 N. Via De La Paz, Pacific Palisades

Case No. ZA2015-420-CUB-DRB-SPP-1A;
ENV-2015-421-CE

Dear Area Planning Commissioners:

The undersigned presents this support for the ZA decision on behalf of Shaun Malek, D.D.S., owner of the office building at 15415 Sunset Blvd., which is directly adjacent to the west of the subject Shell Station. We support the entire decision by the Zoning Administrator for the project as conditioned, without waiving objections to the project as originally proposed. We will address primarily the frivolous legal arguments about an alleged "taking" presented by the appellant, but we also support the denial of the CUB for all of the reasons stated in the ZA decision and in letters and testimony from other parties opposing the CUB.

THE CURRENT LOCATION OF THE BUILDING IS APPROPRIATE AND WORKS FOR ALL CONCERNED.

The ZA's LOD Exhibits do not show you the existing configuration on the lot. To see how this looks, please refer to **Exhibits A, B and C** hereto:

Exhibit A (compiled from appellant's slideshow in the record) shows the existing building at the top, and the proposed new building at the bottom.

Exhibit B is taken from the LOD, showing the ZA's movement of the building back to the center where it came from, thereby eliminating the noise and safety issues identified by the ZA.

EXHIBIT C is a copy of GOOGLE MAPS photograph of the current configuration

As you will see from attached exhibits, the proposal by the appellant, owner of the Shell Station,

would demolish the existing building in the *center* of the owner's lot, and erect a new building *along the west-side property line*, cheek by jowl with Dr. Malek's building, with no separation between the two buildings, completely changing and disrupting the existing circulation of driveway traffic which has been working for decades, in fact a half century without interruption.

THE PROPOSED LOCATION CREATES UNMITIGABLE IMPACTS.

In particular, the appellant's proposal would block off the existing driveway to Sunset Boulevard, currently used by both properties as well as the delivery trucks and trash from the Sunrise Senior Apartment Building next door. As the ZA found, blocking this exit to Sunset would force all vehicles to back down the northern alley way to Via De La Paz, creating dangerous conditions and nuisance noise impacts.

THERE IS NO "TAKING" CREATED BY CONDITION 8.

The appellant presents a strained argument that the decision by the ZA would result in a "taking" of property under the Supreme Court decisions in *Nollan v. California Coastal Commission*, 483 U.S. 825, and *Dolan v. City of Tigard*, 512 U.S. 374. Those cases held that the government may not condition the approval of a land-use permit on the owner's deed of a portion of his property to the public unless there is a nexus and rough proportionality between the government's demand and the effects of the proposed land use.

These decisions are completely inapposite to the case at hand. Here, the city is not exacting a deed or dedication to the public of any portion of the property in question. The appellant has a perfectly usable gas station that has existed since 1962 with no difficulty. Appellant recently purchased the gas station and seeks to increase the yield from the property by adding to the square footage of the building, moving the building location, and adding alcohol sales. As part of this proposal, appellant would destroy the existing building to build a new one on a different part of the lot. In order to do this, he needs to obtain relevant city permits.

THE ZA'S DECISION SPECIFICALLY NEGATES ANY CLAIM OF "EASEMENT".

In this case the ZA found, based on a mountain of evidence from citizens and owners of the properties nearby, that the project as proposed would create circulation safety concerns as well as noise from trucks and other vehicles if the existing pattern were disrupted to require vehicles to back out the alleyway and cross the sidewalk backwards to exit by backing out onto Via De La Paz. Appellant's attorney constructs an argument that this ruling grants an "implied easement" to Dr. Malek, allowing his tenants to continue exiting from the alley to Sunset using the driveway space west of the existing building. However, nothing in the ZA decision supports that assertion. In fact, the ZA, at pages 45-46 of the LOD, is meticulous to note that any claim of easement is *not within his purview to decide*, it is an issue for courts to determine. The decision made by the ZA is based solely on public safety and welfare considerations -- not just for Dr. Malek's tenants, but for the residents on the northern border of the alley and for senior citizens in the Sunrise Apartments at the end of the alley.

THE ZA'S DECISION IS BASED ON EVIDENCE OF IMPACTS.

In order to grant the permits requested by appellant, the ZA would be required to find, pursuant to LAMC section 12.24-E, that the location of the building "will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety", among other things, findings which could not be made. In fact the evidence was completely to the contrary, precluding approval. Please read the entirety of the ZA's findings on this issue, "**Location of the New Structure**", which explains how and why the traffic circulation works, beginning at the bottom of page 45 of the LOD and concluding on page 46 with the following:

The new proposal moved the convenience market to the westerly property line which would close off the route to Sunset and force the vehicles to back an additional 80 feet down the alley before reaching a driveway area where they could turn around and drive forward down the alley to Via De La Paz. Especially for delivery trucks which have backup warning buzzers and beepers, this would cause a major noise impact to the residents to the north in the condominium building. For early morning or evening deliveries which cannot be controlled by this action because these uses are not on the subject site, the noise from backing vehicles would adversely affect this adjacent property.

....

The Zoning Administrator does not wish to opine on the legality of the claimed "proscriptive easement" claimed by the westerly building's attorney. This is a legal issue that is beyond his [ZA's] purview. However, the proposed building location of the convenience store will close off this route through the site to which the property owner has not objected to in the site's current operations. Such a [Condition 8's] proposed location for the building **will negate the concerns of both the condominium property owners, the eldercare facility's ownership and the adjacent building's ownership of trucks being forced to back down the alley across the sidewalk and onto Via De La Paz.** Thus, the condominium's residents would **not be forced to listen to truck traffic's back up warning system, and the vehicle's drivers would have a clear exit way to Sunset without backing into a sidewalk and a busy public street.** With the [proposed] building moved to the new location on the lot, the project's location and the location's affect on alley operations will **not adversely affect adjacent properties with backup warning system noise** In addition, the public safety for those using Via De La Paz and its sidewalk **will not be compromised by backing vehicles from the alley.** Additionally, the Conditions of Approval will ensure safety, responsible maintenance and operation of both the gas station and convenience store.... As such, the proposed project's significant features as approved will be compatible with and **will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

(LOD, p.46, emph. added)

The ZA decision also has the required Findings for Commercial Corner approval, at pp. 50-51 of the LOD. The ZA again spelled out the problems with the proposed location of the building, noting that the proposed siting of the building was *not analyzed* in the "Traffic Assessment" by Kimley-Horn presented by the applicant. (*id* at P.50). The ZA's review of the evidence led to the finding that the "proposed building location will have a disruptive effect on vehicular circulation in the alley which will not only affect traffic in the alley, but also have a negative noise effect due to vehicular backup warning systems on the adjacent residences." (*id* at 51). After detailing the facts regarding backup dangers at the sidewalk and onto Via De La Paz, the ZA made the specific Finding that Justice Scalia demanded in *Dolan*, a non-speculative, evidence-based conclusion that something *will happen*, not that something is "problematic" or "may happen" or "could happen" or "potentially might" happen: "Thus, the proposed placement of the new convenience market WILL create a traffic hazard on the alley at its intersection with Via De La Paz and a disruption of circulation in the alley. In order to alleviate this problem, the Zoning Administrator has required the movement of the new building from the western lot line of the project site to the middle of the site." (*Id.*, *emph. in original by ZA*).

It is clear that the ZA could not approve the proposed "location" under the standards required by 12.24-E or the Commercial Corner requirements, and that approval of the store could only be approved if Condition 8 were imposed to avoid the identified impacts. Appellant has presented a dangerous and unworkable proposal, and the ZA, while required to deny the *proposed* location by LAMC Section 12.24-E, was entirely within his authority to condition the proposal to avoid and eliminate those dangers and nuisance conditions. If the applicant does not like the condition, he is free to continue operating the existing gas station where it has stood for decades earning revenue for the owners who previously owned the lot. There is no evidence in the record to suggest the revenue from the existing location of the building does not provide a reasonable return, hence, there is no evidence upon which to base a claim of any kind of vested entitlement or "taking". The city and its residents are not guarantors of any particular yield the property owner desires to derive from acquiring the operating business.

GAMBLING ON GETTING PERMITS CANNOT CREATE A "TAKING" WHEN THE GAMBLE FAILS.

The current owner (appellant) sold his Mobile station down the street for an undisclosed amount to the Caruso development and bought the instant property knowing where the building and the driveway existed, gambling on getting the city to approve a new structure in a different location with a CUB for alcohol sales. There is no claim of any vested rights to have the permits issued for the new project, hence no vested rights are being "taken" away. A losing gamble on getting discretionary permits is not the basis for a "takings" claim, *ever*. Nothing whatsoever is being "taken" from this new owner by the ZA's decision.

There is no evidence in the record that allows anyone to conclude that keeping the driveway circulation *as is*, for health, welfare and safety reasons, rather than closing off the exit route to Sunset Boulevard along the west side of the lot and requiring everyone to back out the alley, is unreasonable or constitutes a "taking" under the *Nollan* or *Dolan* opinions. There is a clear "nexus" between the appellant's requested permission for new building size and uses and the condition imposed by the ZA, *i.e.*, the project as proposed will create unsafe, inconvenient, noisy

impacts, hence Condition 8 is appropriate to modify the proposal if Appellant wishes to go forward. It is simply *frivolous* to claim there is no “nexus” between the evidence of impacts and the condition imposed by the ZA.

Appellant’s citation to two Supreme Court decisions is an attempt to make it appear there is a legal issue to review, when in fact there is none. Please ask your deputy city attorney to address this argument, which he or she will reject as being without merit. It hinges on the contention that the ZA has granted an easement, so as to call the *Nolan* case into play. As will be seen *infra*, the ZA studiously rejected making any decision based on a claimed easement of any kind. His condition addressed the safety and noise impacts not only on Dr. Malek’s building but on the two other buildings affected by the applicant’s proposed movement of the building from the center to the west side of the lot.

THE NOLLAN CASE DOES NOT APPLY.

In *Nolan*, the Coastal Commission demanded a formal deeded public easement across the applicant’s property for the stated purpose of allowing the public to access “views” to the ocean from the roadway. (“The Nollans protested imposition of the condition, but the Commission overruled their objections and granted the permit *subject to their recordation of a deed* restriction granting the easement.” *Nollan*, supra, 483 U.S. at 828, *emph. added*).

The Court found that deeded physical public access across the owner’s property had no “nexus” to the problem cited by the Commission, which was lack of “views” *from the roadway* created by a wall of houses. In other words, creating a public easement across the beach on the property did not solve or address any view impacts *created by the project*, hence it was ruled to be a taking of property because there was no nexus between the public easement and any impacts created by the project. Appellant in our case would expand this to mean that any condition imposed on any project to mitigate identified impacts *created by the project* can still be called a “taking”, which is simply not what the Court decided. In our case, the condition is specifically designed to avoid the impacts that the project will create, unlike the *Nollan* condition.

THE DOLAN CASE DOES NOT APPLY.

The *Dolan* case is equally irrelevant. There, the court determined that the condition imposed by the city did indeed have a nexus to the impacts created by the project but found the evidence of the alleged impacts were not significant enough to warrant the burden imposed on the applicant. That burden was the actual *dedication of part of applicant’s property to the city*¹ for a whole new public pedestrian walkway and bike path, as a way to alleviate alleged traffic concerns in the city. The Court concluded that the city’s findings about offsetting traffic concerns were not based on any evidence, but rather on a mere assumption. The Court framed it thus:

The second part of our analysis requires us to determine whether the degree of the exactions demanded by the city’s permit conditions bears the required relationship to the

¹ “The city required that petitioner dedicate ‘to the City as Greenway all portions of the site that fall within the existing 100-year floodplain [of Fanno Creek] ... and all property 15 feet above [the floodplain] boundary.’ ” *Dolan v. City of Tigard*, 512 U.S. 374, 388.

projected impact of petitioner's proposed development. [citations] (“ ‘[A] use restriction may constitute a “taking” if not reasonably necessary to the effectuation of a substantial government purpose’ ”)... The question for us is whether [the city’s] findings are constitutionally sufficient to justify the conditions imposed by the city on petitioner's building permit.

Dolan, supra, 512 U.S. 374, 388-38

In reviewing the record, the Court determined that the city’s finding for requiring dedication of a portion of the property for public uses was based on a mere statement that the dedication “could” offset the anticipated adverse impacts on the flood plain system and on traffic, not a finding that it “will” offset the adverse impacts. The Court stated:

Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway “could offset some of the traffic demand ... and lessen the increase in traffic congestion.”

Dolan, supra, 512 U.S. 374, 395.

This is clearly distinguishable from the instant case, where the ZA has not exacted any dedication of property but merely denied moving the building from its current centered location to a new location, with findings based on the irrefutable, overwhelming evidence that allowing the move as proposed *will have the impacts* identified in the findings. Trucks *will* have backup warning systems, as required by State law, which the city cannot prohibit. (CA Vehicle Code Section 27000). These warning noises *will impact* the residents in the condominium building adjacent to the alley, there is no question about that. Trucks and cars *will* back up across a busy sidewalk with great danger to human beings, especially to children running or walking to get to schools in the neighborhood. Trucks and cars will back out into the busy traffic on Via De La Paz with great danger to the safety of human beings. Thus, unlike the *Dolan* finding, there is no uncertainty about whether or not these things *will occur*. The ZA’s decision clearly meets the nexus and the “rough proportionality” burden requirements of the Supreme Court, and the ZA’s decision must be upheld if these adverse conditions are to be avoided.

THIS APPEAL IS RESTRICTED TO EVIDENCE IN THE RECORD, AND THERE IS NO EVIDENCE OF “INFEASIBILITY”, NOR OF BEING “PROBLEMATIC”, HENCE THERE CAN BE NO FINDING OF ZA ERROR OR ABUSE OF DISCRETION.

There is no evidence whatsoever in the record before the ZA that the supposed “burden” of *not moving the building, if there is any such burden*, outweighs the identified evidence of the burdens that granting the move to block the driveway *will* create. There is no evidence in the record (the appellant’s written statement for the appeal presented by Mr. Brower as lawyer for appellant cites none), that maintaining the center location is any burden at all, much less a burden to be weighed against the nuisance conditions that the moved location would create. The written appeal justification merely says (at p.2), without reference to any facts, that the circulation

created by the ZA's condition is "problematic" (whatever that means), and "potentially infeasible" (*id.*), repeating at page 5 that the "property may not be able to accommodate the building and provide the requested access, rendering the Project infeasible". **These are vague, speculative lawyer's arguments of the exact same kind disapproved by the Supreme Court in the *Dolan* opinion, not evidence of any kind, and provide no basis in the record for overturning the ZA decision as an error of law or abuse of discretion.** They fail for the same reason as the finding in *Dolan* (that the condition "could" possibly have an offsetting effect) failed — because they are not based on factual evidence.

AN APPELLATE COURT DECISION AGAINST THE CITY OF L.A. PRECLUDES ALLOWING ANY NEW EVIDENCE ON APPEAL FROM THE ZA'S DECISION.

Should the appellant try to introduce new evidence of the claimed "infeasibility", it must be rejected. The courts have firmly ruled that an appeal from a ZA's CUP decision is restricted to the evidence in the record upon which the ZA decision was made and cannot be a *de novo* hearing entertaining new evidence. The appellate court ruled on this precise issue concerning L.A. codes applicable to an appeal from a ZA decision in *W. Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal. App. 4th 1506, 1520–21: "As we have stated, the Municipal Code requires the appellate body's decision to be based on the record as to whether the zoning administrator erred or abused her discretion, and the appellate body is required to set forth specifically how the zoning administrator erred. (LAMC, §§ 12.24, subd. I, 12.27, subds. K, L.)"(emph. supplied). The court in *W. Chandler* specifically rejected the argument that the appellate body could alter a project and make a ruling *de novo* based on new or different evidence than presented to the ZA.

Thus, since there is no evidence in the record to suggest that Condition 8 creates any burden on appellant that is out of proportion to the proposed project site's burden on surrounding property owners, and since appellant cannot be heard in any rebuttal presentation or at the APC hearing to present new evidence attempting to support the lawyer's vague claim of alleged "problematic" location or "potential infeasibility", *the condition cannot be lawfully overturned.* Any problem with placing the building in the center is merely self-imposed and can be corrected by the applicant. The opinion in *West Chandler v. City of L.A.* prohibits this Commission from overturning the ZA's decision without making specific findings, based in evidence in the record, explaining how the ZA erred or abused his discretion, nor can the Commission formulate a compromise version of the project that was not before the ZA.

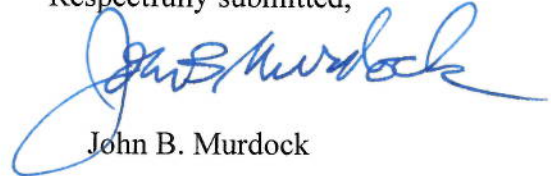
THE DENIAL OF NEW ALCOHOL SALE AT THIS LOCATION HAS NOT BEEN SHOWN TO BE ERROR OR ABUSE OF DISCRETION.

The thorough decision by the ZA on the denial of alcohol sales need not be discussed other than to say there is no evidence presented that this is an error of law or an abuse of discretion. The ZA applied the appropriate standards and based his decision on evidence that has not been refuted. Hence the decision of the ZA should be approved and the appeal denied in its entirety.

SUPPORT OF ZA DECISION IS NOT A WAIVER OF PREVIOUS OBJECTIONS TO PROJECT *AS PROPOSED* BY APPLICANT

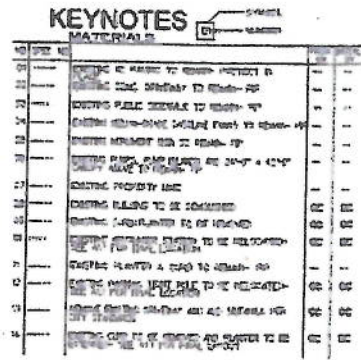
As stated above, my client accepts and supports the ZA decision with Condition 8 in place. However, this is done in a spirit of compromise. All of the previous objections raised during the lengthy ZA proceedings are preserved, not waived, in the event the project is approved as proposed by the applicant. In particular, the size of the enlarged convenience store has not been shown by any evidence to be justified, and the prior ZA and APC determinations *rejecting* an enlarged store has not been shown to be lacking in res judicata or collateral estoppel effect, since the facts have not changed which would warrant a different decision. In fact, new developments in the neighborhood since that decision, including the Caruso developments and the new convenience store across the street, have only decreased any claimed community need for another “convenience” store selling alcohol. The issue of the improperly issued Categorical Exemption will also be relevant and pursued if the ZA decision is overruled, since the LOD has done what should have been done in an EIR or MND in mitigating the anticipated impacts.

Respectfully submitted,



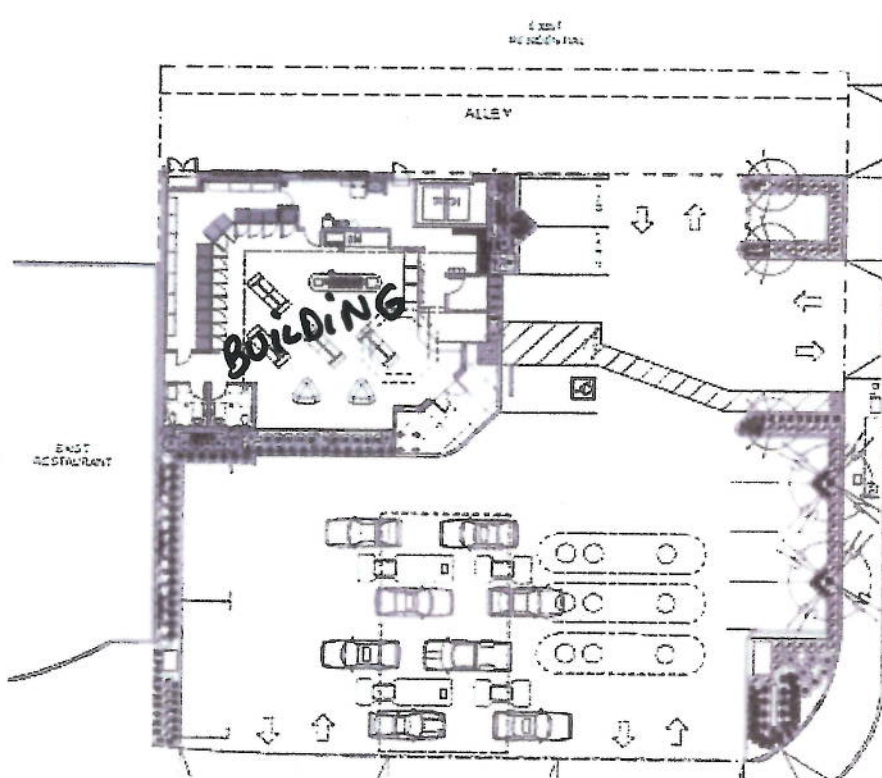
John B. Murdock

cc: Shaun Malek, DDS
Councilperson Mike Bonin, CD11
Pacific Palisades Residents Association
Ron Dean, Esq.
Thomas M. Donovan, Esq.



1. TYPE OF EXISTING SOIL AND REVEALATION RESULTING FROM LAST
YEAR'S WORK OF REVEALING OF FILLING

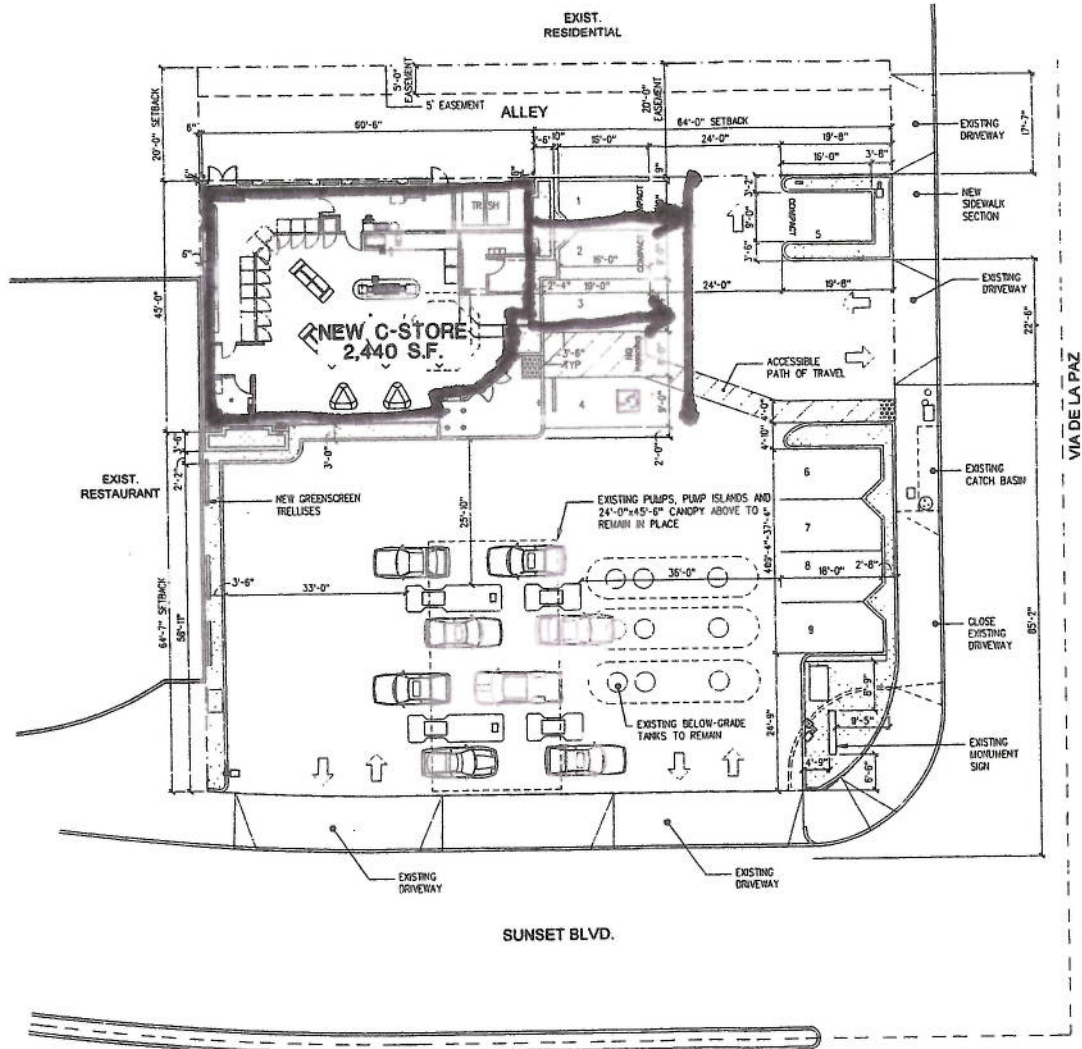
Plan: Proposed



DATE	DESCRIPTION	AMOUNT	CHECK NO.
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10/2/78	10/2/78	100.00	1002
10/3/78	10/3/78	100.00	1003
10/4/78	10/4/78	100.00	1004
10/5/78	10/5/78	100.00	1005
10/6/78	10/6/78	100.00	1006
10/7/78	10/7/78	100.00	1007
10/8/78	10/8/78	100.00	1008
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12/8/78	12/8/78	100.00	1069
12/9/78	12/9/78	100.00	1070
12/10/78	12/10/78	100.00	1071
12/11/78	12/11/78	100.00	1072</

EXHIBIT A

As Approved by
Zoning Administrator



PROJECT DATA
 ZONE:
 SITE AREA:
 BUILDING AREA:
 EXISTING BLD:
 EXISTING C. NEW BLDG:
 TOTAL BLD:
 PARKING SPER:
 REQUIRED:
 2,440 S.F.
 PROVIDED:
 PRIOR TO 1:
 AFTER REM

EXHIBIT "A"
 Page No. 2 of 3
 Case No. ZA 2015-0420

EXHIBIT B

CONDOMINIUM BLDGS



EXHIBIT C



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

2 messages

dixie mills <drdixie.mills@gmail.com>

Sun, Oct 2, 2022 at 10:24 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Good day,

I am writing in **support** of Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. This letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building. I strongly support these new guidelines and am definitely against the sale of any alcoholic beverages in this proposed mini market. As per my prior letter, I do not feel that there is any need for another source of alcoholic beverages when there is plenty in the neighborhood. It would only contribute to more crime, noise and litter in the Village.

I unfortunately will be out of town on the date of the hearing but am encouraging all my neighbors and friends to attend and expect a large audience.

Thank you again for taking these letters.

Dixie Mills

[17712 Revello Dr](#)[Pacific Palisades, CA 90272](#)

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Tue, Oct 4, 2022 at 4:36 PM

To: dixie mills <drdixie.mills@gmail.com>

Cc: apcwestla@lacity.org

Hello Dixie,

Thank you for your comment. I am confirming receipt of email.

Best always,

[Quoted text hidden]

--

LOS ANGELES
CITY PLANNING**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning[200 N. Spring St., Room 720](#)[Los Angeles, CA 90012](#)T: (213) 978-1250 | [Planning4LA.org](#)



12106 Herbert St

Appeal Fence Case (F) Findings

THE REQUESTS

The Applicants, Payam Doostzadeh, Eric Cannata, Francois Comtois, Jacob Tilley, Sameer Gadhia, are seeking the following discretionary approvals from the City of Los Angeles:

Pursuant to L.A.M.C. Section 12.24X.7, a **Zoning Administrator's** approval granting relief from L.A.M.C Section 12.21.C.1(g) to permit the construction, use and maintenance of one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence, all of which are over-in-height, within the front yard of a single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping less than 42 inches in height.



PROJECT DESCRIPTION

Project Site

The subject property is a rectangular-shaped parcel located on a parcel containing approximately 5,000.2 square feet of lot area with an approximate 40-foot frontage along Herbert Street, and a lot depth of approximately 125 feet according to Zimas. The property is currently contains an existing single-family dwelling.

The subject site is located in the Palms–Mar Vista–Del Rey Community Plan in an area designated for Low Residential land uses and is zoned R1V2. The surrounding properties to the north, east, and west are also zoned R1V2 with single family dwellings on similarly sized lots. To the south, the surrounding properties are zoned R3-1. This is consistent with the patterns of development in the Palms–Mar Vista–Del Rey Community.

Proposed Project

The applicant proposes to construct one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence along with a native landscaping in the front yard setback. Both the vehicular access gate and pedestrian gate would front onto Herbert St.

LAMC Conformance

As stated above, the Applicant is requesting a Zoning Administrator's Approval of a fence application to permit the construction, use and maintenance of one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence, all of which are over-in-height, within the front yard of a single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping in the front yard setback.

Except for this instant request, the proposed project will abide by all applicable zoning and building codes per the Los Angeles Municipal Code (LAMC) and any other applicable regulating bodies.

STREETS AND CIRCULATION

Herbert St – Adjoining the property on the east is a designated Local Street - Standard.



ADDITIONAL INFORMATION / FINDINGS FOR APPROVAL OF ZONING ADMINISTRATOR FENCE APPROVAL

Pursuant to LAMC Section 12.24-X.7

1. Describe how the proposed project will enhance the built environment in the surrounding neighborhood or how it will perform a function or provide a service that is essential or beneficial to the community, city, or region

The subject property has been owned by the applicants since 2019 and the applicants do not seek to further develop or immediately sell the property following any approval. The characterization that “The applicants are real estate investors who have joined together to renovate the subject property” is not reflective of the actual owners. The owners are members of a local LA band Young the Giant that are active in their community and have well-established relationships with their neighbors (as exhibited by those neighbors letters of support). The request has not diminished the visual compatibility of the property with the subject neighborhood and the applicant’s continued relationship with their neighbors has not created a relationship of mistrust as alleged.

In fact, the property owner’s positive and trusting relationship with their neighbors is what led to the construction of the fence in the first place. Having been notified of trespassing on their property by their neighbors, the owners installed the fence. Due to their lack of familiarity with zoning codes or the permitting process, the owners did not obtain permits out of a lack of awareness rather than any effort to sidestep regulations. In fact, how they constructed the fence would be similar to fence construction that would otherwise not require a building permit per LADBS informational bulletin IB-2020-080 (although the proposed fence is slightly taller and of course within the front yard). When they were notified that the fence was not built to code, they immediately found and engaged consultants to assist with the legalization of the fence. The intentions of the owners were never to mislead nor deceive. The fence was simply built in response to concerns for their security as well as the security of their valuable musical equipment which represents their livelihood.

Furthermore, the characterization that the “the property investors are new to the community, the obstruction immediately begins to sow the seeds of mistrust” could not be farther from the truth. They have lived there for years and garnered the trust and support of their immediate neighbors as mentioned. Additionally, they utilize the property for their personal enjoyment and do not rent the property. There are no other “investors” besides themselves, and they have been good members of the community throughout their time in this home.

The existing single-family dwelling has existed on the property since 1926 without adverse impact to neighboring properties. The single-family dwelling has been well maintained by our clients and kept up with regular maintenance. Vehicular access to the site will be from one vehicular access gate on Herbert Street with pedestrian access from one gate on Herbert Street. The applicant is requesting an adjustment from LAMC Section 12.21-C,1(f) to permit the construction and continued maintenance of one 6’-6” max wood vehicular gate and one 6’-6” max vertical wood pedestrian gate flanked by a 6’-6” max vertical wood and stucco fence within the front yard of a



single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping in the front yard setback. The construction of the new fence has not resulted in any adverse impacts to the neighbors and a handful of neighboring properties contain similar fencing similar fencing that has not diminished the built environment. Thus, the Proposed Project will result in negligible change to the properties relationship to neighboring properties.

Zoning regulations limit fence/hedge heights on residentially zoned property to provide visual consistency in neighborhoods and to limit bulk and mass in the front of properties. Such regulations, however, are written on a citywide basis and cannot take into account the individual, unique characteristics that a specific parcel and surrounding area may have. In this instance, the proposed gates and fence will provide greater security and privacy to the occupants of the residence and match similar features of the existing single family residence and neighboring residences. The subject property is located in Palms–Mar Vista–Del Rey Neighborhood, which has numerous properties that have unpermitted over-in-height fences, walls, and hedges and is located in an area surrounded by multi-family dwellings and commercial. The project would provide for coherent development that is consistent with the spirit and intent of zoning.

2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed construction and continued use of over-in-height walls, vehicular and pedestrian gates in the front yard will not result in a loss of light or air for neighboring properties or result in a dramatic change in the appearance of the property. Surrounding properties are within the R1V2 and R3-1 Zones and are characterized by flat topography.

Records show that the following properties located in the Community Plan Area of the subject property have received approval from the Office of Zoning Administration to construct over-in-height fences and walls in the required yards:

- 12672 West Palms Avenue – ZA-2003-6389-F-ZAD
On December 23, 2003, the ZA approved the construction, use and maintenance of a maximum 5-foot 6-inch high wrought iron fence over masonry block wall, and pilasters (not including lights), and maximum 5-foot 6-inch wrought iron vehicular and pedestrian gates in the front yard setback of a property zoned R1.
- 12101 West Washington Blvd – ZA-2012-3399-ZAA
On March 8, 2013, the ZA approved the construction, use and maintenance of a sound barrier wall up to 14 feet in height and approximately 332 feet in length, in lieu of the maximum 8 feet permitted in the side and rear yards, in the R3-1 Zone.

Further, City records do not show any other permitted over in height fences on the subject block. However, other properties have, without any permit, installed fencing and landscaping over the permitted height in their front yard. Even though these instances cannot be considered as



precedent setting, special circumstances pertaining to the location of all properties along the same block face should be considered, and these instances do impact the character of the neighborhood.

The ZA alleges that “The fence, posts, vehicular gate and pedestrian gate, with a maximum height of 6 feet 6 inches, are not consistent with the improvements found on the single family zoned lots within the immediate neighborhood and surrounding community”. However properties containing over-in-height features in the front yard setback measuring greater than 42 inches do exist along the street and in the nearby area:

- 12016 Herbert Street (unpermitted over-in-height fence)
- 12140 Herbert Street (over-in-height fencing and landscaping along Herbert St)
- 12033 Herbert Street (unpermitted overgrown landscaping)
- 12024 Herbert Street (unpermitted over-in-height fence and landscaping)
- 4309 Grand View Blvd
- 12204 Louise Ave (unpermitted overgrown landscaping)
- 12215 Louise Ave (unpermitted overgrown landscaping)
- 12250 Louise Ave (unpermitted over-in-height fence and landscaping)
- 12256 Louise Ave (unpermitted over-in-height fence and landscaping)
- 12140 Louise Ave (unpermitted overgrown landscaping)
- 4276 Campbell Dr (unpermitted overgrown landscaping)
- 4257 Campbell Dr (unpermitted overgrown landscaping)
- 4240 Campbell Dr (unpermitted overgrown landscaping)
- 4228 Campbell Dr (unpermitted overgrown landscaping)
- 4270 Lindblade Dr (unpermitted over-in-height fence and overgrown landscaping)
- 4250 Lindblade Dr (unpermitted over-in-height fence)
- 4157 Marcasel Ave (unpermitted overgrown landscaping)
- 4188 Marcasel Ave (unpermitted overgrown landscaping)
- 11881 Park Ave (unpermitted overgrown landscaping)

Therefore, our request is not entirely inconsistent with the surrounding community. These similar approvals and instances have not resulted in any adverse impacts to the neighboring properties. The property owner's gates are compatible in terms of height, materials, and location to these other walls. It is with this information that we hope to clarify that minimal impacts to the neighborhood will be made by allowing this fence to exist within the neighborhood while providing extensive aesthetic and security benefits to the subject property.

It should be noted that there are other homes along the street with fences containing masonry bases with wood/iron features that match the character of the project's fence design including:

- 12013 Herbert (masonry base with masonry pillars and wrought iron)
- 12016 Herbert (masonry base with wood slates on top)
- 12020 Herbert (masonry base with landscaping on top)
- 12101 Herbert (masonry base with landscaping on top)
- 12112 Herbert (masonry fence – our neighbor to the west)
- 12124 Herbert (masonry base with masonry pillars and wrought iron)



The ZA also alleges that “the 6-foot over-in-height front yard obstruction limits the future occupants' observation of, and involvement in the neighborhood, which such participation has long been attributed to the overall welfare and safety of this well established neighborhood.” If anything, the permitting and entitlement of this fence has brought the owners CLOSER to their neighborhood after actively canvassing for support and forming tighter bonds with their neighbors.

The project is categorically exempt from the provisions of the California Environmental Quality Act. The project's location, size, height and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Proposed Project substantially conforms with the purpose, intent and provisions of the General Plan and the Palms–Mar Vista–Del Rey Community Plan. There is no applicable specific plan for the Project site. The Palms–Mar Vista–Del Rey Community Plan designates the property for Low Residential land uses. The Community Plan does not address deviations in the heights of fences and walls. It is within the zoning administrator's discretion, on a case-by-case basis taking into consideration factual circumstances, to provide for zoning deviations that best serve the public health, safety and general welfare. The owners are active in the LA community and are members of a well-known local band, and the security of themselves and their music equipment is paramount to their enjoyment of the home. Their immediate neighbors have provided their support for this request as they have well-standing relationships with their neighbors. Additionally, though the neighborhood's tree-lined residential character is beautiful and quiet, the subject property is located in an area surrounded by multi-family dwellings and commercial properties creating the potential for unsafe characteristics. As the use of the property is consistent with its zoning and land use designation, the project should be found to be in substantial conformance with the purpose, intent and provisions of the General Plan and not in conflict with any provision within the Palms–Mar Vista–Del Rey Community Plan.

4. Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property

The proposed maximum 6'-6" max wood vehicular gate and one 6'-0" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence will result in no significant environmental impacts. The applicant has designed and constructed the gates and fencing with material that is consistent with the design and materials of the existing dwelling and is consistent with neighborhood character.

As mentioned above, there are other homes along the street with fences containing masonry bases with wood/iron features that match the character of the project's fence design including:

- 12013 Herbert (masonry base with masonry pillars and wrought iron)



- 12016 Herbert (masonry base with wood slates on top)
- 12020 Herbert (masonry base with landscaping on top)
- 12101 Herbert (masonry base with landscaping on top)
- 12112 Herbert (masonry fence – our neighbor to the west)
- 12124 Herbert (masonry base with masonry pillars and wrought iron)

Therefore, to conclude that the proposed fence would be an “incompatible element being introduced into this well-established tree-line street and will be detrimental to its existing character” would be misguided considering the existing composition of many fencing features along the street.

The entry vehicular gate will allow motorists to have adequate visibility as additional safety precautions will be taken into consideration such as installing reflective mirrors to allow pedestrian and vehicular traffic greater visibility. The request has not significantly impaired any access to light and air or impede the views of any abutting property owners. As designed, the request provides for privacy and security without Impeding the view and security of others. The request is not anticipated to have any impacts on solar access, ventilation or privacy of adjoining properties.



Planning APC West LA <apcwestla@lacity.org>

Attachment for No. ZA-2015-420-CUB-DRB-SPP-1A Appeal letter

3 messages

Sandra Eddy <sandra.eddy@earthlink.net>

Tue, Oct 4, 2022 at 3:45 PM

To: apcwestla@lacity.org, Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Information below is intended to supplement letter submitted by Sandra Eddy regarding my **support the LOD disapproval of the CUB.**

Thank you.

Sandra Eddy

REVISED From information previously submitted to file in
2021

CURRENT AS OF 10/4/22

ATTACHMENT - SENSITIVE USES 15401 SUNSET BLVD

Sensitive Uses* within 600 ft radius

What they submitted:

Palisades Elementary

Temescal Canyon Park

DWP STATION

Pacific Palisades Woman's Club

What they omitted:

ALL residential-

- **14 Condo and apartment buildings**, representing
hundreds of families, including **1029 Via de la Paz** which is
within 25 feet of the project

- **50 single family homes** in surround neighborhood

- **Atria Senior Living - 60 residents**

Simon Meadow YMCA - they have it 600-1000

Village Green - Community Park - Sunset at

Swarthmore

Aldersgate Retreat - Buerge Chapel and Meditation

Garden; now an elementary school

Alcohol Uses* within 600 ft radius

What they submitted:

- Ritrovo - onsite beer/wine (out of business)
- Gelsons - off-site full alcohol (did not mention their onsite wine tasting permit)
- Casa Nostra - formerly Tivoli - onsite beer/wine
- Cathay Palisades - onsite beer/wine (out of business)
- Beech Street - onsite beer/wine

What they omitted:

No mention of the 8 liquor licenses associated with Caruso development on Swarthmore between Sunset and Monument Street, one block from the Shell station

- all EIGHT Palisades Village licenses full liquor licenses.
- Erewhon (Formerly Vintage Grocer) full off-site
- Others are onsite;

*As indicated in LA Municipal Code LAMC Section 12.24 W.1

Sensitive Uses* within 600 - 1000 ft radius

What they submitted:

- Methodist Church
- YMCA
- Simon Meadow YMCA (is actually 600ft)
- Palisades Charter High School
- US Post Office
- American Legion

What they omitted:

- 7 Arrows School (private elementary school in 2 locations)
- Village School** (private elementary school)

**This school is at 1,020 ft radius, literally across the street from American Legion and the Post Office.

Alcohol Uses* within 600 - 1000 ft radius

What they submitted:

CVS - off-site

What they omitted:

Kay n Daves, [15246 W. Sunset Blvd](#) - Now full liquor onsite - New restaurant in this location will be Prima Cocina and keep the license

Pearl Dragon, [15229 W. Sunset](#) - full liquor onsite

Modo Mio, [15200 W. Sunset Blvd](#) - onsite beer/wine

Taj Palace - [15200 W. Sunset Blvd](#) - onsite beer/wine

Cinque Terre - [970 Monument St](#) - onsite beer/wine

*As indicated in LA Municipal Code LAMC Section 12.24 W.1

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Wed, Oct 5, 2022 at 8:43 AM

To: Sandra Eddy <sandra.eddy@earthlink.net>

Cc: apcwestla@lacity.org

Sandra,

Also confirming receipt of this second supplemental email.

Best always,

[Quoted text hidden]

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LOS ANGELES
CITY PLANNING

Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org



Sandra Eddy <sandra.eddy@earthlink.net>

Wed, Oct 5, 2022 at 10:43 AM

To: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Cc: apcwestla@lacity.org

Great! Thanks so much, Nick.

Best,
Sandy

Sent from my iPhone

10/12/22, 11:03 AM

City of Los Angeles Mail - Attachment for No. ZA-2015-420-CUB-DRB-SPP-1A Appeal letter

On Oct 5, 2022, at 8:43 AM, Nick Vasuthasawat <nick.vasuthasawat@lacity.org> wrote:

[Quoted text hidden]



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP- 1A, Appeal Hearing Date: 10/19/22

1 message

Robin Weitz <robinweitz1@gmail.com>

Tue, Oct 11, 2022 at 9:10 PM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Hello and good evening.

1) I am a resident living at [1101 Monument Street, Pacific Palisades, California 90272](#), and work at [875 Via De La Paz, Suite D, Pacific Palisades, California 90272](#) - these locations are about 500 feet from the subject premises. I have lived here since 1994.

2) I hereby object to Saheed Kohanoff, Applicant and Appellant's appeal of the conditional use to allow the sale of beer and wine in conjunction with a convenience store proposed at 15401 and [15406 West Sunset Boulevard, Pacific Palisades, California 90272](#) operating as a liquor store:

a) our neighborhood is overly concentrated with alcohol serving establishments - along Sunset Boulevard from Temescal Canyon to Carey - half a mile

(i) Restaurants (15): Angelini, Armav, Beech Street, Blue Ribbon Sushi, Casa Nostra, Chipotle, Cinque Terre West, Draycott, Hank's, Kay N Dave's (sold), Modo Mio, Pearl Dragon, Porto Via, Ritrovo (closed from fire), Taj Palace,

(ii) Off-site purchases (4): Gelson's, Ralphs, CVS, Erewhon

(iii) Movie Theater (1): Cinopolis/Netflix

b) the subject property is located on a corner that services students going to Palisades Charter High School, Palisades Elementary Charter School, Seven Arrows, and Methodist Preschool;

c) the subject property has a bus stop servicing students from Paul Revere Middle School and Palisades Charter High School;

d) there is no need for alcohol to be purchased at the gas station;

e) the proposed site is adjacent to a condo complex housing several people - having alcohol purchases will be a constant disturbance - car doors slamming, cars braking, cars exiting and entering, lights flickering and flashing; back up alarms; locking and unlocking alarms; beeps; chatter; and voices;

f) The Applicant/Appellant has had a history of selling to minors;

g) the Applicant/Appellant sold juul pods to minors without asking for any verification;

Residents are not demanding this use, and I respectfully request that the West Los Angeles LA Area Planning Commission not allow the sale of beer and wine in conjunction with a convenience store operating as a liquor store. The Hearing Officer ruled correctly in not allowing the sale of beer and wine in conjunction with a convenience store proposed at 15401 and [15406 West Sunset Boulevard, Pacific Palisades, California 90272](#) - it is not necessary or warranted for our community.

Thank you for your time and attention.

Sincerely,

Robin Weitz, 310/251-9060
robinweitz1@gmail.com



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A Appeal letter

2 messages

Sandra Eddy <sandra.eddy@earthlink.net>

Tue, Oct 4, 2022 at 2:53 PM

To: apcwestla@lacity.org, Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

**To: City Planning Commission Office West Los Angeles Area Planning
Commission**

And

Nick Vasuthasawat

From: Sandra Eddy
1155 Via de la Paz
Pacific Palisades 90272
310 454-1155

Appeal Hearing Shell Station
15401 and 15406 W. Sunset Blvd. 1021, 1023, 1029, and 1031 North Via de la Paz
Case No. ZA-2015-420-CUB-DRB-SPP-1A
Hearing Date: October 19, 2022, 4:30p

We own a condo at 15515 Sunset where my stepson lives, which is adjacent to the Shell station. In addition, we own a home on Via de la Paz and live 2 blocks north of Sunset Blvd. , just outside the 600ft radius.

I am opposed to Saeed Kohanoff's application for a CUB, permit to sell beer and wine, and therefore **I support the LOD disapproval of the CUB; and, I support the LOD proposed placement of the mini market on the property.**

I submitted a letter on 8/18/17 which focused on Mr. Kohanoff's sensitive use attachment to his application. Not only did he under-report in every category, he completely ignored the first use listed in the use requirements in the LA Municipal Code. He did not list anything for the residential uses in the 600ft radius. This blatant omission exemplifies Mr. Kohanoff's total disregard for the surrounding neighbors.

While Mr. Kohanoff's attorney has characterized the neighborhood as 'commercial', that is clearly not the case. Mr. Kohanoff does not live in our community and apparently has complete disregard for the neighborhood surrounding his gas station. He grossly undercounted the sensitive use properties in the 500 foot radius of his gas station in other categories as well.

By walking the surrounding area, it is easy to count the 49 single family homes, 298 condos and apartments and 60 residents at Atria Senior Living, representing nearly a thousand people, that live in the 600ft radius. They ignored a thousand residents. They also ignored Aldersgate Retreat, which is now an elementary school owned by 7 Arrows. Clearly the number of people who will be impacted by the close proximity reinforces the argument that alcohol sales is inappropriate at this location. Please refer to my attachment for detailed information.

And finally, in 2015 when we were first made aware of this project, we collected nearly 300 signatures of neighbors who oppose the project. This illustrates that there is neither the need nor demand for alcohol sales at the neighborhood gas station. With 3 grocery stores (Gelson's, Erewhon and Ralph's) and a CVS within walking distance of the gas station, each selling a wide range of alcohol, selling alcohol at this gas station location does not provide an unserved need for our neighborhood. Copies of the petitions were submitted to City Planning and are in the file.

Thank you for your consideration of my request to uphold the LOD disapproval of the CUB permit.
Sincerely,

Sandra Eddy



Residents - Sensitive Use 600ftREVISED.pdf
1021K

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>
To: Sandra Eddy <sandra.eddy@earthlink.net>
Cc: apcwestla@lacity.org

Wed, Oct 5, 2022 at 8:38 AM

Hi Sandra,

Thank you for your comment. I am confirming receipt of this email and attachment which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--



LOS ANGELES
CITY PLANNING

Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A

1 message

David Greifinger <tracklaw@me.com>

Wed, Oct 5, 2022 at 11:29 PM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org



Letter re- Shell Station DRG.pdf

102K



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A

1 message

Svetlana Yanov <svtdll@yahoo.com>

Thu, Oct 6, 2022 at 2:29 PM

To: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>, apcwestla@lacity.org

Mr. Vasuthasawat,

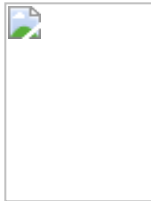
I am Svetlana Yanova living right to the Shell gas station where the proposed project planned. My address is [1029 Via De La Paz](#). Please help me and my neighbors to stop building a bigger gas station with the store inside selling alcohol. The sell of any alcohol will attract more homeless people and teenagers from the high school across the street. As you know, the homelessness is a big problem for all of us. Selling alcohol will bring more homeless people to the area and create more crime. Living next to the gas station is not fun from the beginning but have people buying alcohol and drinking over there will make it completely miserable. We have a lot of families with young children in the building and the neighborhood, Who need your help to stop this project to go forward.

Thank you for your involvement,

Svetlana Yanova

Sent from my iPhone

--

**Nick Vasuthasawat**

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

[Los Angeles, CA. 90012](#)[Planning4LA.org](#)

T: (213) 978-1250





Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-4201-CUB-DRB-SPP-1A Hearing date Oct 19 -

1 message

Ronald Vinje <ravinje@gmail.com>

Tue, Oct 11, 2022 at 5:05 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>, "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

October 10, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.orgnick.vasuthasawat@lacity.org

My name is Ronald Vinje. I live in a condo at [1029 Via de la Paz, Unit 128, Pacific Palisades](#), next door to the Shell Station. There are a total of 107 units in our condo complex, with 2 addresses in the HOA – 15515 Sunset and [1029 Via de la Paz, \(Via de la Paz Homeowners.\)](#)

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- 1. There should be NO SALE of BEER or WINE at the Shell Station—**There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School where my children went to school.) The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- 2. The Position of the Building should remain in the same approximate location (in the middle of the property)—**This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station.

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

I respectfully request the rejection of Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Ronald Vinje



Planning APC West LA <apcwestla@lacity.org>

Fw: ZA-2015-420-CUB-DRB-SPP-1A - OPPOSITION LETTER

2 messages

p.nelson09@yahoo.com <p.nelson09@yahoo.com>
To: "apcwestla@lacity.org" <apcwestla@lacity.org>
Cc: "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Sun, Oct 2, 2022 at 1:39 PM

Dear West APC, and Mr. Nick Vasuthasawat:

I am supporting LA City Planning Department's Letter of Determination recommendations for the Shell Station project. I am in support of Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

You will find a copy of my original letter to Mr. Charles Rausch dated August 14, 2021 regarding this matter below.

Thank you again for your consideration in this matter.

Sincerely,

Phyllis Nelson
Homeowner
Via de la Paz Condominium

----- Forwarded Message -----

From: p.nelson09@yahoo.com <p.nelson09@yahoo.com>
To: charlie.rausch@lacity.org <charlie.rausch@lacity.org>
Cc: nick.vasuthasawat@lacity.org <nick.vasuthasawat@lacity.org>
Sent: Saturday, August 14, 2021 at 09:27:50 AM PDT
Subject: ZA-2015-420-CUB-DRB-SPP - OPPOSITION LETTER

Dear Mr. Rausch:

As a homeowner at the Via de la Paz Condominium complex, located directly next door to the subject location, I am opposed to the proposed convenience store, alcohol sales and operating hours for the following reasons:

Alcohol Sales/Mini shopping center: This is a family oriented residential neighborhood close to schools. Alcohol sales with a super-sized convenience store with 24/7 hours of operation are inappropriate at this location.

Noise: Parking lot and related convenience store noise after 10 pm is an intrusion on the neighbors right to peace and quiet.

Traffic/safety: The issues include: Dozens of school aged kids crossing the driveways (twice a day, 5 days a week) and elderly people out for walks with their caretakers from the adjacent

nursing home; left-hand turns into the parking lot blocking traffic on Sunset and Via de la Paz; additional cars created by proposed convenience store are hazardous for drivers and pedestrians.

Loitering and Police Activity/Hours of Operation: The hours of operation at a 24/7 convenience store that sells beer and wine within 50 feet of bedroom windows of the adjacent condominium complex is unacceptable.

All night (or even late night) large-scale convenience stores are crime hot-spots. Establishing a late hour business with proposed alcohol sales would become a place for transients and homeless in the Palisades to congregate.

There are many other reasons for opposition that have been voiced in the past, and are included in your files.

Thank you for your consideration when reviewing the proposed expansion/hours/alcohol sales at this location.

I urge your rejection of the requested permits for a 2440 sq. ft. convenience store with expanded hours and the sale of alcoholic beverages.

Sincerely,
Phyllis Nelson
Via de la Paz Homeowner

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>
To: "p.nelson09@yahoo.com" <p.nelson09@yahoo.com>
Cc: "apcwestla@lacity.org" <apcwestla@lacity.org>

Tue, Oct 4, 2022 at 4:41 PM

Hello Phyllis,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--



Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Re: Case No. ZA-2015-420-CUB-DRB-SPP-1A

2 messages

Sacha Irwin-Smith <sachairwin@gmail.com>

Wed, Oct 5, 2022 at 10:19 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

To: City Planning Commission Office
West Los Angeles Area Planning Commission
apcwestla@lacity.org

Nick Vasuthasawat
nick.vasuthasawat@lacity.org

From: Sacha Irwin
sachairwin@gmail.com

Re: Case No. ZA-2015-420-CUB-DRB-SPP-1A

Appeal Hearing Shell Station
15401 and [15406 W. Sunset Blvd.](#) 1021, 1023, 1029, and [1031 North Via de la Paz](#)
Case No. ZA-2015-420-CUB-DRB-SPP-1A
Hearing Date: October 19, 2022, 4:30p

I own a condo on the ground floor at 15340 Albright which is directly across the street from the Shell station.

I am opposed to Saeed Kohanoff's application for a CUB, permit to sell beer and wine, and therefore I **support the LOD disapproval of the CUB; and, I support the LOD proposed placement of the mini market on the property.**

Attached is a photo from my future child's room window and another from my patio. It is clear that creating a mini market selling alcohol would be an intrusion to our home. I remember how shady the Mobil station was at night back before Caruso took over.

Please uphold the ruling of Mr. Rausch's Letter of Determination of July 28, 2022.
Thank you for your consideration.

Sincerely,
Sacha Irwin





Sacha Irwin-Smith

Cell Phone: 310-402-4259

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

To: Sacha Irwin-Smith <sachairwin@gmail.com>

Cc: apcwestla@lacity.org

Wed, Oct 12, 2022 at 8:11 AM

Hi Sacha,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

LOS ANGELES
CITY PLANNING**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Subject: Case No. ZA-2015-420-CUB-DRB-SPP- 1A; Appeal Hearing Date: 10/19/22

1 message

Ted Weitz <t.weitz4@verizon.net>

Fri, Oct 7, 2022 at 10:37 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

I am herewith resending my submission in objection to the appeal in Case No. ZA-2015-420-CUB-DRB-SPP- 1A as my prior submission sent 10/6/22 did not include the case number of the appeal. The case number of the appeal now appears on the bottom of the first page of the objection letter and on the bottom of the first page of the attachments.

The submission consists of a letter dated October 6, 2022 and an attachment comprising three prior letters.

Ted Weitz

ted@tedweitzlaw.com

Tel: 310.573.1238

Fax: 310.573.9348



Shell.10.19.22.Appeal.TCW.pdf
1820K



Planning APC West LA <apcwestla@lacity.org>

Support for Mr. Rausch's July 28,2022 Letter of Determination ZA-2015-420-CUB-DRB-SPP-1A

1 message

PPRA Palisades <ppra90272@gmail.com>

Fri, Oct 7, 2022 at 4:34 PM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org, elynorc@yahoo.com, jessicamarirogers@outlook.com, Sarah Conner <sarah@connercoast.com>, barbara@kohn.com, "sandra.eddy@earthlink.net" <sandra.eddy@earthlink.net>

Dear West APC,

In reference to case **ZA-2015-420-CUB-DRB-SPP-1A**, Pacific Palisades Residents Association, PPRA, is submitting this letter in support of Mr. Rausch's Letter of Determination Disapprovals and Approvals for the Shell Station project.

The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

This is the third letter submitted by PPRA over the last several years since the request for construction of a mini market with permission to sell alcoholic beverages. PPRA is terribly concerned and against any sale of alcoholic beverages at that site. There is absolutely no gain for offering that kind of service at that location. It is a well known fact that convenient stores that sell alcoholic beverages attract crime and people loitering in front of the markets. The Station is located in the heart of a quiet, sleepy, family oriented residential community. We need to look out for the safety of our residents and our youth. We also ask that you respect the neighbors that live adjacent to the station and follow through with the recommendations of Mr. Rausch regarding the placement of the new mini mart.

Thank you very much for including this email in the record.

Regards,

Elynor Chiu

Pacific Palisades Residents Association, President



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

2 messages

rcgold@verizon.net <rcgold@verizon.net>

Mon, Oct 3, 2022 at 7:39 AM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org

We support Mr. Rasuch's July 28, 2022 approvals and disapprovals for case ZA-2015-420-CUB-DRB- SPP-1A.

Bob and Marge Gold
353 Las Casas Ave.
Pacific Palisades, CA 90272

Sent from Marge's iPad

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Tue, Oct 4, 2022 at 4:42 PM

To: rcgold@verizon.net

Cc: apcwestla@lacity.org

Bob & Marge,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

1 message

Repetti, Rena <repetti@psych.ucla.edu>

Wed, Oct 5, 2022 at 2:09 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>

Cc: "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Dear Mr. Vasuthasawat,

I am a neighbor of the Shell gas station project site under review in case number **ZA-2015-420-CUB-DRB-SPP-1A**. I live at 1177 Galloway Street, within 500 feet of the site and am writing to express strong support for the recommendations that the LA City Planning Dept's Letter of Determination describes for the project. In particular, I am in complete agreement with Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals denying the sale of alcoholic beverages at the proposed Shell Station mini market and providing specific placement guidelines for the new building.

Please see below the letter that I sent to Mr. Vasuthasawat on July 6, 2021. It explains my position that additional sources of alcohol are simply not needed in the Palisades and that the sale of beer and wine in this location is incompatible with the quiet residential community in which the property is located.

In closing, I'd like to note again that it is incredibly disheartening for Palisades residents to have to repeatedly write letters and participate in public hearings about the same exact issue. My involvement goes all the way back to August 2017 when I participated in an in-person public hearing at which many Palisades residents expressed objections to those requests.

Thank you for considering the neighborhood's point of view.

Sincerely,

Rena Repetti

From: Repetti, Rena <repetti@psych.ucla.edu>**Date:** Tuesday, July 6, 2021 at 9:15 PM**To:** nick.vasuthasawat@lacity.org <nick.vasuthasawat@lacity.org>, jordann.turner@lacity.org <jordann.turner@lacity.org>**Cc:** Grinblatt, Mark <mark.grinblatt@anderson.ucla.edu>**Subject:** Case No. : DIR-2019-1115-CDP-MEL

City of Los Angeles

Department of City Planning

200 N. Spring Street, Room 720

[Los Angeles, CA 90012](#)

Attention: Nick Vasuthasawat, Planning Assistant

Re: Case No. : DIR-2019-1115-CDP-MEL

CEQA No. : ENV-2018-505-17346

Location : [15401-15406 West Sunset Blvd., Pacific Palisades](#)

Dear Mr. Vasuthasawat,

I am writing on behalf of myself and my husband, Mark Grinblatt, residents of Pacific Palisades. Our home at [1177 Galloway Street](#) is just a few blocks from the Shell gas station project site. We strongly oppose the Shell station's request (described in a notice of public hearing that was sent to our home) for an exemption from CEQA, a conditional use permit ("CUP") to allow 24 hours per day of operation, and a CUP to sell beer and wine. These requests repeat a past Shell station request that generated an overwhelmingly negative community response. During the summer of 2017, we participated in an in-person public hearing at which many Palisades residents expressed objections to those requests. Palisades residents are surprised that this issue has arisen again. It is quite disheartening that the city is requiring us to repeat our arguments against these proposed changes.

Additional sources of alcohol are simply not needed in the Palisades. Three supermarkets and a CVS, all of which sell beer and wine, are located within a few blocks of the project. One supermarket, Gelsons, is right across the street from the Shell station. The proposed project would unnecessarily increase the density of locations for the purchase of beer and wine for off-premise consumption, which is known to be associated with increased risks for a community. Research shows that there is a positive association between the number of such outlets in a given neighborhood and increases in crime as well as adverse health effects (e.g., <https://pubmed.ncbi.nlm.nih.gov/29227232/>).

The sale of beer and wine in this location is incompatible with a quiet residential community. The proposed changes would increase noise and attract individuals who seek inexpensive sources of alcohol but are deterred by private security guarding our local supermarkets. For example, the gas station might become a convenient pit stop for the loud motorcycle gangs that ride through the Palisades on Sunset at least twice each week. The families living right next door to the gas station will be the most adversely affected, but so will neighbors in the entire surrounding area.

Everyday, many children pass the gas station on their way to-and-from five local schools: Palisades Charter Elementary School ([800 Via de la Paz](#)), the Village School ([780 N. Swarthmore Ave](#)), Corpus Christi School (890 Toyopa Dr), Seven Arrows Elementary School ([15239 La Cruz Dr](#)), and Palisades Charter High School (15777 Bodoin Street). All are within a 5-10-minute walk from the Shell station. One recent study (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3778110/>) found that "children with an alcohol outlet on the route to school were more likely to be offered alcohol, tobacco, and other drugs as well as be exposed to drug selling and seeing people using drugs." It is also important to note that children who attend Palisades High School come from all over the city. They often wait for hours for a parental pick-up. All of our children and teens need safe after-school activities, not a nearby gas station that sells beer and wine.

The Palisades community has direct experience with this phenomenon. A minimart at the Mobil gas station that existed on the corner of Swarthmore and Sunset ([15281 W Sunset Blvd](#)) until about 2016 sold alcohol and was a disaster for the community. The minimart functioned as a gathering place for drug sales and as a location where underage minors were able to purchase inexpensive beer and wine. Because of what went on there and the frequent police activity around the station, it was treated as a "no-go zone" by families with preteens and teenagers.

To further complicate matters, there has been an explosion in the number of unhoused individuals living in cars and tents in town (including in the vicinity of the Shell station), on Will Rogers beach, and on the hills above PCH. The price point of wine and beer sold at a gas station and the easy in-and-out access at all hours would be a draw for this population. That would exacerbate a multifaceted set of problems that are already difficult to tackle among the homeless. In particular, there is a very high prevalence of substance abuse and mental illness within this population, challenges that are compounded by the use of alcohol to self-medicate.

From a bird's eye view, the request for a 24-hour mini-mart that sells alcohol might seem trivial, but for people who live, work and attend school in our quiet family neighborhood, the adverse effects are quite obvious and severe. We hope the city will deny the Shell Station's requests.

Thank you for considering our point of view.

Sincerely,

Rena Repetti

Rena Repetti, PhD

Professor

UCLA, Department of Psychology

1285 Franz Hall

Los Angeles, CA 90095-1563

Tel: (310) 206-9290

FAX: (310) 206-5895



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

1 message

Dave Barnett <dave@davebarnettproductions.com>
To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Fri, Oct 7, 2022 at 1:36 PM

October 7, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.orgnick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 115, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I myself have two children, both of whom regularly exit our condo building and walk out of the building and past the Shell station. They go every morning on their way to school, they pass it every afternoon on their way back. In addition they pass it every time they go to their friends houses and to the Village, as well as to get food.

This is our home, and we do not want an increase of traffic, we do not want people buying alcohol, we do not want people to go in and buy cigarettes and light up in front of our pathway to and from the building, and we do not want to incur any more transients and homeless than the many we already deal with.

Therefore I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

1. There should be NO SALE of BEER or WINE at the Shell Station—There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.

2. The Position of the Building should remain in the same approximate location (in the middle of the property)—This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station).

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents

of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Dave Barnett

October 11, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 129, Pacific Palisades (nextdoor to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate. I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- **There should be NO SALE of BEER or WINE at the Shell Station**—There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- **The Position of the Building should remain in the same approximate location (in the middle of the property)**—This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station).

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,
Catherine Dunne

LAW OFFICES OF
DAVID R. GREIFINGER

15515 Sunset Blvd., No. 214 • Pacific Palisades, California 90272
Telephone (424) 330-0193 • Facsimile (831) 920-4864 • E-mail: tracklaw@me.com

October 5, 2022

RE: Case No. ZA-2015-420-CUB-DRB-SPP-1A

Via email to apcwestla@lacity.org and nick.vasuthasawat@lacity.org

To Whom it May Concern:

I live at 15515 West Sunset Boulevard, Unit No. 214, in Pacific Palisades. I am writing in support of the findings in Mr. Rauch's March 28, 2022, Letter of Determination of Disapprovals and Approvals for Case No. ZA-2015-420-CUB-DRB-SPP-1A, for the Shell Station at Sunset Boulevard and Via de la Paz in Pacific Palisades. The findings are well-reasoned and consistent with the best interests of the community.

The proposed sale of alcoholic beverages at the proposed Shell Station mini market is particularly inappropriate. The station is less than a quarter of a mile from Palisades High School and Palisades Elementary School and near numerous private elementary and middle schools. Traffic is a major concern at the intersection of Via de la Paz and Sunset, and the blind westbound curve on Sunset in front of the station adds to the hazard, both for alcohol sales and an expanded mini market. Additionally, the alley behind the gas station has in recent years has become a magnet for transients. The proposed sale of alcohol will only add to the problem.

Thank you for your consideration.

Very Truly Yours,

David Greifinger

David Greifinger

LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
(310) 260-6016

October 6, 2022

Sent Via E-Mail
apcwestla@lacity.org
etta.armstrong@lacity.org
nick.vasuthasawat@lacity.org
jordann.turner@lacity.org

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

Honorable Commissioners:

I represent the Via De La Paz Association (“VDLPA”) and its individual members. The VDLPA is a homeowners association representing 107 condominiums and approximately 214 people in buildings immediately adjacent to and only 20’ away from the Project site.

The owner of 15401-15406 W. Sunset (“Applicant”) is seeking an exemption from CEQA, a conditional use permit (“CUP”) to allow 24/7 hours of operation, a CUP to sell beer and wine from and a Project Permit Compliance Review and Design Review (the “Project”).

The VDLPA opposes the Project.

INTRODUCTION

This is one of many hearings regarding the expansion of use at the Project site. In 2007, the City rejected an application proposing the expansion of the gas station.

In 2015, the Applicant applied for approval of the present Project. On August 31, 2017, the City conducted a public hearing. The record was closed without a decision. The City then allowed Applicant to submit further reports after the matter was closed, essentially providing Applicant with a “do-over” without any substantial justification or even an explanation. The matter was set for another public hearing. The VDLPA objected to this second hearing on the grounds that this “do-over” was unfair to the neighboring residents and violated their right of due process.

Nevertheless, on July 7, 2021, the City conducted another public hearing regarding the Project. Then over a year passed by without any decision or determination.

On July 28, 2022, Associate Zoning Administrator, Charles J. Rausch issued the City’s determination regarding the Project. The Applicant has appealed this determination.

PROJECT DESCRIPTION

The Project will demolish an existing 1,620 sf. gas station located approximately in the center of the Project site and construct a new 2,440 sf. convenience store on the western lot line of the site. The existing convenience store is only 440 sf. and Applicant proposes a new 2,440 sf. store that will double the sales area of the store to approximately 850 sf.

Applicant is requesting the following discretionary actions:

1. A Class 32 Exemption from the California Environmental Quality Act (CEQA);
2. A Conditional Use Permit (CUP) to allow the sale of beer and wine from 6 a.m. to 2 a.m.;
3. A CUP to allow hours of operation for 24 hours, 7 days a week;
4. A Project Permit Compliance and Design Review pursuant to LAMC §§11.5.7 and 16.50.

THE CITY'S JULY 28, 2022 DETERMINATION

The City made the following determinations with conditions:

1. That the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Class 5 and Section 15332 Class 32 and that there is no substantial evidence demonstrating that any exceptions apply under Section 15300.2 of the State CEQA Guidelines.
2. Disapproval of a Conditional Use allowing the sale of beer and wine.
3. Disapproval of a Conditional Use allowing 24 hour, daily operation and an approval of a Conditional Use allowing operation from 6 a.m. to 11 p.m.
4. Approval of a Project Permit Compliance and Design Review to demolish the existing structure and construct a new 2,440 sf. convenience store at an existing gas station.

Applicant requested that the new store be located on the west lot line of the site. The City imposed Condition 8, which placed the new store in the middle of the Project site, with the four parking spaces to be located on the west side of the site. Essentially, Condition 8 keeps the store in the general area where the present store is located. This preserved the existing access from Sunset Blvd. to the alley on the north side of the site.

APPLICANT'S APPEAL

Applicant appealed the 7/28/22 Determination regarding Condition 8 (the location of the store) and the denial of a conditional use permit to sell wine and beer.

Applicant contends that the imposition of Condition 8, keeping the store in the middle of the site, renders the parking and traffic circulation “problematic and potentially infeasible.” However, Applicant provided no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades.

Applicant also contends that the denial of a conditional use permit for the sale of beer and wine was erroneous because the sale of beer and wine will provide an essential service and a convenience to the community. Applicant also asserts that this use permit merely replaces one at a nearby location that closed six years ago in 2016.

THE VDLPA'S OPPOSITION TO THE APPEAL

The VDLPA opposes the Appeal of the 7/28/22 Determination for the following reasons:

1. If the Project store is moved from the middle of the site, then it will cause a serious, adverse traffic circulation impact and increase traffic congestion. Applicant's proposed plan eliminated the long-time access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' wide alley behind the Project, between the Project and residences and right under residential bedrooms. This will bring increased traffic closer to the adjacent homes. Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. The increased use of the alley, with trucks backing down with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.
2. Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. There is no public benefit to allow the Project to sell alcohol and this is not an essential service for the neighborhood. Alcohol is available for sale at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary. The neighborhood opposes this use.

CONDITION 8 IN THE CITY'S 7/28/22 DETERMINATION CORRECTLY KEEPS THE STORE LOCATION IN THE MIDDLE OF THE SITE

Applicant's proposed site plan moves the store to the west lot line, eliminating access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' alley behind the Project, which is between the Project and the next door homes.

Locating the store at the west lot line of the site will cause a dangerous traffic circulation impact. The City's 7/28/22 Determination mitigates this with Condition 8, which places the store in the center of the site, where it has been for decades.

Without Condition 8, increased traffic will be pushed closer to the adjacent homes. Persons entering the adjacent property, including deliveries, will have to use the alley. Persons leaving must back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. Traffic on Via de la Paz will slow to allow access to and from the alley. The increased use of the alley will result in vastly more noise right under the bedrooms of the adjacent homes.

Applicant contends that Condition 8 renders the parking and traffic circulation "problematic and potentially infeasible." But Applicant provides absolutely no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades. There is no good reason to move the store to the west lot line, but there would be plenty of adverse impacts if this is done. Applicant has operated a store at the center of the site for years without any adverse impacts.

The City was correct in keeping the store in the middle of the site. Nothing will be taken from Applicant if it is left there. If the Project is allowed as proposed, persons seeking access to the adjacent commercial property will be forced to use the 20' alley behind the site. This increased traffic will cause more noise and give rise to an extremely unsafe situation for drivers and pedestrians. Applicant has not and cannot dispute this.

THE CITY'S 7/28/22 DETERMINATION CORRECTLY DENIES ALCOHOL SALES

Applicant wants to sell beer and wine in the new store. In 2015, Applicant wanted alcohol sale hours of 6 a.m. to 2 a.m. Applicant now wants the hours to be from 10 a.m. to 10 p.m.

Los Angeles Municipal Code §12.24-W governs the authority to grant a conditional use to sell beer and wine for off-site consumption. §12.24-W(a) allows such a conditional use provided that the Zoning Administrator makes the following findings:

- (1) that the proposed use will not adversely affect the welfare of the pertinent community;
- (2) that the granting of the application will not result in an undue concentration of premises for the sale ... of alcoholic beverages, including beer and wine ... giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and
- (3) that the proposed use will not detrimentally affect nearby residentially zoned communities ... after giving consideration to the distance of the proposed use from residential buildings ...”

The City received substantial input from the neighboring residents to the effect that the sale of alcohol will adversely affect neighboring homes. Noise from late night customers arriving and leaving the Project site after purchasing alcoholic beverages will adversely affect the quiet enjoyment of the adjacent homes. There will be the sound of car doors opening and closing late at night. Loud conversations in the parking lot are to be expected.

Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood.

As the adjacent homes are located above the site grade only 20’ from the store, no wall or landscaping will mitigate potential adverse impacts from noise, lights, glare and other nuisances resulting from the late night purchase of alcohol. To allow this Project to sell alcohol would violate the Municipal Code.

THE CITY REJECTED AN EXPANSION OF THE STORE AT THE SITE IN 2007

In 2007, the owner (at that time) of the Project site applied for a CUP to expand the convenience store. (Case No. ZA 2006-9396 (CU) The owner also sought to build a new, separate car wash. The City rejected not only the car wash, but also the expansion of the convenience store. This involved the same gas station as the present Project.

In rejecting the expansion of the convenience store, the ZA made the following findings:

1. The proposed location will not be desirable to the public convenience or welfare.

The City found that the convenience store expansion “*provides no particular convenience given the proximity to Gelson’s Market, Ralph’s Market, CVS and a Mobile gas station food mart.*”

The City found that any patronage of the convenience store *“would be substantially from the nearby area which has responded with its opposition to the use. Therefore, the alleged convenience to be provided is a false one.”*

2. The location is not proper in relation to adjacent uses.

The City noted the presence of VDLPA’s 107 units immediately adjacent to the site and noted the adverse effects of noise from cars and increased traffic on the adjacent residents. The City found that increasing the size of the convenience store *“adds nothing beneficial to the development of the community given the availability of purchasing a wider selection of the same items at competitive prices within walking distance of the subject site.”*

3. The use will be materially detrimental to the character of the neighborhood.

Regarding traffic, the City noted that residents of this area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city, stating:

“... the degree of change may be statistically insignificant when compared to the city at large but tangibly significant to those who live and work in the immediate area of the project site ...”

Regarding the increase of traffic, the City found that *“Either the enlargement will attract more patronage ... or the expansion makes little economic sense and will attract no significant increase in revenue.”* Therefore, there would have to be more vehicle trips to the store. The City found that *“the character of the area goes to the heart of the specific plan”* and to expand the store would be to *“completely disregard the plan.”*

4. The store expansion will not be in harmony with the General Plan.

The City made the specific finding that the proposed expansion of the food mart beyond the otherwise allowed 600 sf. is *“inconsistent with the specific plan.”*

Applicant takes great pains to assert that prior applications and denials are irrelevant because they are old. (But Applicant has no problem relying on a traffic report that’s over seven years old.) However, the City’s findings made in 2007 are still true today and as this is a larger project, the adverse effects on the neighborhood will only be worse than what was anticipated in 2007.

There is no doubt (as the City found in 2007) that an enlargement of the store will attract more patronage. Otherwise the expansion makes no economic sense. Applicant’s traffic report (from Kimley-Horn) is over seven years old and completely out of date. Even so, it admits that “Project-related traffic is expected to access the site similarly to the existing site usage, albeit with greater intensity due to the increase in building area.” Trips to the store will increase. The related noise and adverse traffic impacts will increase.

There is still no basis for a conclusion that the Project will be: 1) desirable to the public convenience or welfare; 2) proper in relation to adjacent uses or the development of the community; 3) not materially detrimental to the character of the development in the immediate neighborhood; and 4) in harmony with the General Plan.

CONCLUSION

Condition 8 in the City's July 28, 2022 Determination correctly keeps the store in the Project in the middle of the site. If the store is moved to the west lot line, then it will cause a bad traffic circulation impact and create a dangerous situation for motorists and pedestrians.

With the store at the west lot line, the long-time access to the adjacent commercial property from Sunset Blvd. will be eliminated. Access to the commercial property will be limited to the alley behind the Project and next to residences, bringing increased traffic closer to the adjacent homes.

Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an unsafe situation for drivers and pedestrians. The increased use of the alley, including trucks backing up with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.

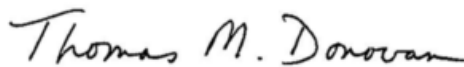
Applicant has produced no evidence that the Project will be impaired in any way if the store is kept in the middle of the Project site. There is no evidence that keeping the store in the middle of the site is infeasible in any way. That's where the store has always been. There has been no "taking" as Applicant asserts. The City is merely keeping the store in the middle of the site where it has been located for decades.

Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood. In fact, the neighborhood opposes this use. The Project's hours with the sale of beer and wine will adversely affect the quiet enjoyment of the adjacent homes. The City already rejected a lesser expansion of the convenience store.

The VDLPA also contends that a Class 32 Categorical Exemption to CEQA is inapplicable and that the Project is not in conformity with the Community Plan and the Specific Plan. The Proposed Mitigated Negative Declaration and its findings are not supported by substantial evidence. The Project violates Los Angeles Municipal Code §12.24-W. The VDLPA has provided substantial evidence to make a fair argument under CEQA that the Project may have a significant effect on the environment. The mitigation measures and conditions proposed are insufficient. The VDLPA's arguments regarding these issues are attached in Addendum A and in prior submissions to the City.

If the WLA APC is inclined to allow this Project at all, at the very least, the store should be located at the center of the site and no alcohol should be sold there.

Very truly yours,

A handwritten signature in black ink that reads "Thomas M. Donovan". The signature is written in a cursive, flowing style.

Thomas M. Donovan

LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
(310) 260-6016

ADDENDUM “A”

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

The Via De La Paz Association (“VDLPA”) and its individual members submit this Addendum in further opposition to the proposed Project identified above.

A CLASS 32 CATEGORICAL EXEMPTION IS INAPPLICABLE TO THIS PROJECT

Despite the prior 2007 decision, the City, in its 7/28/22 Determination, approved a Class 32 Exemption from CEQA, after a Proposed Mitigated Negative Declaration was circulated. It appears that Planning changed its thinking solely because of a noise report unfairly submitted in March 2020, long after the record had closed. Regardless, a Class 32 Exemption is inapplicable.

A Class 32 exemption from CEQA under California Code of Regulations (CCR) §§15300.2 and 15332 exempts projects if they meet certain criteria.

California Code of Regulations §15300.2(c) provides in part as follows:

§15300.2. Exceptions

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. *[Emphasis added]*

California Code of Regulations §15332 provides in part as follows:

§15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. *[Emphasis added]*

The Location of the Project is in a Sensitive Environment and Unusual Circumstances Exist.

A Class 32 Exemption is inapplicable if a reasonable possibility of a significant effect due to unusual circumstances is demonstrated. The City has been presented with substantial testimony that the Project site is in a sensitive environment and presents unusual circumstances.

In 2007, the City denied the expansion of the convenience store at this same location. The City specifically found that residents of the Project site area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city. This is a finding that the Project site is in a sensitive environment and presents unusual circumstances.

Testimony from neighboring residents established that the Project site has unusual circumstances, with residential homes only 20 ft. from the Project site. The neighborhood is primarily a quiet bedroom community and noise easily travels. Residents even further away from the site can already hear noises that emanate from the present gas station in the evening.

This is a sensitive and unusual neighborhood when compared with the rest of the City. The Project will have significant unmitigated effects on traffic and public safety, which make the exemption unavailable. The testimony of the Project neighbors is adequate to establish unusual circumstances and a reasonable possibility that the project will have a significant environmental impact.

The Project is not Consistent with the Applicable Community Plan.

A Class 32 Exemption does not apply unless the project is consistent with the policies of the applicable Community Plan. (Public Resources Code 21059.25(b)(1).) Objective 2-1.3 in the Community Plan requires that projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 is to preserve community character and scale.

The City concluded in 2007 that: The proposed expansion of the food mart beyond the otherwise allowed 600 square feet and the introduction of a car wash are inconsistent with the specific plan.” No car wash is sought in the present application. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf., a greater increase than sought in 2007.

Approval of the Project Will Result in Significant Effects Relating to Traffic and Noise.

The Project will cause an adverse traffic circulation impact and increased traffic to the site. The change in traffic patterns will result in an increased use of the adjacent alley. It will also cause significant noise that will adversely affect the quiet enjoyment of the adjacent homes.

The Applicant’s traffic engineers admitted that Project-related traffic will increase, but underestimated the amount of increase. By staying open until 11 p.m., the increase will occur when nearby residents are sleeping in their homes. Opposition from nearby residents confirms this significant noise increase. The neighborhood residents have established the reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. Therefore, a categorical exemption may not be used for this Project.

A Class 5 Exemption is Also Inapplicable to the Project.

The Notice of Public Hearing on 7/7/21 did not notify the public that a Class 5 Exemption was

sought. Due to this failure, this exemption should not have been considered. The VDLPA objected to its consideration. Regardless, a Class 5 Exemption is inapplicable to the Project.

A Class 5 Exemption from CEQA under Code of Regulations (CCR) §15305 provides:

§15305 - Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

A Class 5 Exemption is inapplicable to the Project. It can only apply if there are only minor alterations of land use limitations and no changes in land use. As indicated in §15300.2, a project that is ordinarily insignificant in its impact may be significant in a particularly sensitive environment. This is one of those situations. The changes sought by the Applicant are not minor and there are specific changes in land use. The present gas station does not sell alcohol. To allow the sale of alcohol is a specific change in land use. The substantial opposition to the present application confirms that this is not a minor change.

The primary use of the present gas station is to sell gas. Its present, small, 440 sf. convenience store is an accessory to the sale of gas. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf. (at a minimum), doubling the square footage. This makes the sale of gas accessory to the sale of other items, including alcohol. This is a major change in the primary use of the site. The Project will likely make more money from the sale of alcohol and other items than from the sale of gas.

THE PROJECT DOES NOT COMPLY WITH THE COMMUNITY AND SPECIFIC PLANS FOR THE PROJECT SITE AREA

The Project site is governed by the Brentwood-Pacific Palisades Community Plan and the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. The Project conflicts with the Community Plan's goals, objectives and policies. A purpose of the Community Plan is to preserve and enhance the positive characteristics of existing residential neighborhoods.

Objective 2-1.3 in the Community Plan requires that commercial projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 in the Community Plan is to preserve community character and scale.

The Specific Plan, adopted in 2016, sets forth specific purposes. Section 2.A provides that future development be compatible with the surrounding residential community. Section 2.B indicates that the individual qualities of plan areas are to be preserved. Section 2.D states that commercial uses should be consistent with the general character of the community, which includes single-family residences and some multiple residential structures. Section 2.F notes the promotion of harmonious development by prohibiting uses inconsistent with the Plan and inappropriate to their sites, surroundings and traffic circulation.

A convenience store, operating 24/7 while selling alcohol until 11 p.m. is not consistent with the above plans and goals which are designed to protect residential neighborhoods. These operating hours with the sale of alcohol are incompatible to with the adjacent homes and inconsistent with the general neighborhood character. The Project as proposed conflicts with the community plans.

THE PROPOSED MND IS DEFICIENT IN FAILING TO IDENTIFY AND MITIGATE THE ADVERSE IMPACTS ON LAND USE

The Proposed Mitigated Negative Declaration (MND) is deficient as follows:

1. The MND Initial Study notes that increased noise levels may result, but astonishingly states that potential impacts will be mitigated simply by a 6-foot wall. This absurd mitigation will not affect the Project's noise from the projecting to the bedrooms on the floors above a wall.
2. The Initial Study indicates that the Project conforms with the existing community plans and that there is no conflict with the plans. As indicated above, this is untrue.
3. The Initial Study indicates noise as an environmental factor but mentions nothing about its effect on the adjacent homes.
4. The Initial Study finds that the Project will have no impact on traffic. No consideration is given to the Project's effect on the adjacent commercial building and the resulting change in traffic patterns. Even Applicant's traffic engineers indicate that the Project will increase traffic with greater intensity.

The proposed findings by the MND are false and not supported by sufficient evidence. The consequence is that no mitigation measures are proposed. Failing to cite inconsistencies with adopted land use policies as adverse impacts and failing to identify or propose any reasonable mitigations, is a failure to proceed in the manner required by CEQA. No doubt this is why Planning wants to consider an exemption. Otherwise, this Project would not pass muster under CEQA.

OBJECTION TO THE 7/7/21 HEARING.

The VDLPA continues to object to the Public Hearing held on 7/7/21. The Applicant filed his application in 2015 and the City held a hearing on 8/31/17. No decision was made and the record was left open to 9/22/17. The record was closed as of that date, yet the City allowed the Applicant to submit further reports and then allowed a second hearing. The City provided the Applicant with a "do-over" without any justification. This was unfair to the neighboring residents and violated their right of due process.

The City allowed the Applicant to submit a noise report dated 3/10/20. Project opponents were not notified that the record was still open. The Applicant should not have been allowed to make further submissions after the record was closed. The 7/7/21 Notice of Public Hearing was also defective in that the times to sell alcohol were not indicated and the square footage sought was misstated. A new Notice of Public Hearing should have been issued to provide full and fair notice of what was proposed. Please see the Opposition submitted by the VDLPA dated 7/6/21 for further details.

October 7, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 201, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- 1. There should be NO SALE of BEER or WINE at the Shell Station—**There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- 2. The Position of the Building should remain in the same approximate location (in the middle of the property)—**This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station.

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Jill Jones

**JOHN B. MURDOCK
ATTORNEY AT LAW
1209 PINE STREET
SANTA MONICA, CA 90405
TEL: (310) 450-1859
jbmlaw@hotmail.com**

October 10, 2022

West L.A. Area Planning Commission
c/o Nick Vasuthasawat, Planning Assistant
200 N. Spring Street
Los Angeles, CA 90012
Via email only: Nick.Vasuthasawat@lacity.org

FOR HEARING DATE: OCTOBER 19, 2022
Project Address: SHELL GAS STATION at 15401 and 15406 Sunset Blvd;
1021, 1023, 1029, and 1031 N. Via De La Paz, Pacific Palisades

Case No. ZA2015-420-CUB-DRB-SPP-1A;
ENV-2015-421-CE

Dear Area Planning Commissioners:

The undersigned presents this support for the ZA decision on behalf of Shaun Malek, D.D.S., owner of the office building at 15415 Sunset Blvd., which is directly adjacent to the west of the subject Shell Station. We support the entire decision by the Zoning Administrator for the project as conditioned, without waiving objections to the project as originally proposed. We will address primarily the frivolous legal arguments about an alleged "taking" presented by the appellant, but we also support the denial of the CUB for all of the reasons stated in the ZA decision and in letters and testimony from other parties opposing the CUB.

THE CURRENT LOCATION OF THE BUILDING IS APPROPRIATE AND WORKS FOR ALL CONCERNED.

The ZA's LOD Exhibits do not show you the existing configuration on the lot. To see how this looks, please refer to **Exhibits A, B and C** hereto:

Exhibit A (compiled from appellant's slideshow in the record) shows the existing building at the top, and the proposed new building at the bottom.

Exhibit B is taken from the LOD, showing the ZA's movement of the building back to the center where it came from, thereby eliminating the noise and safety issues identified by the ZA.

EXHIBIT C is a copy of GOOGLE MAPS photograph of the current configuration

As you will see from attached exhibits, the proposal by the appellant, owner of the Shell Station,

would demolish the existing building in the *center* of the owner's lot, and erect a new building *along the west-side property line*, cheek by jowl with Dr. Malek's building, with no separation between the two buildings, completely changing and disrupting the existing circulation of driveway traffic which has been working for decades, in fact a half century without interruption.

THE PROPOSED LOCATION CREATES UNMITIGABLE IMPACTS.

In particular, the appellant's proposal would block off the existing driveway to Sunset Boulevard, currently used by both properties as well as the delivery trucks and trash from the Sunrise Senior Apartment Building next door. As the ZA found, blocking this exit to Sunset would force all vehicles to back down the northern alley way to Via De La Paz, creating dangerous conditions and nuisance noise impacts.

THERE IS NO "TAKING" CREATED BY CONDITION 8.

The appellant presents a strained argument that the decision by the ZA would result in a "taking" of property under the Supreme Court decisions in *Nollan v. California Coastal Commission*, 483 U.S. 825, and *Dolan v. City of Tigard*, 512 U.S. 374. Those cases held that the government may not condition the approval of a land-use permit on the owner's deed of a portion of his property to the public unless there is a nexus and rough proportionality between the government's demand and the effects of the proposed land use.

These decisions are completely inapposite to the case at hand. Here, the city is not exacting a deed or dedication to the public of any portion of the property in question. The appellant has a perfectly usable gas station that has existed since 1962 with no difficulty. Appellant recently purchased the gas station and seeks to increase the yield from the property by adding to the square footage of the building, moving the building location, and adding alcohol sales. As part of this proposal, appellant would destroy the existing building to build a new one on a different part of the lot. In order to do this, he needs to obtain relevant city permits.

THE ZA'S DECISION SPECIFICALLY NEGATES ANY CLAIM OF "EASEMENT".

In this case the ZA found, based on a mountain of evidence from citizens and owners of the properties nearby, that the project as proposed would create circulation safety concerns as well as noise from trucks and other vehicles if the existing pattern were disrupted to require vehicles to back out the alleyway and cross the sidewalk backwards to exit by backing out onto Via De La Paz. Appellant's attorney constructs an argument that this ruling grants an "implied easement" to Dr. Malek, allowing his tenants to continue exiting from the alley to Sunset using the driveway space west of the existing building. However, nothing in the ZA decision supports that assertion. In fact, the ZA, at pages 45-46 of the LOD, is meticulous to note that any claim of easement is *not within his purview to decide*, it is an issue for courts to determine. The decision made by the ZA is based solely on public safety and welfare considerations -- not just for Dr. Malek's tenants, but for the residents on the northern border of the alley and for senior citizens in the Sunrise Apartments at the end of the alley.

THE ZA'S DECISION IS BASED ON EVIDENCE OF IMPACTS.

In order to grant the permits requested by appellant, the ZA would be required to find, pursuant to LAMC section 12.24-E, that the location of the building "will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety", among other things, findings which could not be made. In fact the evidence was completely to the contrary, precluding approval. Please read the entirety of the ZA's findings on this issue, "**Location of the New Structure**", which explains how and why the traffic circulation works, beginning at the bottom of page 45 of the LOD and concluding on page 46 with the following:

The new proposal moved the convenience market to the westerly property line which would close off the route to Sunset and force the vehicles to back an additional 80 feet down the alley before reaching a driveway area where they could turn around and drive forward down the alley to Via De La Paz. Especially for delivery trucks which have backup warning buzzers and beepers, this would cause a major noise impact to the residents to the north in the condominium building. For early morning or evening deliveries which cannot be controlled by this action because these uses are not on the subject site, the noise from backing vehicles would adversely affect this adjacent property.

....

The Zoning Administrator does not wish to opine on the legality of the claimed "proscriptive easement" claimed by the westerly building's attorney. This is a legal issue that is beyond his [ZA's] purview. However, the proposed building location of the convenience store will close off this route through the site to which the property owner has not objected to in the site's current operations. Such a [Condition 8's] proposed location for the building **will negate the concerns of both the condominium property owners, the eldercare facility's ownership and the adjacent building's ownership of trucks being forced to back down the alley across the sidewalk and onto Via De La Paz.** Thus, the condominium's residents would **not be forced to listen to truck traffic's back up warning system, and the vehicle's drivers would have a clear exit way to Sunset without backing into a sidewalk and a busy public street.** With the [proposed] building moved to the new location on the lot, the project's location and the location's affect on alley operations will **not adversely affect adjacent properties with backup warning system noise** In addition, the public safety for those using Via De La Paz and its sidewalk **will not be compromised by backing vehicles from the alley.** Additionally, the Conditions of Approval will ensure safety, responsible maintenance and operation of both the gas station and convenience store.... As such, the proposed project's significant features as approved will be compatible with and **will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

(LOD, p.46, emph. added)

The ZA decision also has the required Findings for Commercial Corner approval, at pp. 50-51 of the LOD. The ZA again spelled out the problems with the proposed location of the building, noting that the proposed siting of the building was *not analyzed* in the "Traffic Assessment" by Kimley-Horn presented by the applicant. (*id* at P.50). The ZA's review of the evidence led to the finding that the "proposed building location will have a disruptive effect on vehicular circulation in the alley which will not only affect traffic in the alley, but also have a negative noise effect due to vehicular backup warning systems on the adjacent residences." (*id* at 51). After detailing the facts regarding backup dangers at the sidewalk and onto Via De La Paz, the ZA made the specific Finding that Justice Scalia demanded in *Dolan*, a non-speculative, evidence-based conclusion that something *will happen*, not that something is "problematic" or "may happen" or "could happen" or "potentially might" happen: "Thus, the proposed placement of the new convenience market WILL create a traffic hazard on the alley at its intersection with Via De La Paz and a disruption of circulation in the alley. In order to alleviate this problem, the Zoning Administrator has required the movement of the new building from the western lot line of the project site to the middle of the site." (*Id.*, *emph. in original by ZA*).

It is clear that the ZA could not approve the proposed "location" under the standards required by 12.24-E or the Commercial Corner requirements, and that approval of the store could only be approved if Condition 8 were imposed to avoid the identified impacts. Appellant has presented a dangerous and unworkable proposal, and the ZA, while required to deny the *proposed* location by LAMC Section 12.24-E, was entirely within his authority to condition the proposal to avoid and eliminate those dangers and nuisance conditions. If the applicant does not like the condition, he is free to continue operating the existing gas station where it has stood for decades earning revenue for the owners who previously owned the lot. There is no evidence in the record to suggest the revenue from the existing location of the building does not provide a reasonable return, hence, there is no evidence upon which to base a claim of any kind of vested entitlement or "taking". The city and its residents are not guarantors of any particular yield the property owner desires to derive from acquiring the operating business.

GAMBLING ON GETTING PERMITS CANNOT CREATE A "TAKING" WHEN THE GAMBLE FAILS.

The current owner (appellant) sold his Mobile station down the street for an undisclosed amount to the Caruso development and bought the instant property knowing where the building and the driveway existed, gambling on getting the city to approve a new structure in a different location with a CUB for alcohol sales. There is no claim of any vested rights to have the permits issued for the new project, hence no vested rights are being "taken" away. A losing gamble on getting discretionary permits is not the basis for a "takings" claim, *ever*. Nothing whatsoever is being "taken" from this new owner by the ZA's decision.

There is no evidence in the record that allows anyone to conclude that keeping the driveway circulation *as is*, for health, welfare and safety reasons, rather than closing off the exit route to Sunset Boulevard along the west side of the lot and requiring everyone to back out the alley, is unreasonable or constitutes a "taking" under the *Nollan* or *Dolan* opinions. There is a clear "nexus" between the appellant's requested permission for new building size and uses and the condition imposed by the ZA, *i.e.*, the project as proposed will create unsafe, inconvenient, noisy

impacts, hence Condition 8 is appropriate to modify the proposal if Appellant wishes to go forward. It is simply *frivolous* to claim there is no “nexus” between the evidence of impacts and the condition imposed by the ZA.

Appellant’s citation to two Supreme Court decisions is an attempt to make it appear there is a legal issue to review, when in fact there is none. Please ask your deputy city attorney to address this argument, which he or she will reject as being without merit. It hinges on the contention that the ZA has granted an easement, so as to call the *Nolan* case into play. As will be seen *infra*, the ZA studiously rejected making any decision based on a claimed easement of any kind. His condition addressed the safety and noise impacts not only on Dr. Malek’s building but on the two other buildings affected by the applicant’s proposed movement of the building from the center to the west side of the lot.

THE NOLLAN CASE DOES NOT APPLY.

In *Nolan*, the Coastal Commission demanded a formal deeded public easement across the applicant’s property for the stated purpose of allowing the public to access “views” to the ocean from the roadway. (“The Nollans protested imposition of the condition, but the Commission overruled their objections and granted the permit *subject to their recordation of a deed* restriction granting the easement.” *Nollan*, supra, 483 U.S. at 828, *emph. added*).

The Court found that deeded physical public access across the owner’s property had no “nexus” to the problem cited by the Commission, which was lack of “views” *from the roadway* created by a wall of houses. In other words, creating a public easement across the beach on the property did not solve or address any view impacts *created by the project*, hence it was ruled to be a taking of property because there was no nexus between the public easement and any impacts created by the project. Appellant in our case would expand this to mean that any condition imposed on any project to mitigate identified impacts *created by the project* can still be called a “taking”, which is simply not what the Court decided. In our case, the condition is specifically designed to avoid the impacts that the project will create, unlike the *Nollan* condition.

THE DOLAN CASE DOES NOT APPLY.

The *Dolan* case is equally irrelevant. There, the court determined that the condition imposed by the city did indeed have a nexus to the impacts created by the project but found the evidence of the alleged impacts were not significant enough to warrant the burden imposed on the applicant. That burden was the actual *dedication of part of applicant’s property to the city*¹ for a whole new public pedestrian walkway and bike path, as a way to alleviate alleged traffic concerns in the city. The Court concluded that the city’s findings about offsetting traffic concerns were not based on any evidence, but rather on a mere assumption. The Court framed it thus:

The second part of our analysis requires us to determine whether the degree of the exactions demanded by the city’s permit conditions bears the required relationship to the

¹ “The city required that petitioner dedicate ‘to the City as Greenway all portions of the site that fall within the existing 100-year floodplain [of Fanno Creek] ... and all property 15 feet above [the floodplain] boundary.’ ” *Dolan v. City of Tigard*, 512 U.S. 374, 388.

projected impact of petitioner's proposed development. [citations] (“ ‘[A] use restriction may constitute a “taking” if not reasonably necessary to the effectuation of a substantial government purpose’ ”)... The question for us is whether [the city’s] findings are constitutionally sufficient to justify the conditions imposed by the city on petitioner's building permit.

Dolan, supra, 512 U.S. 374, 388-38

In reviewing the record, the Court determined that the city’s finding for requiring dedication of a portion of the property for public uses was based on a mere statement that the dedication “could” offset the anticipated adverse impacts on the flood plain system and on traffic, not a finding that it “will” offset the adverse impacts. The Court stated:

Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway “could offset some of the traffic demand ... and lessen the increase in traffic congestion.”

Dolan, supra, 512 U.S. 374, 395.

This is clearly distinguishable from the instant case, where the ZA has not exacted any dedication of property but merely denied moving the building from its current centered location to a new location, with findings based on the irrefutable, overwhelming evidence that allowing the move as proposed *will have the impacts* identified in the findings. Trucks *will* have backup warning systems, as required by State law, which the city cannot prohibit. (CA Vehicle Code Section 27000). These warning noises *will impact* the residents in the condominium building adjacent to the alley, there is no question about that. Trucks and cars *will* back up across a busy sidewalk with great danger to human beings, especially to children running or walking to get to schools in the neighborhood. Trucks and cars will back out into the busy traffic on Via De La Paz with great danger to the safety of human beings. Thus, unlike the *Dolan* finding, there is no uncertainty about whether or not these things *will occur*. The ZA’s decision clearly meets the nexus and the “rough proportionality” burden requirements of the Supreme Court, and the ZA’s decision must be upheld if these adverse conditions are to be avoided.

THIS APPEAL IS RESTRICTED TO EVIDENCE IN THE RECORD, AND THERE IS NO EVIDENCE OF “INFEASIBILITY”, NOR OF BEING “PROBLEMATIC”, HENCE THERE CAN BE NO FINDING OF ZA ERROR OR ABUSE OF DISCRETION.

There is no evidence whatsoever in the record before the ZA that the supposed “burden” of *not moving the building, if there is any such burden*, outweighs the identified evidence of the burdens that granting the move to block the driveway *will* create. There is no evidence in the record (the appellant’s written statement for the appeal presented by Mr. Brower as lawyer for appellant cites none), that maintaining the center location is any burden at all, much less a burden to be weighed against the nuisance conditions that the moved location would create. The written appeal justification merely says (at p.2), without reference to any facts, that the circulation

created by the ZA's condition is "problematic" (whatever that means), and "potentially infeasible" (*id.*), repeating at page 5 that the "property may not be able to accommodate the building and provide the requested access, rendering the Project infeasible". **These are vague, speculative lawyer's arguments of the exact same kind disapproved by the Supreme Court in the *Dolan* opinion, not evidence of any kind, and provide no basis in the record for overturning the ZA decision as an error of law or abuse of discretion.** They fail for the same reason as the finding in *Dolan* (that the condition "could" possibly have an offsetting effect) failed — because they are not based on factual evidence.

AN APPELLATE COURT DECISION AGAINST THE CITY OF L.A. PRECLUDES ALLOWING ANY NEW EVIDENCE ON APPEAL FROM THE ZA'S DECISION.

Should the appellant try to introduce new evidence of the claimed "infeasibility", it must be rejected. The courts have firmly ruled that an appeal from a ZA's CUP decision is restricted to the evidence in the record upon which the ZA decision was made and cannot be a *de novo* hearing entertaining new evidence. The appellate court ruled on this precise issue concerning L.A. codes applicable to an appeal from a ZA decision in *W. Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal. App. 4th 1506, 1520–21: "As we have stated, the Municipal Code requires the appellate body's decision to be based on the record as to whether the zoning administrator erred or abused her discretion, and the appellate body is required to set forth specifically how the zoning administrator erred. (LAMC, §§ 12.24, subd. I, 12.27, subds. K, L.)" (emph. supplied). The court in *W. Chandler* specifically rejected the argument that the appellate body could alter a project and make a ruling *de novo* based on new or different evidence than presented to the ZA.

Thus, since there is no evidence in the record to suggest that Condition 8 creates any burden on appellant that is out of proportion to the proposed project site's burden on surrounding property owners, and since appellant cannot be heard in any rebuttal presentation or at the APC hearing to present new evidence attempting to support the lawyer's vague claim of alleged "problematic" location or "potential infeasibility", *the condition cannot be lawfully overturned.* Any problem with placing the building in the center is merely self-imposed and can be corrected by the applicant. The opinion in *West Chandler v. City of L.A.* prohibits this Commission from overturning the ZA's decision without making specific findings, based in evidence in the record, explaining how the ZA erred or abused his discretion, nor can the Commission formulate a compromise version of the project that was not before the ZA.

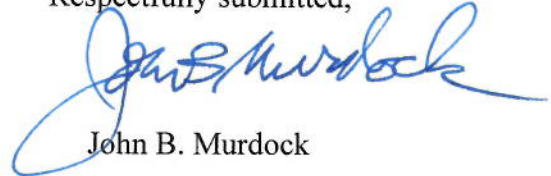
THE DENIAL OF NEW ALCOHOL SALE AT THIS LOCATION HAS NOT BEEN SHOWN TO BE ERROR OR ABUSE OF DISCRETION.

The thorough decision by the ZA on the denial of alcohol sales need not be discussed other than to say there is no evidence presented that this is an error of law or an abuse of discretion. The ZA applied the appropriate standards and based his decision on evidence that has not been refuted. Hence the decision of the ZA should be approved and the appeal denied in its entirety.

SUPPORT OF ZA DECISION IS NOT A WAIVER OF PREVIOUS OBJECTIONS TO PROJECT *AS PROPOSED* BY APPLICANT

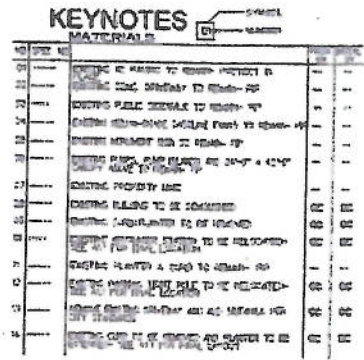
As stated above, my client accepts and supports the ZA decision with Condition 8 in place. However, this is done in a spirit of compromise. All of the previous objections raised during the lengthy ZA proceedings are preserved, not waived, in the event the project is approved as proposed by the applicant. In particular, the size of the enlarged convenience store has not been shown by any evidence to be justified, and the prior ZA and APC determinations *rejecting* an enlarged store has not been shown to be lacking in res judicata or collateral estoppel effect, since the facts have not changed which would warrant a different decision. In fact, new developments in the neighborhood since that decision, including the Caruso developments and the new convenience store across the street, have only decreased any claimed community need for another “convenience” store selling alcohol. The issue of the improperly issued Categorical Exemption will also be relevant and pursued if the ZA decision is overruled, since the LOD has done what should have been done in an EIR or MND in mitigating the anticipated impacts.

Respectfully submitted,



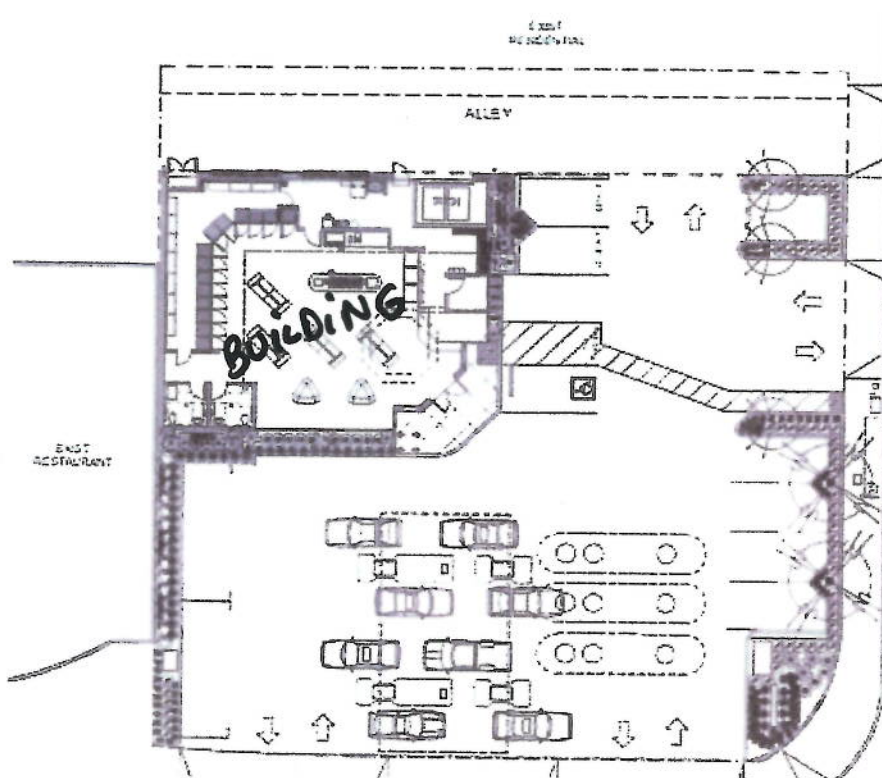
John B. Murdock

cc: Shaun Malek, DDS
Councilperson Mike Bonin, CD11
Pacific Palisades Residents Association
Ron Dean, Esq.
Thomas M. Donovan, Esq.



1. TYPE OF EXISTING SOIL AND REVEALATION RESULTING FROM LAST
YEAR'S WORK OF DRAINAGE OF FLOODPLAIN

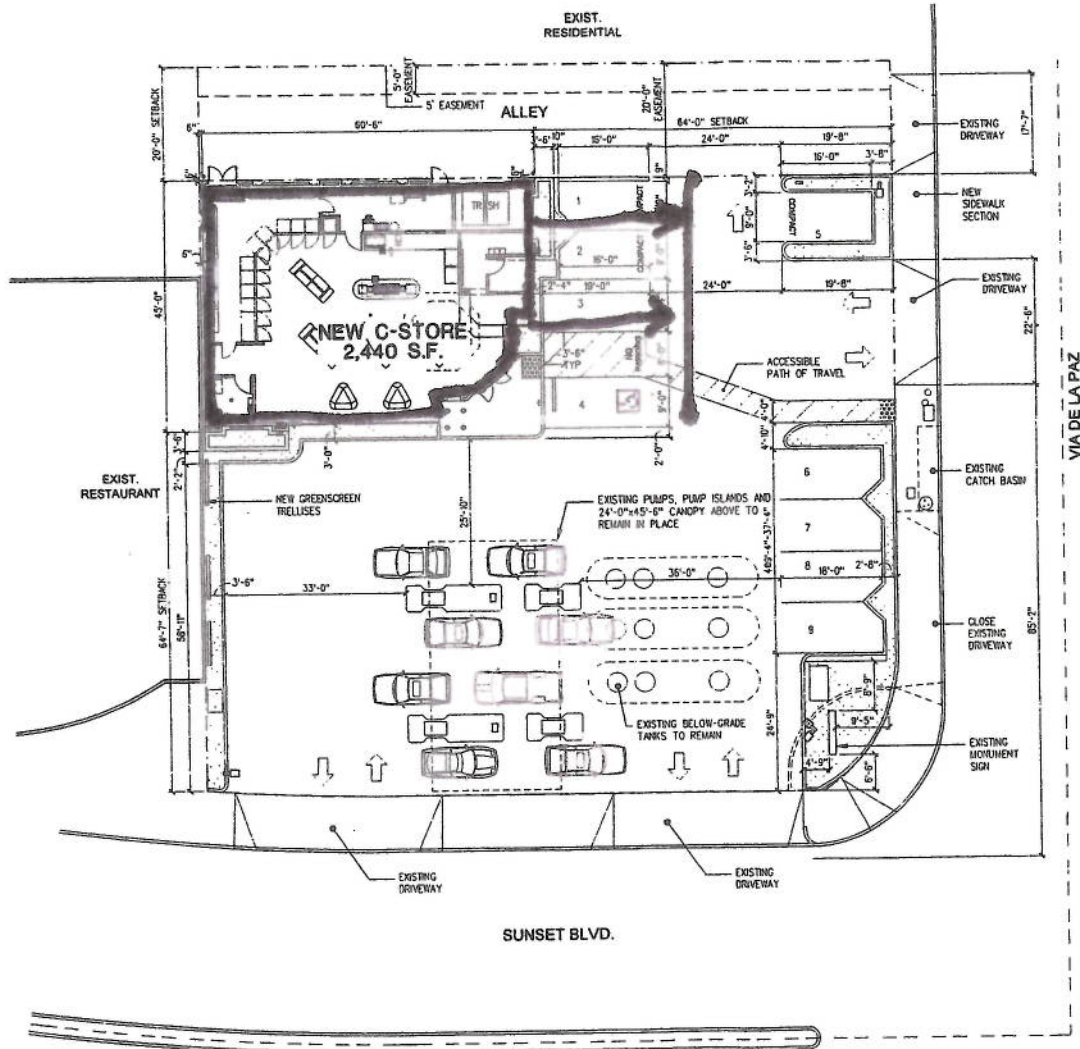
Plan: Proposed



DATE	DESCRIPTION	AMOUNT	CHECK NO.
10/1/78	10/1/78	100.00	1001
10/2/78	10/2/78	200.00	1002
10/3/78	10/3/78	300.00	1003
10/4/78	10/4/78	400.00	1004
10/5/78	10/5/78	500.00	1005
10/6/78	10/6/78	600.00	1006
10/7/78	10/7/78	700.00	1007
10/8/78	10/8/78	800.00	1008
10/9/78	10/9/78	900.00	1009
10/10/78	10/10/78	1000.00	1010
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11/8/78	11/8/78	3900.00	1039
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12/3/78	12/3/78	6400.00	1064
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12/8/78	12/8/78	6900.00	1069
12/9/78	12/9/78	7000.00	1070
12/10/78	12/10/78	7100.00	

Exhibit A

As Approved by
Zoning Administrator



PROJECT DATA
ZONE:
SITE AREA:
BUILDING AREA:
EXISTING BLD:
EXISTING C.
NEW BLDG
TOTAL BLD
PARKING SPER
REQUIRED:
2,440 S.F.
PROVIDED
PRIOR TO 1
AFTER REM

EXHIBIT "A"
Page No. 2 of 3
Case No. ZA 2015-0420

EXHIBIT B

CONDOMINIUM BLDGS



EXHIBIT C



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

2 messages

dixie mills <drdixie.mills@gmail.com>

Sun, Oct 2, 2022 at 10:24 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Good day,

I am writing in **support** of Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. This letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building. I strongly support these new guidelines and am definitely against the sale of any alcoholic beverages in this proposed mini market. As per my prior letter, I do not feel that there is any need for another source of alcoholic beverages when there is plenty in the neighborhood. It would only contribute to more crime, noise and litter in the Village.

I unfortunately will be out of town on the date of the hearing but am encouraging all my neighbors and friends to attend and expect a large audience.

Thank you again for taking these letters.

Dixie Mills

[17712 Revello Dr](#)[Pacific Palisades, CA 90272](#)

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Tue, Oct 4, 2022 at 4:36 PM

To: dixie mills <drdixie.mills@gmail.com>

Cc: apcwestla@lacity.org

Hello Dixie,

Thank you for your comment. I am confirming receipt of email.

Best always,

[Quoted text hidden]

--

LOS ANGELES
CITY PLANNING**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning[200 N. Spring St., Room 720](#)[Los Angeles, CA 90012](#)T: (213) 978-1250 | [Planning4LA.org](#)

Residents & Sensitive Uses within 600ft of 15401 Sunset
August, 2017

Address	Number of Units or Homes	Approx number of residents/unit or home	TOTAL (estimate)
Via de la Paz	11 single family	3	36
Albright	16 Single family	3	45
15340 Albright	30 condo units	2	80
15330 Albright	15 condo units	2	24
Charm Acres	14 single family	3	42
Monument	7 single family	3	15
1029 Via de la Paz & 15155 Sunset	107 condo units	2+	300
15441 Sunset (Atria Sr. Living)	60 residents	1	60
Condos on Sunset:			
-15516	24 condo units	2+	50
-15510	12 condo units	2	24
-15500	20 condo units	2+	50
Condos/Apts on Haverford:			
-974	19 apartments	2+	40
-869	single family	3	3
- 870	18 condo units	2+	40
-860	20 condo units	2+	40
- 850	18 apartments	2+	40
Aldersgate Retreat & Chapel 925 Haverford	28 beds	varies by event	varies
15480 Antioch	15 condos	2+	30
Theater Palisades - 941 Temescal Cyn		varies by event	varies
TOTALS	49 single family 298 condo/apt units 60 residents		Approx 919 individuals in the 600 ft radius

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15401 W SUNSET BLVD Font: A A A +/-

Address/Legal

Site Address	1031 N VIA DE LA PAZ
Site Address	1029 N VIA DE LA PAZ
Site Address	1023 N VIA DE LA PAZ
Site Address	1021 N VIA DE LA PAZ
Site Address	15406 W SUNSET BLVD
Site Address	15401 W SUNSET BLVD
ZIP Code	90272
PIN Number	129B125 477
Lot/Parcel Area (Calculated)	16,259.2 (sq ft)
Thomas Brothers Grid	PAGE 631 - GRID A5
Assessor Parcel No. (APN)	4422022005
Tract	TR 9300
Map Reference	M B 125-55/78
Block	None
Lot	PT LT A
Arb (Lot Cut Reference)	71
Map Sheet	129B125

Jurisdictional

Planning and Zoning

Assessor

Case Numbers

Citywide/Code Amendment Cases

Additional

Seismic Hazards

Economic Development Areas

Public Safety

Radius Tool



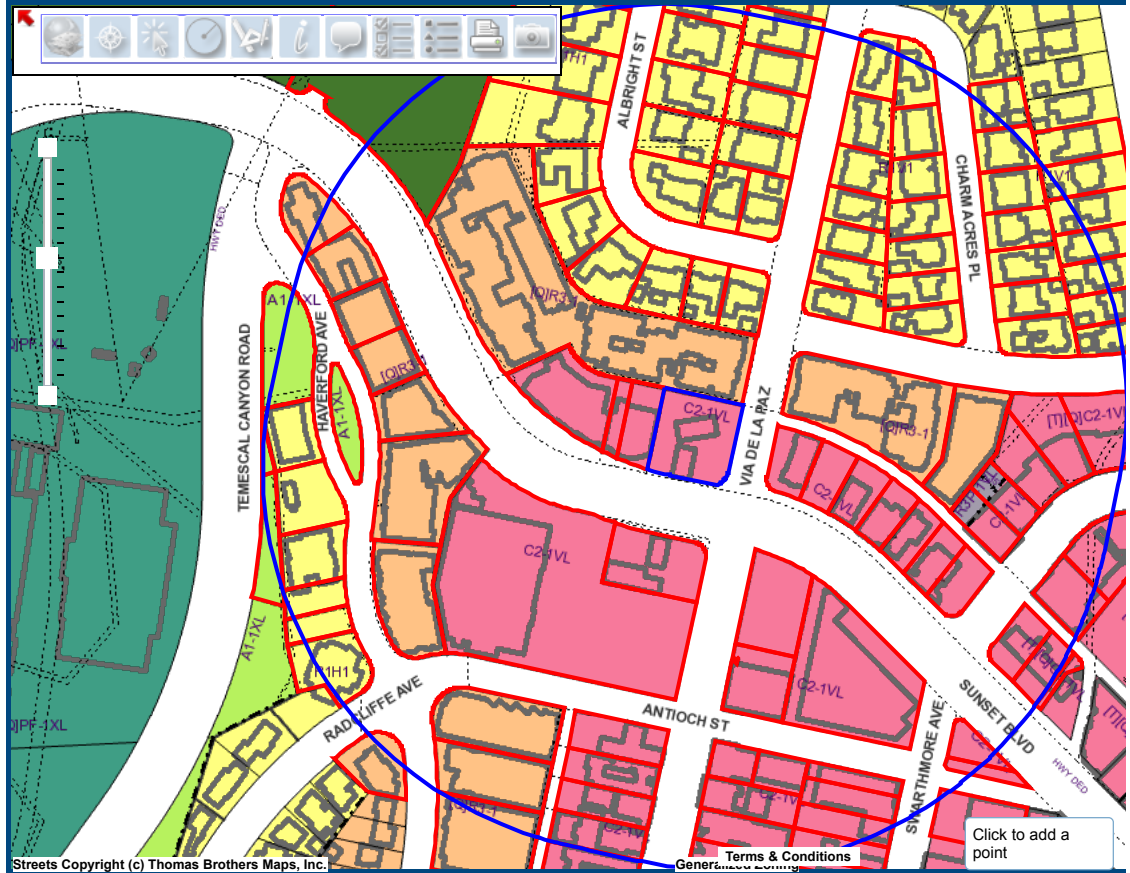
Buffer Distance:

600

Units:

Feet

Draw Buffer



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Terms & Conditions

TED CURTIS WEITZ
ATTORNEY AT LAW
1101 Monument Street
Pacific Palisades, California 90272
Tel.: (310) 573-1238 Fax: (310) 573-9348
t.weitz4@verizon.net

To: Members of the Zoning Appeals Board
From: Ted Weitz
Date: October 6, 2022

Re: 15401 and 15406 W. Sunset Boulevard, 1021, 1023 1029 and 1031 North Via de la Paz (the “Property”); Hearing Date: October 19, 2022

Owners of the subject parcel and their consultants and attorneys have been attempting to obtain approval of a CUP/CUB and a permit to develop the subject Property as a 24 hour convenience market since approximately 2015. They *continuously* have been rebuffed despite exhausting two hearing officers, three public hearings, numerous Planning Assistants who have reviewed this file and the general public who live close to the Property. Yet, like an insolent child that cannot accept being told “NO”, this Property owner *once again* seeks to push its ill-conceived plans by filing the present appeal. The Zoning Administrator said “NO”; the public clearly said “NO”; common sense has repeatedly said “NO” and this Zoning Appeals Board likewise should say “NO!”.

By way of background regarding the immediate surrounding area, through their avaricious commercial over-developments and by unnecessary overuse of their properties over the past 10 years, developers have steadily destroyed the unique character of a once quiet and charming village area known as the Pacific Palisades Village. The subject property seeks to follow that same destructive path, caring less about the adverse impacts on the community at large, or more particularly how its plans impact the immediately-adjacent 107 unit residential condominium building housing families which is separated by a mere 20 foot easement on

appellant's property which is easement is shared with other neighbors for ingress and egress and will be burdened by the applicant's proposed extended uses.

Although the undersigned reserves its right to supplement the position set forth herein, the instant submission in opposition to the appeal is *only* directed to appellant's appeal of the Denial of a Conditional Use Permit (CUB) for the sale of beer and wine for off-site consumption.

It be must be noted and understood the Appellant's position clearly lacks credibility. In Exhibit A, Section III of its Justification for Appeal, appellant relies on the 'findings' of the Pacific Palisades Design Village Review Board (the "DRB") without ever mentioning the DRB voted 4 to 1 against the issuance of any CUB to sell alcohol at this property when it reviewed appellant's application. In other words, the DRB said "NO" to appellant's plan for off-premises alcohol sales.

Further underscoring how disingenuous the appellant's position is, one needs to dissect appellant's Justification at Section III A, which states, "Mr. Kohanoff merely proposes to replace that convenience by providing it at the Property, and in effect to transfer the alcohol sales license from the now-closed store to the proposed store, resulting in no net increase in licenses—and therefore no undue concentration of licenses—in the census tract as a result of the Project." In fact, Mr. Kohonoff sold his prior Mobil service station to Mr. Rick Caruso for a handsome amount more than seven years ago. Mr. Caruso proceeded to develop the Mobil gas station space and adjacent parcels and open *seven new outlets with alcohol licenses*. The census area *clearly* suffers from an over-concentration of alcohol licenses. It simply is not true that granting this one additional CUB will not add to that over-concentration of licenses.

The reasons for denial of a CUB are numerous and multifaceted. Attached hereto find three earlier submittals (August 18, 2017, September 20, 2017, and July 23, 2021) in which I exhaustingly detail why “off-premises” alcohol sales should not be allowed at this Property.

As set forth in the Zoning Administrator’s reasoned findings, the proposed sale of alcohol WILL detrimentally adversely impact the immediate residential and surrounding area; and there is NO PUBLIC NECESSITY OR JUSTIFICATION for issuing the CUB as there are numerous grocery stores close-by for the public to purchase packaged alcohol within the immediate area without allowing alcohol sales at “grab-and-go” convenience store located on a dangerous main thoroughfare.

Respectfully submitted,

Ted Weitz

Ted Weitz, Resident at 1101 Monument St. Pacific Palisades, CA

RONALD DEAN

A LAW CORPORATION
Post Office Box 910
Pacific Palisades, CA 90272

310.459.1636
Fax: 310.459.6224
e.mail: rdean@74erisa.com

October 6, 2022

*By e-mail to
apcwestla@lacity.org and nick.vasuthasawat@lacity.org*

West LA Area Planning Commission

**Re: *Proposal for Shell Station
15401 and 15406 W. Sunset Blvd.
1021, 1023, 1029, and 1031 North Via de la Paz
Case No. ZA-2015-420-CUB-DRB-SPP- 1A***

**Hearing Date: *October 19, 2022*
Time: *after 4:30 pm***

Dear Area Planning Commission,

We own a condo in the building Via de la Paz next door to (north of) this Shell Station. We strongly oppose the applicant's appeal – both the request for a CUB for alcohol sales and the request to be allowed to move the location of the proposed structure.

Alcohol Sales

It is certainly worth repeating – the applicant requires an **exception** for his CUB for alcohol sales. The City and the Alcohol Beverage Control Board have written standards for whether a license for the sale of beer and wine should be granted. Applicant does not meet those standards. Exceptions should be the exception, not the rule.

Those standards have not been met here.

1. General Rules for Alcohol Sales

LAMC §12.24 governs the granting of conditional beverage uses. Section E sets out the Findings required for granting such an exception. Section 12.24 W.1 sets out additional findings that must be made for a permit to sell alcohol.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

2. *Sale of beer and wine*

In order to be given a license to sell beer and wine, the provisions of §12.24.E. must be met. The first requirement is that the project provide a service that is “essential or beneficial” to the community. Applicant does not even suggest that one more place to buy alcohol is “essential” to the community.

Appellant argues that a mini-mart would provide a “beneficial” service to the community. But Appellant conflates “mini-mart” with “alcohol sales” and implies that because a mini-mart would provide a beneficial service, so too would alcohol sales. This is not so.

Appellant was granted permission to build a mini-mart – without alcohol sales. Appellant’s entire “beneficial” argument relies on the benefits of a mini-mart with no mention of any benefits of another place to buy alcohol.

Appellant notes that before the Mobil station closed six years ago, it was a place oft visited by local security people and the LAPD and thus was a benefit to the community. This is true. But neither the local security people nor the LAPD officers were buying beer or wine there. It was the mini-mart (and bathroom) that were the benefit, not the alcohol sales.

Appellant has received permission to expand his current Shell station tiny mini-mart into a substantial one. LAPD and local security will be able to shop there, just as they did before and the “benefit” to the community will be the same as it was before, especially without a beer and wine permit. Appellant’s attempt to piggy-back the alcohol sales as a “benefit” should fail.

Appellant sold the Mobil station in 2016 – six years ago. After it closed there has been neither a hint or a whisper that the community lacks enough places to buy beer or wine. There is no suggestion that the community misses the benefit of alcohol sales.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

While Appellant argues that loss of the Mobil station eliminated a “significant convenience within the community” they provide no evidence of this—it’s just argument. To our knowledge not one person has ever expressed such an opinion. When the local newspaper runs nostalgic articles on businesses that used to be – the Mobil station is never mentioned.

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In addition to the provisions of §12.24.E. of the Code, an applicant for a beer and wine license must meet the conditions of §12.24.W.1.

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The Chevron station is on busy Pacific Coast Highway, across the street from a full liquor store, and does not abut any residential structures, surely not a 107 unit condominium building. The Zoning Administrator reviewed the same standards as here and came to the conclusion that the CUB should be denied.

Condition 8 - Location of the Structure

We ask that the Commission affirm the decision of the Zoning Administrator to not allow the new structure to block access from Sunset to the structures to the west. If only the 20 foot wide alley is allowed for access, then cars and trucks using it will have to back out to Via de la Paz using the entire length of the alley. This means backing very slowly, with backup beepers going the entire time – with our condos a mere 25 feet away.

In addition, not just the children from the condos but from the entire neighborhood of the Alphabet Streets use the Via/Sunset crossing to access the numerous schools on the south side of Sunset. Having a substantial increase in truck traffic entering and leaving the alley from Via creates a significant increase in the dangers for those children – notoriously not as careful at all times as they should be (the same

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A continuing concern with the Shell station as it presently works involves vehicles eastbound on Sunset who want to go into the Shell station. They first have to make a left turn to go northbound on Via de la Paz and then an immediate left into the Shell station, because U-turns on Sunset are not allowed. If southbound traffic on Via is backed up by more than 3 or 4 cars, such a left turn into the station is not possible. This means that the cars behind that car, also turning left on Via, will not be able to clear the intersection while waiting for that vehicle to be able to go into the Shell station. This will block the westbound traffic on Sunset. This is already a problem, *albeit* not often occurring. However, if we add to that the trucks and cars that previously were able to enter from Sunset and will now have to enter from the alley on Via, we've compounded the problem likely into a significant one.

To a certainty, for these reasons the loss of the Sunset Blvd. access to the western property will create significant and substantial adverse impacts, both on traffic, noise and safety – most important the safety of local children walking to school and back home.

Condition 8 was a fair and good faith compromise of the competing interests of the parties to this dispute.

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In reviewing those standards the only reasonable conclusion is that the requests for the CUB should be denied and Condition 8 should be enforced. The law does **not**

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allow Appellant's application **unless** very specific conditions are met. Those conditions clearly are not met here.

The Building Code is the result of a bargain between the businesses and residents. The Code itself says no alcohol sales. It also says that there are exceptions and alcohol sales will be allowed, but only if **certain conditions** are met. Those conditions have not been met. If the applicant believes that the conditions are too onerous or not good public policy, those concerns are to be addressed by the City Council, not by the Planning Commission.

There was no abuse of discretion, there was no (otherwise unidentified) "error." The Hearing Officer reviewed a substantial documentary file, listened to the testimony of numerous witnesses, and came to a decision well within the bounds of his discretion.

I ask that the Planning Commission enforce the bargain set out in the City Code as there is no basis here for any exception.

Very truly yours,

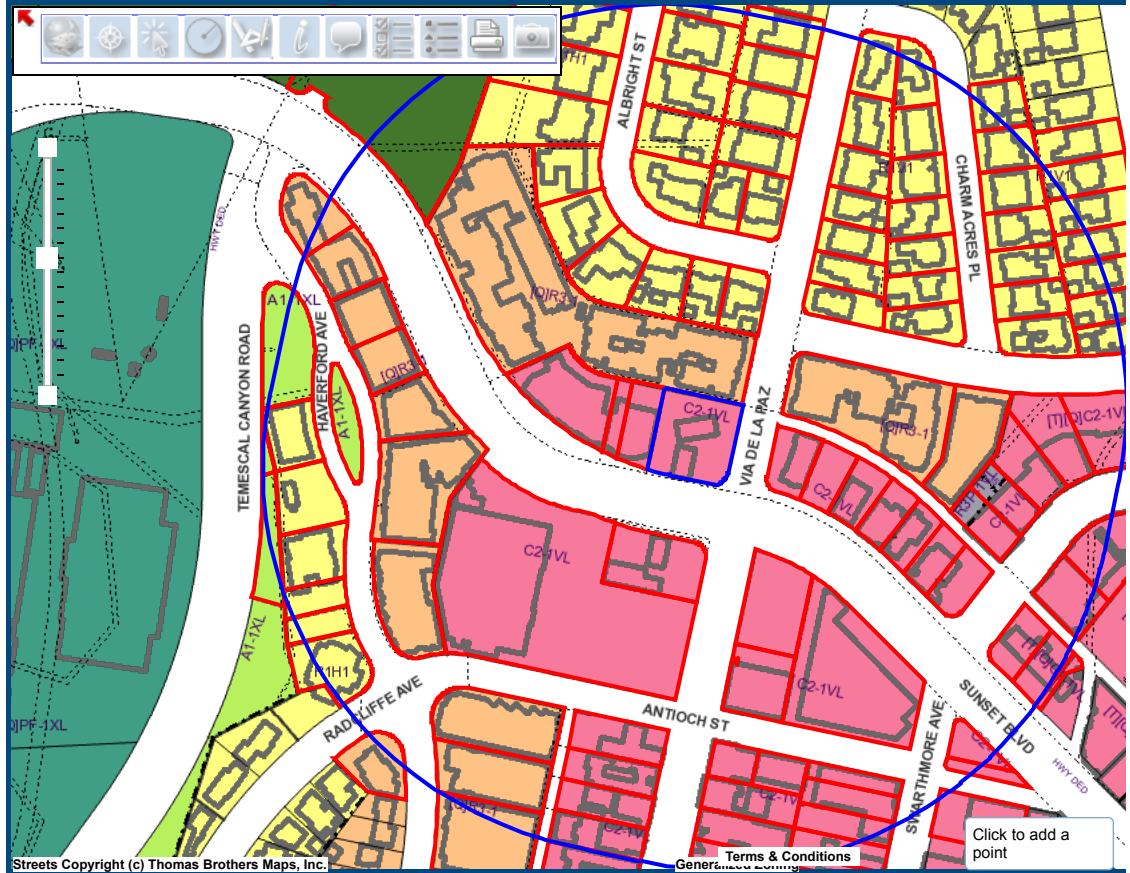
/s/ Ronald Dean

RONALD DEAN

Residents & Sensitive Uses within 600ft of 15401 Sunset
August, 2017

Address	Number of Units or Homes	Approx number of residents/unit or home	TOTAL (estimate)
Via de la Paz	11 single family	3	36
Albright	16 Single family	3	45
15340 Albright	30 condo units	2	80
15330 Albright	15 condo units	2	24
Charm Acres	14 single family	3	42
Monument	7 single family	3	15
1029 Via de la Paz & 15155 Sunset	107 condo units	2+	300
15441 Sunset (Atria Sr. Living)	60 residents	1	60
Condos on Sunset:			
-15516	24 condo units	2+	50
-15510	12 condo units	2	24
-15500	20 condo units	2+	50
Condos/Apts on Haverford:			
-974	19 apartments	2+	40
-869	single family	3	3
- 870	18 condo units	2+	40
-860	20 condo units	2+	40
- 850	18 apartments	2+	40
Aldersgate Retreat & Chapel 925 Haverford	28 beds	varies by event	varies
15480 Antioch	15 condos	2+	30
Theater Palisades - 941 Temescal Cyn		varies by event	varies
TOTALS	49 single family 298 condo/apt units 60 residents		Approx 919 individuals in the 600 ft radius

Draw Buffer



TED CURTIS WEITZ
ATTORNEY AT LAW
1101 Monument Street
Pacific Palisades, California 90272
Tel.: (310) 573-1238 Fax: (310) 573-9348
t.weitz4@verizon.net

To: Members of the Zoning Appeals Board
From: Ted Weitz
Date: October 6, 2022

Re: 15401 and 15406 W. Sunset Boulevard, 1021, 1023 1029 and 1031 North Via de la Paz (the “Property”); Hearing Date: October 19, 2022

Owners of the subject parcel and their consultants and attorneys have been attempting to obtain approval of a CUP/CUB and a permit to develop the subject Property as a 24 hour convenience market since approximately 2015. They *continuously* have been rebuffed despite exhausting two hearing officers, three public hearings, numerous Planning Assistants who have reviewed this file and the general public who live close to the Property. Yet, like an insolent child that cannot accept being told “NO”, this Property owner *once again* seeks to push its ill-conceived plans by filing the present appeal. The Zoning Administrator said “NO”; the public clearly said “NO”; common sense has repeatedly said “NO” and this Zoning Appeals Board likewise should say “NO!”.

By way of background regarding the immediate surrounding area, through their avaricious commercial over-developments and by unnecessary overuse of their properties over the past 10 years, developers have steadily destroyed the unique character of a once quiet and charming village area known as the Pacific Palisades Village. The subject property seeks to follow that same destructive path, caring less about the adverse impacts on the community at large, or more particularly how its plans impact the immediately-adjacent 107 unit residential condominium building housing families which is separated by a mere 20 foot easement on

appellant's property which is easement is shared with other neighbors for ingress and egress and will be burdened by the applicant's proposed extended uses.

Although the undersigned reserves its right to supplement the position set forth herein, the instant submission in opposition to the appeal is *only* directed to appellant's appeal of the Denial of a Conditional Use Permit (CUB) for the sale of beer and wine for off-site consumption.

It be must be noted and understood the Appellant's position clearly lacks credibility. In Exhibit A, Section III of its Justification for Appeal, appellant relies on the 'findings' of the Pacific Palisades Design Village Review Board (the "DRB") without ever mentioning the DRB voted 4 to 1 against the issuance of any CUB to sell alcohol at this property when it reviewed appellant's application. In other words, the DRB said "NO" to appellant's plan for off-premises alcohol sales.

Further underscoring how disingenuous the appellant's position is, one needs to dissect appellant's Justification at Section III A, which states, "Mr. Kohanoff merely proposes to replace that convenience by providing it at the Property, and in effect to transfer the alcohol sales license from the now-closed store to the proposed store, resulting in no net increase in licenses—and therefore no undue concentration of licenses—in the census tract as a result of the Project." In fact, Mr. Kohonoff sold his prior Mobil service station to Mr. Rick Caruso for a handsome amount more than seven years ago. Mr. Caruso proceeded to develop the Mobil gas station space and adjacent parcels and open *seven new outlets with alcohol licenses*. The census area *clearly* suffers from an over-concentration of alcohol licenses. It simply is not true that granting this one additional CUB will not add to that over-concentration of licenses.

The reasons for denial of a CUB are numerous and multifaceted. Attached hereto find three earlier submittals (August 18, 2017, September 20, 2017, and July 23, 2021) in which I exhaustingly detail why “off-premises” alcohol sales should not be allowed at this Property.

As set forth in the Zoning Administrator’s reasoned findings, the proposed sale of alcohol WILL detrimentally adversely impact the immediate residential and surrounding area; and there is NO PUBLIC NECESSITY OR JUSTIFICATION for issuing the CUB as there are numerous grocery stores close-by for the public to purchase packaged alcohol within the immediate area without allowing alcohol sales at “grab-and-go” convenience store located on a dangerous main thoroughfare.

Respectfully submitted,

Ted Weitz

Ted Weitz, Resident at 1101 Monument St. Pacific Palisades, CA

RONALD DEAN

A LAW CORPORATION
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Pacific Palisades, CA 90272

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October 6, 2022

*By e-mail to
apcwestla@lacity.org and nick.vasuthasawat@lacity.org*

West LA Area Planning Commission

**Re: *Proposal for Shell Station
15401 and 15406 W. Sunset Blvd.
1021, 1023, 1029, and 1031 North Via de la Paz
Case No. ZA-2015-420-CUB-DRB-SPP- 1A***

**Hearing Date: *October 19, 2022*
Time: *after 4:30 pm***

Dear Area Planning Commission,

We own a condo in the building Via de la Paz next door to (north of) this Shell Station. We strongly oppose the applicant's appeal – both the request for a CUB for alcohol sales and the request to be allowed to move the location of the proposed structure.

Alcohol Sales

It is certainly worth repeating – the applicant requires an **exception** for his CUB for alcohol sales. The City and the Alcohol Beverage Control Board have written standards for whether a license for the sale of beer and wine should be granted. Applicant does not meet those standards. Exceptions should be the exception, not the rule.

Those standards have not been met here.

1. General Rules for Alcohol Sales

LAMC §12.24 governs the granting of conditional beverage uses. Section E sets out the Findings required for granting such an exception. Section 12.24 W.1 sets out additional findings that must be made for a permit to sell alcohol.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

2. *Sale of beer and wine*

In order to be given a license to sell beer and wine, the provisions of §12.24.E. must be met. The first requirement is that the project provide a service that is “essential or beneficial” to the community. Applicant does not even suggest that one more place to buy alcohol is “essential” to the community.

Appellant argues that a mini-mart would provide a “beneficial” service to the community. But Appellant conflates “mini-mart” with “alcohol sales” and implies that because a mini-mart would provide a beneficial service, so too would alcohol sales. This is not so.

Appellant was granted permission to build a mini-mart – without alcohol sales. Appellant’s entire “beneficial” argument relies on the benefits of a mini-mart with no mention of any benefits of another place to buy alcohol.

Appellant notes that before the Mobil station closed six years ago, it was a place oft visited by local security people and the LAPD and thus was a benefit to the community. This is true. But neither the local security people nor the LAPD officers were buying beer or wine there. It was the mini-mart (and bathroom) that were the benefit, not the alcohol sales.

Appellant has received permission to expand his current Shell station tiny mini-mart into a substantial one. LAPD and local security will be able to shop there, just as they did before and the “benefit” to the community will be the same as it was before, especially without a beer and wine permit. Appellant’s attempt to piggy-back the alcohol sales as a “benefit” should fail.

Appellant sold the Mobil station in 2016 – six years ago. After it closed there has been neither a hint or a whisper that the community lacks enough places to buy beer or wine. There is no suggestion that the community misses the benefit of alcohol sales.

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RONALD DEAN

SECONDARY SUBMISSIONS



12106 Herbert St

Appeal Fence Case (F) Findings

THE REQUESTS

The Applicants, Payam Doostzadeh, Eric Cannata, Francois Comtois, Jacob Tilley, Sameer Gadhia, are seeking the following discretionary approvals from the City of Los Angeles:

Pursuant to L.A.M.C. Section 12.24X.7, a **Zoning Administrator's** approval granting relief from L.A.M.C Section 12.21.C.1(g) to permit the construction, use and maintenance of one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence, all of which are over-in-height, within the front yard of a single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping less than 42 inches in height.



PROJECT DESCRIPTION

Project Site

The subject property is a rectangular-shaped parcel located on a parcel containing approximately 5,000.2 square feet of lot area with an approximate 40-foot frontage along Herbert Street, and a lot depth of approximately 125 feet according to Zimas. The property is currently contains an existing single-family dwelling.

The subject site is located in the Palms–Mar Vista–Del Rey Community Plan in an area designated for Low Residential land uses and is zoned R1V2. The surrounding properties to the north, east, and west are also zoned R1V2 with single family dwellings on similarly sized lots. To the south, the surrounding properties are zoned R3-1. This is consistent with the patterns of development in the Palms–Mar Vista–Del Rey Community.

Proposed Project

The applicant proposes to construct one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence along with a native landscaping in the front yard setback. Both the vehicular access gate and pedestrian gate would front onto Herbert St.

LAMC Conformance

As stated above, the Applicant is requesting a Zoning Administrator's Approval of a fence application to permit the construction, use and maintenance of one 6'-6" max wood vehicular gate and one 6'-6" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence, all of which are over-in-height, within the front yard of a single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping in the front yard setback.

Except for this instant request, the proposed project will abide by all applicable zoning and building codes per the Los Angeles Municipal Code (LAMC) and any other applicable regulating bodies.

STREETS AND CIRCULATION

Herbert St – Adjoining the property on the east is a designated Local Street - Standard.



ADDITIONAL INFORMATION / FINDINGS FOR APPROVAL OF ZONING ADMINISTRATOR FENCE APPROVAL

Pursuant to LAMC Section 12.24-X.7

1. Describe how the proposed project will enhance the built environment in the surrounding neighborhood or how it will perform a function or provide a service that is essential or beneficial to the community, city, or region

The subject property has been owned by the applicants since 2019 and the applicants do not seek to further develop or immediately sell the property following any approval. The characterization that “The applicants are real estate investors who have joined together to renovate the subject property” is not reflective of the actual owners. The owners are members of a local LA band Young the Giant that are active in their community and have well-established relationships with their neighbors (as exhibited by those neighbors letters of support). The request has not diminished the visual compatibility of the property with the subject neighborhood and the applicant’s continued relationship with their neighbors has not created a relationship of mistrust as alleged.

In fact, the property owner’s positive and trusting relationship with their neighbors is what led to the construction of the fence in the first place. Having been notified of trespassing on their property by their neighbors, the owners installed the fence. Due to their lack of familiarity with zoning codes or the permitting process, the owners did not obtain permits out of a lack of awareness rather than any effort to sidestep regulations. In fact, how they constructed the fence would be similar to fence construction that would otherwise not require a building permit per LADBS informational bulletin IB-2020-080 (although the proposed fence is slightly taller and of course within the front yard). When they were notified that the fence was not built to code, they immediately found and engaged consultants to assist with the legalization of the fence. The intentions of the owners were never to mislead nor deceive. The fence was simply built in response to concerns for their security as well as the security of their valuable musical equipment which represents their livelihood.

Furthermore, the characterization that the “the property investors are new to the community, the obstruction immediately begins to sow the seeds of mistrust” could not be farther from the truth. They have lived there for years and garnered the trust and support of their immediate neighbors as mentioned. Additionally, they utilize the property for their personal enjoyment and do not rent the property. There are no other “investors” besides themselves, and they have been good members of the community throughout their time in this home.

The existing single-family dwelling has existed on the property since 1926 without adverse impact to neighboring properties. The single-family dwelling has been well maintained by our clients and kept up with regular maintenance. Vehicular access to the site will be from one vehicular access gate on Herbert Street with pedestrian access from one gate on Herbert Street. The applicant is requesting an adjustment from LAMC Section 12.21-C,1(f) to permit the construction and continued maintenance of one 6’-6” max wood vehicular gate and one 6’-6” max vertical wood pedestrian gate flanked by a 6’-6” max vertical wood and stucco fence within the front yard of a



single-family dwelling in lieu of the 42 inches which is otherwise permitted in the front yard by the Municipal Code along with native landscaping in the front yard setback. The construction of the new fence has not resulted in any adverse impacts to the neighbors and a handful of neighboring properties contain similar fencing similar fencing that has not diminished the built environment. Thus, the Proposed Project will result in negligible change to the properties relationship to neighboring properties.

Zoning regulations limit fence/hedge heights on residentially zoned property to provide visual consistency in neighborhoods and to limit bulk and mass in the front of properties. Such regulations, however, are written on a citywide basis and cannot take into account the individual, unique characteristics that a specific parcel and surrounding area may have. In this instance, the proposed gates and fence will provide greater security and privacy to the occupants of the residence and match similar features of the existing single family residence and neighboring residences. The subject property is located in Palms–Mar Vista–Del Rey Neighborhood, which has numerous properties that have unpermitted over-in-height fences, walls, and hedges and is located in an area surrounded by multi-family dwellings and commercial. The project would provide for coherent development that is consistent with the spirit and intent of zoning.

2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed construction and continued use of over-in-height walls, vehicular and pedestrian gates in the front yard will not result in a loss of light or air for neighboring properties or result in a dramatic change in the appearance of the property. Surrounding properties are within the R1V2 and R3-1 Zones and are characterized by flat topography.

Records show that the following properties located in the Community Plan Area of the subject property have received approval from the Office of Zoning Administration to construct over-in-height fences and walls in the required yards:

- 12672 West Palms Avenue – ZA-2003-6389-F-ZAD
On December 23, 2003, the ZA approved the construction, use and maintenance of a maximum 5-foot 6-inch high wrought iron fence over masonry block wall, and pilasters (not including lights), and maximum 5-foot 6-inch wrought iron vehicular and pedestrian gates in the front yard setback of a property zoned R1.
- 12101 West Washington Blvd – ZA-2012-3399-ZAA
On March 8, 2013, the ZA approved the construction, use and maintenance of a sound barrier wall up to 14 feet in height and approximately 332 feet in length, in lieu of the maximum 8 feet permitted in the side and rear yards, in the R3-1 Zone.

Further, City records do not show any other permitted over in height fences on the subject block. However, other properties have, without any permit, installed fencing and landscaping over the permitted height in their front yard. Even though these instances cannot be considered as



precedent setting, special circumstances pertaining to the location of all properties along the same block face should be considered, and these instances do impact the character of the neighborhood.

The ZA alleges that “The fence, posts, vehicular gate and pedestrian gate, with a maximum height of 6 feet 6 inches, are not consistent with the improvements found on the single family zoned lots within the immediate neighborhood and surrounding community”. However properties containing over-in-height features in the front yard setback measuring greater than 42 inches do exist along the street and in the nearby area:

- 12016 Herbert Street (unpermitted over-in-height fence)
- 12140 Herbert Street (over-in-height fencing and landscaping along Herbert St)
- 12033 Herbert Street (unpermitted overgrown landscaping)
- 12024 Herbert Street (unpermitted over-in-height fence and landscaping)
- 4309 Grand View Blvd
- 12204 Louise Ave (unpermitted overgrown landscaping)
- 12215 Louise Ave (unpermitted overgrown landscaping)
- 12250 Louise Ave (unpermitted over-in-height fence and landscaping)
- 12256 Louise Ave (unpermitted over-in-height fence and landscaping)
- 12140 Louise Ave (unpermitted overgrown landscaping)
- 4276 Campbell Dr (unpermitted overgrown landscaping)
- 4257 Campbell Dr (unpermitted overgrown landscaping)
- 4240 Campbell Dr (unpermitted overgrown landscaping)
- 4228 Campbell Dr (unpermitted overgrown landscaping)
- 4270 Lindblade Dr (unpermitted over-in-height fence and overgrown landscaping)
- 4250 Lindblade Dr (unpermitted over-in-height fence)
- 4157 Marcasel Ave (unpermitted overgrown landscaping)
- 4188 Marcasel Ave (unpermitted overgrown landscaping)
- 11881 Park Ave (unpermitted overgrown landscaping)

Therefore, our request is not entirely inconsistent with the surrounding community. These similar approvals and instances have not resulted in any adverse impacts to the neighboring properties. The property owner's gates are compatible in terms of height, materials, and location to these other walls. It is with this information that we hope to clarify that minimal impacts to the neighborhood will be made by allowing this fence to exist within the neighborhood while providing extensive aesthetic and security benefits to the subject property.

It should be noted that there are other homes along the street with fences containing masonry bases with wood/iron features that match the character of the project's fence design including:

- 12013 Herbert (masonry base with masonry pillars and wrought iron)
- 12016 Herbert (masonry base with wood slates on top)
- 12020 Herbert (masonry base with landscaping on top)
- 12101 Herbert (masonry base with landscaping on top)
- 12112 Herbert (masonry fence – our neighbor to the west)
- 12124 Herbert (masonry base with masonry pillars and wrought iron)



The ZA also alleges that “the 6-foot over-in-height front yard obstruction limits the future occupants' observation of, and involvement in the neighborhood, which such participation has long been attributed to the overall welfare and safety of this well established neighborhood.” If anything, the permitting and entitlement of this fence has brought the owners CLOSER to their neighborhood after actively canvassing for support and forming tighter bonds with their neighbors.

The project is categorically exempt from the provisions of the California Environmental Quality Act. The project's location, size, height and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Proposed Project substantially conforms with the purpose, intent and provisions of the General Plan and the Palms–Mar Vista–Del Rey Community Plan. There is no applicable specific plan for the Project site. The Palms–Mar Vista–Del Rey Community Plan designates the property for Low Residential land uses. The Community Plan does not address deviations in the heights of fences and walls. It is within the zoning administrator's discretion, on a case-by-case basis taking into consideration factual circumstances, to provide for zoning deviations that best serve the public health, safety and general welfare. The owners are active in the LA community and are members of a well-known local band, and the security of themselves and their music equipment is paramount to their enjoyment of the home. Their immediate neighbors have provided their support for this request as they have well-standing relationships with their neighbors. Additionally, though the neighborhood's tree-lined residential character is beautiful and quiet, the subject property is located in an area surrounded by multi-family dwellings and commercial properties creating the potential for unsafe characteristics. As the use of the property is consistent with its zoning and land use designation, the project should be found to be in substantial conformance with the purpose, intent and provisions of the General Plan and not in conflict with any provision within the Palms–Mar Vista–Del Rey Community Plan.

4. Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property

The proposed maximum 6'-6" max wood vehicular gate and one 6'-0" max vertical wood pedestrian gate flanked by a 6'-6" max vertical wood and stucco fence will result in no significant environmental impacts. The applicant has designed and constructed the gates and fencing with material that is consistent with the design and materials of the existing dwelling and is consistent with neighborhood character.

As mentioned above, there are other homes along the street with fences containing masonry bases with wood/iron features that match the character of the project's fence design including:

- 12013 Herbert (masonry base with masonry pillars and wrought iron)



- 12016 Herbert (masonry base with wood slates on top)
- 12020 Herbert (masonry base with landscaping on top)
- 12101 Herbert (masonry base with landscaping on top)
- 12112 Herbert (masonry fence – our neighbor to the west)
- 12124 Herbert (masonry base with masonry pillars and wrought iron)

Therefore, to conclude that the proposed fence would be an “incompatible element being introduced into this well-established tree-line street and will be detrimental to its existing character” would be misguided considering the existing composition of many fencing features along the street.

The entry vehicular gate will allow motorists to have adequate visibility as additional safety precautions will be taken into consideration such as installing reflective mirrors to allow pedestrian and vehicular traffic greater visibility. The request has not significantly impaired any access to light and air or impede the views of any abutting property owners. As designed, the request provides for privacy and security without Impeding the view and security of others. The request is not anticipated to have any impacts on solar access, ventilation or privacy of adjoining properties.

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at 12120~~10~~ Herbert Avenue, or authorized representative thereof, I hereby offer my full support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,



Name: C. Christensen

Date: 9/25/22

12120 Herbert St.

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Friendly Neighbors LLC,

As an owner of the property located at 12034 Herbert St, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

The owners at 12106 Herbert St have been respectful neighbors and we have had no issues with them.

Sincerely,

Max Lishansky

Name: Max Lishansky

Date: 10/11/22

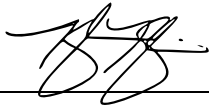
Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an
Over-in-Height Fence within the Front Yard Setback
at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at _____¹²¹⁰² Herbert Avenue, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property abuts or is across street from, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,



Name: _____ Kristopher Karuna

Date: _____ 20 January 2022

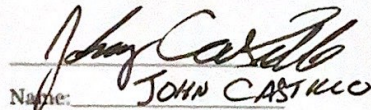
Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an
Over-in-Height Fence within the Front Yard Setback
at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at 12112 Herbert Avenue, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property abuts or is across street from, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,


Name: JOHN CASTILLO

Date: 1-20-22

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at 12133 Herbert Avenue, or authorized representative thereof, I hereby offer my full support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,

Kyle Kobe

Name: Kyle Kobe

Date: 9/27/22

October 11, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 129, Pacific Palisades (nextdoor to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate. I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- **There should be NO SALE of BEER or WINE at the Shell Station**—There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- **The Position of the Building should remain in the same approximate location (in the middle of the property)**—This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station).

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,
Catherine Dunne



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A2 messages

Dave Barnett <dave@davebarnettproductions.com>
To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Fri, Oct 7, 2022 at 1:36 PM

October 7, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.orgnick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 115, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex (Via de la Paz Homeowners Association). Our condos are within 20 feet of the Shell Station. We have many families with young children and teenagers that live at our complex.

I myself have two children, both of whom regularly exit our condo building and walk out of the building and past the Shell station. They go every morning on their way to school, they pass it every afternoon on their way back. In addition they pass it every time they go to their friends houses and to the Village, as well as to get food.

This is our home, and we do not want an increase of traffic, we do not want people buying alcohol, we do not want people to go in and buy cigarettes and light up in front of our pathway to and from the building, and we do not want to incur any more transients and homeless than the many we already deal with.

Therefore I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

1. There should be NO SALE of BEER or WINE at the Shell Station—There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School). The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.

2. The Position of the Building should remain in the same approximate location (in the middle of the property)—This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell Station).

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents

of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

Please reject Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely,

Dave Barnett

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>
To: Dave Barnett <dave@davebarnettproductions.com>
Cc: apcwestla@lacity.org

Thu, Oct 13, 2022 at 2:56 PM

Hi Dave,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

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LOS ANGELES
CITY PLANNING

Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Support for Mr. Rausch's July 28,2022 Letter of Determination ZA-2015-420-CUB-DRB-SPP-1A

2 messages

PPRA Palisades <ppra90272@gmail.com>

Fri, Oct 7, 2022 at 4:34 PM

To: apcwestla@lacity.org

Cc: nick.vasuthasawat@lacity.org, elynorc@yahoo.com, jessicamarirogers@outlook.com, Sarah Conner <sarah@connercoast.com>, barbara@kohn.com, "sandra.eddy@earthlink.net" <sandra.eddy@earthlink.net>

Dear West APC,

In reference to case **ZA-2015-420-CUB-DRB-SPP-1A**, Pacific Palisades Residents Association, PPRA, is submitting this letter in support of Mr. Rausch's Letter of Determination Disapprovals and Approvals for the Shell Station project.

The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

This is the third letter submitted by PPRA over the last several years since the request for construction of a mini market with permission to sell alcoholic beverages. PPRA is terribly concerned and against any sale of alcoholic beverages at that site. There is absolutely no gain for offering that kind of service at that location. It is a well known fact that convenient stores that sell alcoholic beverages attract crime and people loitering in front of the markets. The Station is located in the heart of a quiet, sleepy, family oriented residential community. We need to look out for the safety of our residents and our youth. We also ask that you respect the neighbors that live adjacent to the station and follow through with the recommendations of Mr. Rausch regarding the placement of the new mini mart.

Thank you very much for including this email in the record.

Regards,

Elynor Chiu

Pacific Palisades Residents Association, President

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Thu, Oct 13, 2022 at 3:07 PM

To: PPRA Palisades <ppra90272@gmail.com>

Cc: apcwestla@lacity.org, elynorc@yahoo.com, jessicamarirogers@outlook.com, Sarah Conner <sarah@connercoast.com>, barbara@kohn.com, "sandra.eddy@earthlink.net" <sandra.eddy@earthlink.net>

Hi Elynor,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--



Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

Case ZA-2015-420-CUB-DRB-SPP-1A

2 messages

Lilia Lobanova <l_lobanova@yahoo.com>

Thu, Oct 13, 2022 at 2:50 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>, "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Cc: Lili <l_lobanova@yahoo.com>

Hello,

I have support for Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini-market. The letter provides specific placement guidelines for the new building, the two issues being appealed by Mr. Saeed Kohanoff.

I live behind the Shell station and strongly oppose to have the sale of alcoholic beverages and the increase in noise an expanded structure would have.

In past public hearings, Saeed Kohanoff has been inconsiderate to those of us that have opposed him.

Regards,

Lilia Lobanova

Unit 231,

1029 Via De La Paz, Pacific Palisades CA

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Thu, Oct 13, 2022 at 4:17 PM

To: Lilia Lobanova <l_lobanova@yahoo.com>

Cc: "apcwestla@lacity.org" <apcwestla@lacity.org>

Hi Lilia,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

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LOS ANGELES
CITY PLANNING**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

1 message

Ray Hojem <rayhojem@gmail.com>
To: apcwestla@lacity.org

Thu, Oct 13, 2022 at 11:09 AM

I support Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes Denial of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

I live directly behind the current Shell station and don't want to have an increase in noise an expanded structure would have along with the proposed sale of alcoholic beverages.

In past public hearings, Saeed Kohanoff has been extremely rude to those of us that have opposed him. For that reason, he would not be a good neighbor to the 107 units in the condo building behind his station.

Mary Jane Lepo, Unit 230, 1029 Via De La Paz, Pacific Palisades CA



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A2 messages

Paige Kamin <lifefriley@verizon.net>
To: apcwestla@lacity.org
Cc: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Thu, Oct 13, 2022 at 9:53 AM

CASE NUMBER ZA-2015-420-CUB-DRB-SPP-1A

Hello

As owners of one of the condominiums at [15515 Sunset Blvd](#) for 24 years we would like to register our continuing strong oppositions to the now appeal made to the Shell station next door. We moved here in 1999 and raised our son walking him to the local public school passing the Shell station every day. We now have a 16 month old granddaughter who we watch on a daily basis and hope you will take her safety to mind when making this decision as well. We would like to express our strong support for Mr. Rausch's July 218, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. We strongly oppose the sale of Alcoholic Beverages. We also approve of Mr. Rausch's recommendation for placement as being of the property.

Below is a previous letter as we have been following this case for many many years.

Thank you for listening to our needs and for caring for our children,

Paige & Doug Kamin
[15515 Sunset Blvd . #113](#)
[Pacific Palisades, CA. 90272](#)

Begin forwarded message:

From: PAIGE KAMIN <paigek66@icloud.com>
Subject: Case No. ZA-2015-420-CUB-DRB-SPP
Date: July 3, 2021 at 4:46:39 AM PDT
To: nick.vasuthasawat@lacity.org

Hi Nick-

I want to register my complaint that this hearing has been brought back up in a nefarious manner in the dead of night. I am one of the owners at Via De La Paz condos who adamantly opposed this years ago and and oppose this now! We were awaiting the owners of the Shell station response of doing a sound study for years now and never got that answer, then suddenly all our efforts seemed to be ignored and the owner is able to start over and ignore the hundreds of owners who spent time in all this hearings in the past and be able to start over, what is that?

This Shell station building is within 15 feet of our condominium complex, some people's bedroom windows are that close. Our condo of 107 units where we have many young children who walk to Palisades elementary school, to Palisades High School and the dangers of alcohol being sold in this residential area with an already dangerous intersection of traffic and cars is irresponsible and alarming. We had packed rooms of people at every meeting fighting this for years and now all the negotiations are allowed to be ignored and shoved through. Shame! NO, NO, NO! This is a extremely bad idea. Please don't let dirty money or whatever is happening supersede the rights of the community. It is unfair and wrong and this Shell station owner is clearly ignoring the correct channels of doing business and getting special treatment skipping the line which will have irreparable damage to our town and it's citizens.

Thank you for listening.

Paige & Doug Kamin
[15515 West Sunset Blvd # 113](#)
[Pacific Palisades, Ca 90272](#)

Sent from my iPhone

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>
To: Paige Kamin <lifeofriley@verizon.net>
Cc: apcwestla@lacity.org

Thu, Oct 13, 2022 at 4:10 PM

Hi Paige & Doug,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

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Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

2 messages

Ray Hojem <rayhojem@gmail.com>

Thu, Oct 13, 2022 at 11:21 AM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

I have support for Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and, provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

I live directly behind the current Shell station and don't want to have an increase in noise an expanded structure would have along with the proposed sale of alcoholic beverages.

In past public hearings, Saeed Kohanoff has been extremely rude to those of us that have opposed him. For that reason he would not be a good neighbor to the 107 units in the condo behind his station.

Ray Hojem, Unit 230, 1029 Via De La Paz, Pacific Palisades CA

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Thu, Oct 13, 2022 at 4:15 PM

To: Ray Hojem <rayhojem@gmail.com>

Cc: apcwestla@lacity.org

Hi Ray,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

LOS ANGELES
CITY PLANNING**Nick Vasuthasawat**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

T: (213) 978-1250 | Planning4LA.org





Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A

3 messages

Repetti, Rena <repetti@psych.ucla.edu>
To: "apcwestla@lacity.org" <apcwestla@lacity.org>
Cc: "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Wed, Oct 5, 2022 at 2:09 PM

Dear Mr. Vasuthasawat,

I am a neighbor of the Shell gas station project site under review in case number **ZA-2015-420-CUB-DRB-SPP-1A**. I live at 1177 Galloway Street, within 500 feet of the site and am writing to express strong support for the recommendations that the LA City Planning Dept's Letter of Determination describes for the project. In particular, I am in complete agreement with Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals denying the sale of alcoholic beverages at the proposed Shell Station mini market and providing specific placement guidelines for the new building.

Please see below the letter that I sent to Mr. Vasuthasawat on July 6, 2021. It explains my position that additional sources of alcohol are simply not needed in the Palisades and that the sale of beer and wine in this location is incompatible with the quiet residential community in which the property is located.

In closing, I'd like to note again that it is incredibly disheartening for Palisades residents to have to repeatedly write letters and participate in public hearings about the same exact issue. My involvement goes all the way back to August 2017 when I participated in an in-person public hearing at which many Palisades residents expressed objections to those requests.

Thank you for considering the neighborhood's point of view.

Sincerely,

Rena Repetti

From: Repetti, Rena <repetti@psych.ucla.edu>
Date: Tuesday, July 6, 2021 at 9:15 PM
To: nick.vasuthasawat@lacity.org <nick.vasuthasawat@lacity.org>, jordann.turner@lacity.org <jordann.turner@lacity.org>
Cc: Grinblatt, Mark <mark.grinblatt@anderson.ucla.edu>
Subject: Case No. : DIR-2019-1115-CDP-MEL

City of Los Angeles

Department of City Planning

200 N. Spring Street, Room 720

[Los Angeles, CA 90012](#)

Attention: Nick Vasuthasawat, Planning Assistant

Re: Case No. : DIR-2019-1115-CDP-MEL

CEQA No. : ENV-2018-505-17346

Location : [15401-15406 West Sunset Blvd., Pacific Palisades](#)

Dear Mr. Vasuthasawat,

I am writing on behalf of myself and my husband, Mark Grinblatt, residents of Pacific Palisades. Our home at [1177 Galloway Street](#) is just a few blocks from the Shell gas station project site. We strongly oppose the Shell station's request (described in a notice of public hearing that was sent to our home) for an exemption from CEQA, a conditional use permit ("CUP") to allow 24 hours per day of operation, and a CUP to sell beer and wine. These requests repeat a past Shell station request that generated an overwhelmingly negative community response. During the summer of 2017, we participated in an in-person public hearing at which many Palisades residents expressed objections to those requests. Palisades residents are surprised that this issue has arisen again. It is quite disheartening that the city is requiring us to repeat our arguments against these proposed changes.

Additional sources of alcohol are simply not needed in the Palisades. Three supermarkets and a CVS, all of which sell beer and wine, are located within a few blocks of the project. One supermarket, Gelsons, is right across the street from the Shell station. The proposed project would unnecessarily increase the density of locations for the purchase of beer and wine for off-premise consumption, which is known to be associated with increased risks for a community. Research shows that there is a positive association between the number of such outlets in a given neighborhood and increases in crime as well as adverse health effects (e.g., <https://pubmed.ncbi.nlm.nih.gov/29227232/>).

The sale of beer and wine in this location is incompatible with a quiet residential community. The proposed changes would increase noise and attract individuals who seek inexpensive sources of alcohol but are deterred by private security guarding our local supermarkets. For example, the gas station might become a convenient pit stop for the loud motorcycle gangs that ride through the Palisades on Sunset at least twice each week. The families living right next door to the gas station will be the most adversely affected, but so will neighbors in the entire surrounding area.

Everyday, many children pass the gas station on their way to-and-from five local schools: Palisades Charter Elementary School ([800 Via de la Paz](#)), the Village School ([780 N. Swarthmore Ave](#)), Corpus Christi School (890 Toyopa Dr), Seven Arrows Elementary School ([15239 La Cruz Dr](#)), and Palisades Charter High School (15777 Bodoin Street). All are within a 5-10-minute walk from the Shell station. One recent study (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3778110/>) found that "children with an alcohol outlet on the route to school were more likely to be offered alcohol, tobacco, and other drugs as well as be exposed to drug selling and seeing people using drugs." It is also important to note that children who attend Palisades High School come from all over the city. They often wait for hours for a parental pick-up. All of our children and teens need safe after-school activities, not a nearby gas station that sells beer and wine.

The Palisades community has direct experience with this phenomenon. A minimart at the Mobil gas station that existed on the corner of Swarthmore and Sunset ([15281 W Sunset Blvd](#)) until about 2016 sold alcohol and was a disaster for the community. The minimart functioned as a gathering place for drug sales and as a location where underage minors were able to purchase inexpensive beer and wine. Because of what went on there and the frequent police activity around the station, it was treated as a "no-go zone" by families with preteens and teenagers.

To further complicate matters, there has been an explosion in the number of unhoused individuals living in cars and tents in town (including in the vicinity of the Shell station), on Will Rogers beach, and on the hills above PCH. The price point of wine and beer sold at a gas station and the easy in-and-out access at all hours would be a draw for this population. That would exacerbate a multifaceted set of problems that are already difficult to tackle among the homeless. In particular, there is a very high prevalence of substance abuse and mental illness within this population, challenges that are compounded by the use of alcohol to self-medicate.

From a bird's eye view, the request for a 24-hour mini-mart that sells alcohol might seem trivial, but for people who live, work and attend school in our quiet family neighborhood, the adverse effects are quite obvious and severe. We hope the city will deny the Shell Station's requests.

Thank you for considering our point of view.

Sincerely,

Rena Repetti

Rena Repetti, PhD

Professor

UCLA, Department of Psychology

1285 Franz Hall

Los Angeles, CA 90095-1563

Tel: (310) 206-9290

FAX: (310) 206-5895

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Wed, Oct 12, 2022 at 5:35 PM

To: "Repetti, Rena" <repetti@psych.ucla.edu>

Cc: "apcwestla@lacity.org" <apcwestla@lacity.org>

Hi Rena,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--



Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

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Repetti, Rena <repetti@psych.ucla.edu>

Wed, Oct 12, 2022 at 6:22 PM

To: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

10/17/22, 2:38 PM

City of Los Angeles Mail - ZA-2015-420-CUB-DRB-SPP-1A

Cc: "apcwestla@lacity.org" <apcwestla@lacity.org>

Thanks for acknowledging.
Rena

Sent from my iPhone

On Oct 12, 2022, at 8:36 PM, Nick Vasuthasawat <nick.vasuthasawat@lacity.org> wrote:

[Quoted text hidden]



Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP- 1A, Appeal Hearing Date: 10/19/22

2 messages

Robin Weitz <robinweitz1@gmail.com>

Tue, Oct 11, 2022 at 9:10 PM

To: apcwestla@lacity.org, nick.vasuthasawat@lacity.org

Hello and good evening.

1) I am a resident living at [1101 Monument Street, Pacific Palisades, California 90272](#), and work at [875 Via De La Paz, Suite D, Pacific Palisades, California 90272](#) - these locations are about 500 feet from the subject premises. I have lived here since 1994.

2) I hereby object to Saheed Kohanoff, Applicant and Appellant's appeal of the conditional use to allow the sale of beer and wine in conjunction with a convenience store proposed at 15401 and [15406 West Sunset Boulevard, Pacific Palisades, California 90272](#) operating as a liquor store:

- a) our neighborhood is overly concentrated with alcohol serving establishments - along Sunset Boulevard from Temescal Canyon to Carey - half a mile
 - (i) Restaurants (15): Angelini, Armav, Beech Street, Blue Ribbon Sushi, Casa Nostra, Chipotle, Cinque Terre West, Draycott, Hank's, Kay N Dave's (sold), Modo Mio, Pearl Dragon, Porto Via, Ritrovo (closed from fire), Taj Palace,
 - (ii) Off-site purchases (4): Gelson's, Ralphs, CVS, Erewhon
 - (iii) Movie Theater (1): Cinopolis/Netflix
- b) the subject property is located on a corner that services students going to Palisades Charter High School, Palisades Elementary Charter School, Seven Arrows, and Methodist Preschool;
- c) the subject property has a bus stop servicing students from Paul Revere Middle School and Palisades Charter High School;
- d) there is no need for alcohol to be purchased at the gas station;
- e) the proposed site is adjacent to a condo complex housing several people - having alcohol purchases will be a constant disturbance - car doors slamming, cars braking, cars exiting and entering, lights flickering and flashing; back up alarms; locking and unlocking alarms; beeps; chatter; and voices;
- f) The Applicant/Appellant has had a history of selling to minors;
- g) the Applicant/Appellant sold juul pods to minors without asking for any verification;

Residents are not demanding this use, and I respectfully request that the West Los Angeles LA Area Planning Commission not allow the sale of beer and wine in conjunction with a convenience store operating as a liquor store. The Hearing Officer ruled correctly in not allowing the sale of beer and wine in conjunction with a convenience store proposed at 15401 and [15406 West Sunset Boulevard, Pacific Palisades, California 90272](#) - it is not necessary or warranted for our community.

Thank you for your time and attention.

Sincerely,

Robin Weitz, 310/251-9060
robinweitz1@gmail.com

Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Thu, Oct 13, 2022 at 3:35 PM

To: Robin Weitz <robinweitz1@gmail.com>

Cc: apcwestla@lacity.org

Hello Robin,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

Nick Vasuthasawat



LOS ANGELES
CITY PLANNING

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA 90012

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Planning APC West LA <apcwestla@lacity.org>

Case No. ZA-2015-420-CUB-DRB-SPP-1A

2 messages

Svetlana Yanov <svtdll@yahoo.com>

Thu, Oct 6, 2022 at 2:29 PM

To: Nick Vasuthasawat <nick.vasuthasawat@lacity.org>, apcwestla@lacity.org

Mr. Vasuthasawat,

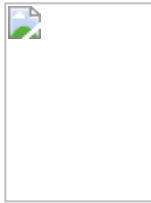
I am Svetlana Yanova living right to the Shell gas station where the proposed project planned. My address is [1029 Via De La Paz](#). Please help me and my neighbors to stop building a bigger gas station with the store inside selling alcohol. The sell of any alcohol will attract more homeless people and teenagers from the high school across the street. As you know, the homelessness is a big problem for all of us. Selling alcohol will bring more homeless people to the area and create more crime. Living next to the gas station is not fun from the beginning but have people buying alcohol and drinking over there will make it completely miserable. We have a lot of families with young children in the building and the neighborhood, Who need your help to stop this project to go forward.

Thank you for your involvement,

Svetlana Yanova

Sent from my iPhone

--



Nick Vasuthasawat

Preferred Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 720

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 978-1250



Nick Vasuthasawat <nick.vasuthasawat@lacity.org>

Thu, Oct 13, 2022 at 2:50 PM

To: Svetlana Yanov <svtdll@yahoo.com>

Cc: apcwestla@lacity.org

Hello Svetlana,

Thank you for your comment. I am confirming receipt of this email which will be taken into consideration by the WLAAPC.

Best always,

[Quoted text hidden]

--

Nick Vasuthasawat

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning



200 N. Spring St., Room 720

Los Angeles, CA 90012

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LAW OFFICES OF
DAVID R. GREIFINGER

15515 Sunset Blvd., No. 214 • Pacific Palisades, California 90272
Telephone (424) 330-0193 • Facsimile (831) 920-4864 • E-mail: tracklaw@me.com

October 5, 2022

RE: Case No. ZA-2015-420-CUB-DRB-SPP-1A

Via email to apcwestla@lacity.org and nick.vasuthasawat@lacity.org

To Whom it May Concern:

I live at 15515 West Sunset Boulevard, Unit No. 214, in Pacific Palisades. I am writing in support of the findings in Mr. Rauch's March 28, 2022, Letter of Determination of Disapprovals and Approvals for Case No. ZA-2015-420-CUB-DRB-SPP-1A, for the Shell Station at Sunset Boulevard and Via de la Paz in Pacific Palisades. The findings are well-reasoned and consistent with the best interests of the community.

The proposed sale of alcoholic beverages at the proposed Shell Station mini market is particularly inappropriate. The station is less than a quarter of a mile from Palisades High School and Palisades Elementary School and near numerous private elementary and middle schools. Traffic is a major concern at the intersection of Via de la Paz and Sunset, and the blind westbound curve on Sunset in front of the station adds to the hazard, both for alcohol sales and an expanded mini market. Additionally, the alley behind the gas station has in recent years has become a magnet for transients. The proposed sale of alcohol will only add to the problem.

Thank you for your consideration.

Very Truly Yours,

David Greifinger

David Greifinger

CASE # ZA-2015-420-CUB-DRB-SPP-1A

Ladies and Gentlemen,

Our household unanimously supports Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

Mr. Rausch's findings prove this location and community should not coexist with such an establishment. The location of the proposed business is adjacent to a three-story condominium building with over 100 units. The garage to this building is located at the ground level, even with a sound wall built; it would not prevent the noise generated.

The proposed food mart raises concern for the community. The increase in noise, traffic and crime that usually accompanies these business establishments proves a disadvantage for our community. We have one market, Ralph's, that is open to accommodate any late-night purchases, with a parking lot located well away of any potential sleeping residents. If the food mart is allowed to be open past 9 PM, the reasonable bedtime for most children, the neighbors will be negatively impacted.

The gas station that exists presently is located at a very busy intersection. Sunset Boulevard at Via de la Paz is a "Collector Street" that becomes congested with traffic, school children reaching our numerous local schools, and the many carpoolers who descend upon this area during the day. The perilous intersection already has a no U-turn provision and a left turn signal to help prevent future tragedies. The driveways of the proposed business are in poor locations and will further add to the traffic and safety issues at this intersection.

The proposed project has generated significant opposition in our community.

Sincerely,
Tracey, David, David, Bennett and Audrey Price
1134 Charm Acres Place
Pacific Palisades, CA 90272

October 6, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 219, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex, with 2 addresses in the HOA – 15515 Sunset and 1029 Via de la Paz, (Via de la Paz Homeowners Association). I also own a rental condo at 1029 Via de la Paz, Unit 127. My tenants tell me that the activity at the Shell station when they are open is more than most of us can even imagine. This will only become worse if Mr. Kohanoff's appeal is not rejected.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- 1. There should be NO SALE of BEER or WINE at the Shell Station—**There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School where my children went to school.) The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- 2. The Position of the Building should remain in the same approximate location (in the middle of the property)—**This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell station.

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

I respectfully request the rejection of Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely, Dianne Jones-Longaker

**JOHN B. MURDOCK
ATTORNEY AT LAW
1209 PINE STREET
SANTA MONICA, CA 90405
TEL: (310) 450-1859
jbmlaw@hotmail.com**

October 10, 2022

West L.A. Area Planning Commission
c/o Nick Vasuthasawat, Planning Assistant
200 N. Spring Street
Los Angeles, CA 90012
Via email only: Nick.Vasuthasawat@lacity.org

FOR HEARING DATE: OCTOBER 19, 2022
Project Address: SHELL GAS STATION at 15401 and 15406 Sunset Blvd;
1021, 1023, 1029, and 1031 N. Via De La Paz, Pacific Palisades

Case No. ZA2015-420-CUB-DRB-SPP-1A;
ENV-2015-421-CE

Dear Area Planning Commissioners:

The undersigned presents this support for the ZA decision on behalf of Shaun Malek, D.D.S., owner of the office building at 15415 Sunset Blvd., which is directly adjacent to the west of the subject Shell Station. We support the entire decision by the Zoning Administrator for the project as conditioned, without waiving objections to the project as originally proposed. We will address primarily the frivolous legal arguments about an alleged "taking" presented by the appellant, but we also support the denial of the CUB for all of the reasons stated in the ZA decision and in letters and testimony from other parties opposing the CUB.

THE CURRENT LOCATION OF THE BUILDING IS APPROPRIATE AND WORKS FOR ALL CONCERNED.

The ZA's LOD Exhibits do not show you the existing configuration on the lot. To see how this looks, please refer to **Exhibits A, B and C** hereto:

Exhibit A (compiled from appellant's slideshow in the record) shows the existing building at the top, and the proposed new building at the bottom.

Exhibit B is taken from the LOD, showing the ZA's movement of the building back to the center where it came from, thereby eliminating the noise and safety issues identified by the ZA.

EXHIBIT C is a copy of GOOGLE MAPS photograph of the current configuration

As you will see from attached exhibits, the proposal by the appellant, owner of the Shell Station,

would demolish the existing building in the *center* of the owner's lot, and erect a new building *along the west-side property line*, cheek by jowl with Dr. Malek's building, with no separation between the two buildings, completely changing and disrupting the existing circulation of driveway traffic which has been working for decades, in fact a half century without interruption.

THE PROPOSED LOCATION CREATES UNMITIGABLE IMPACTS.

In particular, the appellant's proposal would block off the existing driveway to Sunset Boulevard, currently used by both properties as well as the delivery trucks and trash from the Sunrise Senior Apartment Building next door. As the ZA found, blocking this exit to Sunset would force all vehicles to back down the northern alley way to Via De La Paz, creating dangerous conditions and nuisance noise impacts.

THERE IS NO "TAKING" CREATED BY CONDITION 8.

The appellant presents a strained argument that the decision by the ZA would result in a "taking" of property under the Supreme Court decisions in *Nollan v. California Coastal Commission*, 483 U.S. 825, and *Dolan v. City of Tigard*, 512 U.S. 374. Those cases held that the government may not condition the approval of a land-use permit on the owner's deed of a portion of his property to the public unless there is a nexus and rough proportionality between the government's demand and the effects of the proposed land use.

These decisions are completely inapposite to the case at hand. Here, the city is not exacting a deed or dedication to the public of any portion of the property in question. The appellant has a perfectly usable gas station that has existed since 1962 with no difficulty. Appellant recently purchased the gas station and seeks to increase the yield from the property by adding to the square footage of the building, moving the building location, and adding alcohol sales. As part of this proposal, appellant would destroy the existing building to build a new one on a different part of the lot. In order to do this, he needs to obtain relevant city permits.

THE ZA'S DECISION SPECIFICALLY NEGATES ANY CLAIM OF "EASEMENT".

In this case the ZA found, based on a mountain of evidence from citizens and owners of the properties nearby, that the project as proposed would create circulation safety concerns as well as noise from trucks and other vehicles if the existing pattern were disrupted to require vehicles to back out the alleyway and cross the sidewalk backwards to exit by backing out onto Via De La Paz. Appellant's attorney constructs an argument that this ruling grants an "implied easement" to Dr. Malek, allowing his tenants to continue exiting from the alley to Sunset using the driveway space west of the existing building. However, nothing in the ZA decision supports that assertion. In fact, the ZA, at pages 45-46 of the LOD, is meticulous to note that any claim of easement is *not within his purview to decide*, it is an issue for courts to determine. The decision made by the ZA is based solely on public safety and welfare considerations -- not just for Dr. Malek's tenants, but for the residents on the northern border of the alley and for senior citizens in the Sunrise Apartments at the end of the alley.

THE ZA'S DECISION IS BASED ON EVIDENCE OF IMPACTS.

In order to grant the permits requested by appellant, the ZA would be required to find, pursuant to LAMC section 12.24-E, that the location of the building "will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety", among other things, findings which could not be made. In fact the evidence was completely to the contrary, precluding approval. Please read the entirety of the ZA's findings on this issue, "**Location of the New Structure**", which explains how and why the traffic circulation works, beginning at the bottom of page 45 of the LOD and concluding on page 46 with the following:

The new proposal moved the convenience market to the westerly property line which would close off the route to Sunset and force the vehicles to back an additional 80 feet down the alley before reaching a driveway area where they could turn around and drive forward down the alley to Via De La Paz. Especially for delivery trucks which have backup warning buzzers and beepers, this would cause a major noise impact to the residents to the north in the condominium building. For early morning or evening deliveries which cannot be controlled by this action because these uses are not on the subject site, the noise from backing vehicles would adversely affect this adjacent property.

....

The Zoning Administrator does not wish to opine on the legality of the claimed "proscriptive easement" claimed by the westerly building's attorney. This is a legal issue that is beyond his [ZA's] purview. However, the proposed building location of the convenience store will close off this route through the site to which the property owner has not objected to in the site's current operations. Such a [Condition 8's] proposed location for the building **will negate the concerns of both the condominium property owners, the eldercare facility's ownership and the adjacent building's ownership of trucks being forced to back down the alley across the sidewalk and onto Via De La Paz.** Thus, the condominium's residents would **not be forced to listen to truck traffic's back up warning system, and the vehicle's drivers would have a clear exit way to Sunset without backing into a sidewalk and a busy public street.** With the [proposed] building moved to the new location on the lot, the project's location and the location's affect on alley operations will **not adversely affect adjacent properties with backup warning system noise** In addition, the public safety for those using Via De La Paz and its sidewalk **will not be compromised by backing vehicles from the alley.** Additionally, the Conditions of Approval will ensure safety, responsible maintenance and operation of both the gas station and convenience store.... As such, the proposed project's significant features as approved will be compatible with and **will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

(LOD, p.46, emph. added)

The ZA decision also has the required Findings for Commercial Corner approval, at pp. 50-51 of the LOD. The ZA again spelled out the problems with the proposed location of the building, noting that the proposed siting of the building was *not analyzed* in the "Traffic Assessment" by Kimley-Horn presented by the applicant. (*id* at P.50). The ZA's review of the evidence led to the finding that the "proposed building location will have a disruptive effect on vehicular circulation in the alley which will not only affect traffic in the alley, but also have a negative noise effect due to vehicular backup warning systems on the adjacent residences." (*id* at 51). After detailing the facts regarding backup dangers at the sidewalk and onto Via De La Paz, the ZA made the specific Finding that Justice Scalia demanded in *Dolan*, a non-speculative, evidence-based conclusion that something *will happen*, not that something is "problematic" or "may happen" or "could happen" or "potentially might" happen: "Thus, the proposed placement of the new convenience market WILL create a traffic hazard on the alley at its intersection with Via De La Paz and a disruption of circulation in the alley. In order to alleviate this problem, the Zoning Administrator has required the movement of the new building from the western lot line of the project site to the middle of the site." (*Id.*, *emph. in original by ZA*).

It is clear that the ZA could not approve the proposed "location" under the standards required by 12.24-E or the Commercial Corner requirements, and that approval of the store could only be approved if Condition 8 were imposed to avoid the identified impacts. Appellant has presented a dangerous and unworkable proposal, and the ZA, while required to deny the *proposed* location by LAMC Section 12.24-E, was entirely within his authority to condition the proposal to avoid and eliminate those dangers and nuisance conditions. If the applicant does not like the condition, he is free to continue operating the existing gas station where it has stood for decades earning revenue for the owners who previously owned the lot. There is no evidence in the record to suggest the revenue from the existing location of the building does not provide a reasonable return, hence, there is no evidence upon which to base a claim of any kind of vested entitlement or "taking". The city and its residents are not guarantors of any particular yield the property owner desires to derive from acquiring the operating business.

GAMBLING ON GETTING PERMITS CANNOT CREATE A "TAKING" WHEN THE GAMBLE FAILS.

The current owner (appellant) sold his Mobile station down the street for an undisclosed amount to the Caruso development and bought the instant property knowing where the building and the driveway existed, gambling on getting the city to approve a new structure in a different location with a CUB for alcohol sales. There is no claim of any vested rights to have the permits issued for the new project, hence no vested rights are being "taken" away. A losing gamble on getting discretionary permits is not the basis for a "takings" claim, *ever*. Nothing whatsoever is being "taken" from this new owner by the ZA's decision.

There is no evidence in the record that allows anyone to conclude that keeping the driveway circulation *as is*, for health, welfare and safety reasons, rather than closing off the exit route to Sunset Boulevard along the west side of the lot and requiring everyone to back out the alley, is unreasonable or constitutes a "taking" under the *Nollan* or *Dolan* opinions. There is a clear "nexus" between the appellant's requested permission for new building size and uses and the condition imposed by the ZA, *i.e.*, the project as proposed will create unsafe, inconvenient, noisy

impacts, hence Condition 8 is appropriate to modify the proposal if Appellant wishes to go forward. It is simply *frivolous* to claim there is no “nexus” between the evidence of impacts and the condition imposed by the ZA.

Appellant’s citation to two Supreme Court decisions is an attempt to make it appear there is a legal issue to review, when in fact there is none. Please ask your deputy city attorney to address this argument, which he or she will reject as being without merit. It hinges on the contention that the ZA has granted an easement, so as to call the *Nolan* case into play. As will be seen *infra*, the ZA studiously rejected making any decision based on a claimed easement of any kind. His condition addressed the safety and noise impacts not only on Dr. Malek’s building but on the two other buildings affected by the applicant’s proposed movement of the building from the center to the west side of the lot.

THE NOLLAN CASE DOES NOT APPLY.

In *Nolan*, the Coastal Commission demanded a formal deeded public easement across the applicant’s property for the stated purpose of allowing the public to access “views” to the ocean from the roadway. (“The Nollans protested imposition of the condition, but the Commission overruled their objections and granted the permit *subject to their recordation of a deed* restriction granting the easement.” *Nollan*, supra, 483 U.S. at 828, *emph. added*).

The Court found that deeded physical public access across the owner’s property had no “nexus” to the problem cited by the Commission, which was lack of “views” *from the roadway* created by a wall of houses. In other words, creating a public easement across the beach on the property did not solve or address any view impacts *created by the project*, hence it was ruled to be a taking of property because there was no nexus between the public easement and any impacts created by the project. Appellant in our case would expand this to mean that any condition imposed on any project to mitigate identified impacts *created by the project* can still be called a “taking”, which is simply not what the Court decided. In our case, the condition is specifically designed to avoid the impacts that the project will create, unlike the *Nollan* condition.

THE DOLAN CASE DOES NOT APPLY.

The *Dolan* case is equally irrelevant. There, the court determined that the condition imposed by the city did indeed have a nexus to the impacts created by the project but found the evidence of the alleged impacts were not significant enough to warrant the burden imposed on the applicant. That burden was the actual *dedication of part of applicant’s property to the city*¹ for a whole new public pedestrian walkway and bike path, as a way to alleviate alleged traffic concerns in the city. The Court concluded that the city’s findings about offsetting traffic concerns were not based on any evidence, but rather on a mere assumption. The Court framed it thus:

The second part of our analysis requires us to determine whether the degree of the exactions demanded by the city’s permit conditions bears the required relationship to the

¹ “The city required that petitioner dedicate ‘to the City as Greenway all portions of the site that fall within the existing 100-year floodplain [of Fanno Creek] ... and all property 15 feet above [the floodplain] boundary.’ ” *Dolan v. City of Tigard*, 512 U.S. 374, 388.

projected impact of petitioner's proposed development. [citations] (“ ‘[A] use restriction may constitute a “taking” if not reasonably necessary to the effectuation of a substantial government purpose’ ”)... The question for us is whether [the city’s] findings are constitutionally sufficient to justify the conditions imposed by the city on petitioner's building permit.

Dolan, supra, 512 U.S. 374, 388-38

In reviewing the record, the Court determined that the city’s finding for requiring dedication of a portion of the property for public uses was based on a mere statement that the dedication “could” offset the anticipated adverse impacts on the flood plain system and on traffic, not a finding that it “will” offset the adverse impacts. The Court stated:

Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway “could offset some of the traffic demand ... and lessen the increase in traffic congestion.”

Dolan, supra, 512 U.S. 374, 395.

This is clearly distinguishable from the instant case, where the ZA has not exacted any dedication of property but merely denied moving the building from its current centered location to a new location, with findings based on the irrefutable, overwhelming evidence that allowing the move as proposed *will have the impacts* identified in the findings. Trucks *will* have backup warning systems, as required by State law, which the city cannot prohibit. (CA Vehicle Code Section 27000). These warning noises *will impact* the residents in the condominium building adjacent to the alley, there is no question about that. Trucks and cars *will* back up across a busy sidewalk with great danger to human beings, especially to children running or walking to get to schools in the neighborhood. Trucks and cars will back out into the busy traffic on Via De La Paz with great danger to the safety of human beings. Thus, unlike the *Dolan* finding, there is no uncertainty about whether or not these things *will occur*. The ZA’s decision clearly meets the nexus and the “rough proportionality” burden requirements of the Supreme Court, and the ZA’s decision must be upheld if these adverse conditions are to be avoided.

THIS APPEAL IS RESTRICTED TO EVIDENCE IN THE RECORD, AND THERE IS NO EVIDENCE OF “INFEASIBILITY”, NOR OF BEING “PROBLEMATIC”, HENCE THERE CAN BE NO FINDING OF ZA ERROR OR ABUSE OF DISCRETION.

There is no evidence whatsoever in the record before the ZA that the supposed “burden” of *not moving the building, if there is any such burden*, outweighs the identified evidence of the burdens that granting the move to block the driveway *will* create. There is no evidence in the record (the appellant’s written statement for the appeal presented by Mr. Brower as lawyer for appellant cites none), that maintaining the center location is any burden at all, much less a burden to be weighed against the nuisance conditions that the moved location would create. The written appeal justification merely says (at p.2), without reference to any facts, that the circulation

created by the ZA's condition is "problematic" (whatever that means), and "potentially infeasible" (*id.*), repeating at page 5 that the "property may not be able to accommodate the building and provide the requested access, rendering the Project infeasible". **These are vague, speculative lawyer's arguments of the exact same kind disapproved by the Supreme Court in the *Dolan* opinion, not evidence of any kind, and provide no basis in the record for overturning the ZA decision as an error of law or abuse of discretion.** They fail for the same reason as the finding in *Dolan* (that the condition "could" possibly have an offsetting effect) failed — because they are not based on factual evidence.

AN APPELLATE COURT DECISION AGAINST THE CITY OF L.A. PRECLUDES ALLOWING ANY NEW EVIDENCE ON APPEAL FROM THE ZA'S DECISION.

Should the appellant try to introduce new evidence of the claimed "infeasibility", it must be rejected. The courts have firmly ruled that an appeal from a ZA's CUP decision is restricted to the evidence in the record upon which the ZA decision was made and cannot be a *de novo* hearing entertaining new evidence. The appellate court ruled on this precise issue concerning L.A. codes applicable to an appeal from a ZA decision in *W. Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal. App. 4th 1506, 1520–21: "As we have stated, the Municipal Code requires the appellate body's decision to be based on the record as to whether the zoning administrator erred or abused her discretion, and the appellate body is required to set forth specifically how the zoning administrator erred. (LAMC, §§ 12.24, subd. I, 12.27, subds. K, L.)" (emph. supplied). The court in *W. Chandler* specifically rejected the argument that the appellate body could alter a project and make a ruling *de novo* based on new or different evidence than presented to the ZA.

Thus, since there is no evidence in the record to suggest that Condition 8 creates any burden on appellant that is out of proportion to the proposed project site's burden on surrounding property owners, and since appellant cannot be heard in any rebuttal presentation or at the APC hearing to present new evidence attempting to support the lawyer's vague claim of alleged "problematic" location or "potential infeasibility", *the condition cannot be lawfully overturned.* Any problem with placing the building in the center is merely self-imposed and can be corrected by the applicant. The opinion in *West Chandler v. City of L.A.* prohibits this Commission from overturning the ZA's decision without making specific findings, based in evidence in the record, explaining how the ZA erred or abused his discretion, nor can the Commission formulate a compromise version of the project that was not before the ZA.

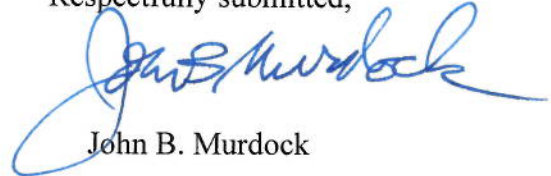
THE DENIAL OF NEW ALCOHOL SALE AT THIS LOCATION HAS NOT BEEN SHOWN TO BE ERROR OR ABUSE OF DISCRETION.

The thorough decision by the ZA on the denial of alcohol sales need not be discussed other than to say there is no evidence presented that this is an error of law or an abuse of discretion. The ZA applied the appropriate standards and based his decision on evidence that has not been refuted. Hence the decision of the ZA should be approved and the appeal denied in its entirety.

SUPPORT OF ZA DECISION IS NOT A WAIVER OF PREVIOUS OBJECTIONS TO PROJECT *AS PROPOSED* BY APPLICANT

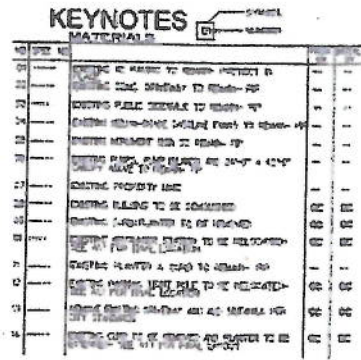
As stated above, my client accepts and supports the ZA decision with Condition 8 in place. However, this is done in a spirit of compromise. All of the previous objections raised during the lengthy ZA proceedings are preserved, not waived, in the event the project is approved as proposed by the applicant. In particular, the size of the enlarged convenience store has not been shown by any evidence to be justified, and the prior ZA and APC determinations *rejecting* an enlarged store has not been shown to be lacking in res judicata or collateral estoppel effect, since the facts have not changed which would warrant a different decision. In fact, new developments in the neighborhood since that decision, including the Caruso developments and the new convenience store across the street, have only decreased any claimed community need for another “convenience” store selling alcohol. The issue of the improperly issued Categorical Exemption will also be relevant and pursued if the ZA decision is overruled, since the LOD has done what should have been done in an EIR or MND in mitigating the anticipated impacts.

Respectfully submitted,



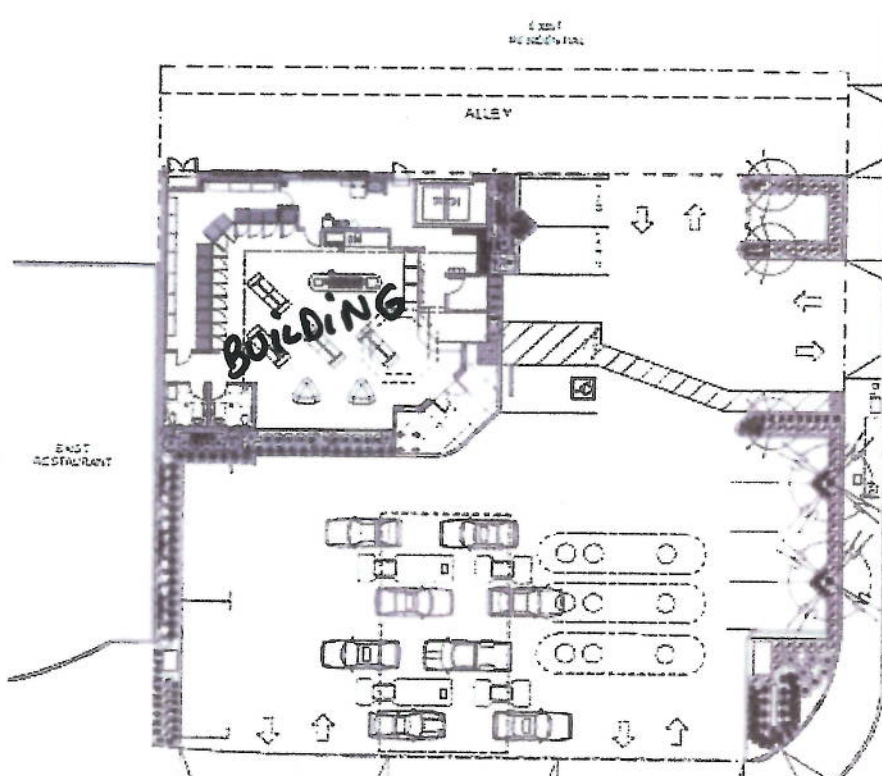
John B. Murdock

cc: Shaun Malek, DDS
Councilperson Mike Bonin, CD11
Pacific Palisades Residents Association
Ron Dean, Esq.
Thomas M. Donovan, Esq.



1. REVIEW OF EXISTING SOIL AND VEGETATION REVEALING FROM LAND
REMOVING: TREATMENT OF TREATMENT

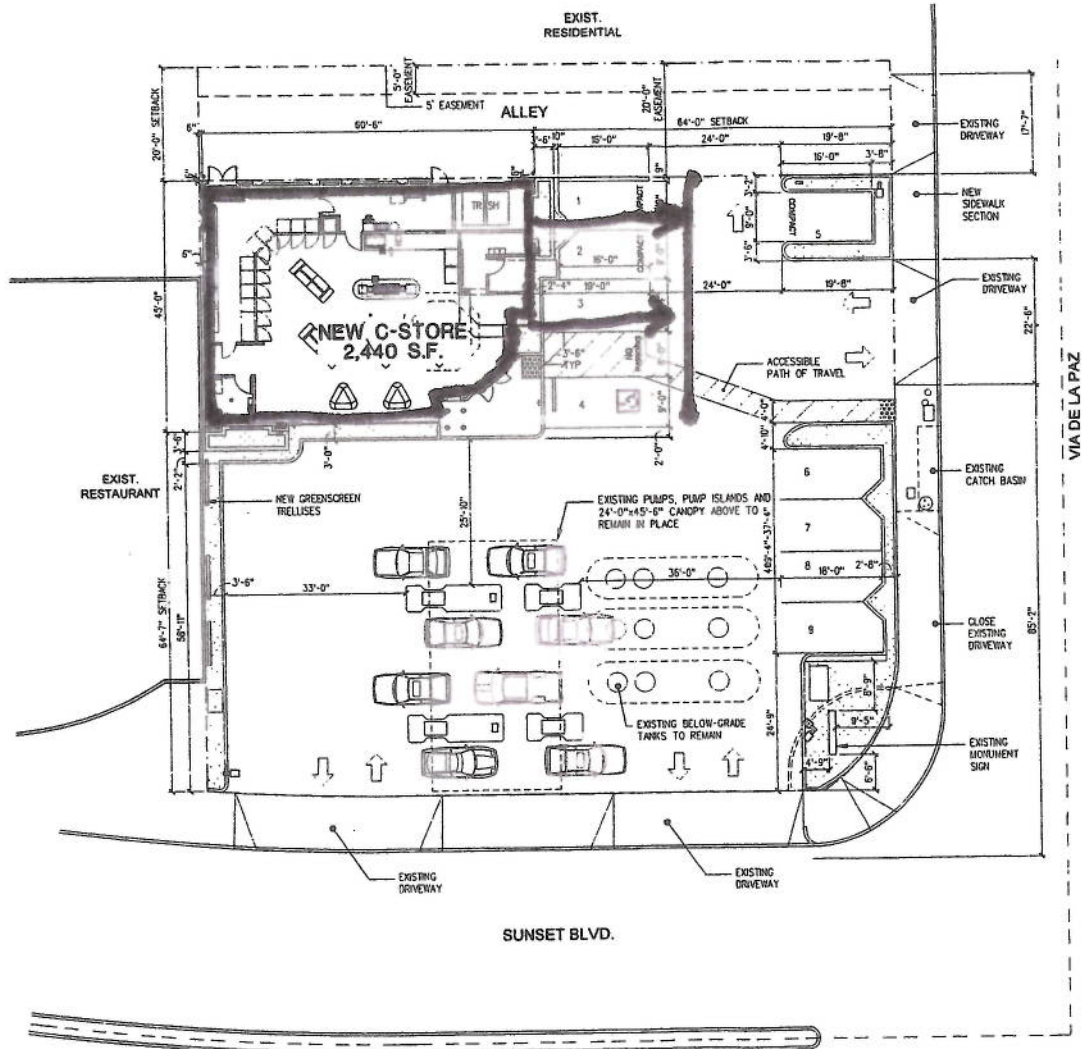
Plan: Proposed



DATE	DESCRIPTION	AMOUNT	CHECK NO.
10/1/78	10/1/78	100.00	1001
10/2/78	10/2/78	200.00	1002
10/3/78	10/3/78	300.00	1003
10/4/78	10/4/78	400.00	1004
10/5/78	10/5/78	500.00	1005
10/6/78	10/6/78	600.00	1006
10/7/78	10/7/78	700.00	1007
10/8/78	10/8/78	800.00	1008
10/9/78	10/9/78	900.00	1009
10/10/78	10/10/78	1000.00	1010
10/11/78	10/11/78	1100.00	1011
10/12/78	10/12/78	1200.00	1012
10/13/78	10/13/78	1300.00	1013
10/14/78	10/14/78	1400.00	1014
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10/16/78	10/16/78	1600.00	1016
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11/2/78	11/2/78	3300.00	1033
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12/3/78	12/3/78	6400.00	1064
12/4/78	12/4/78	6500.00	1065
12/5/78	12/5/78	6600.00	1066
12/6/78	12/6/78	6700.00	1067
12/7/78	12/7/78	6800.00	1068
12/8/78	12/8/78	6900.00	1069
12/9/78	12/9/78	7000.00	1070
12/10/78	12/10/78	7100.00	

EXHIBIT A

As Approved by
Zoning Administrator



PROJECT DATA
 ZONE:
 SITE AREA:
 BUILDING AREA:
 EXISTING BLD:
 EXISTING C. NEW BLDG:
 TOTAL BLD:
 PARKING SPER:
 REQUIRED:
 2,440 S.F.
 PROVIDED:
 PRIOR TO 1:
 AFTER REM

EXHIBIT "A"
 Page No. 2 of 3
 Case No. ZA 2015-0420

EXHIBIT B

CONDOMINIUM BLDGS



EXHIBIT C

RONALD DEAN

A LAW CORPORATION
Post Office Box 910
Pacific Palisades, CA 90272

310.459.1636
Fax: 310.459.6224
e.mail: rdean@74erisa.com

October 6, 2022

*By e-mail to
apcwestla@lacity.org and nick.vasuthasawat@lacity.org*

West LA Area Planning Commission

**Re: *Proposal for Shell Station
15401 and 15406 W. Sunset Blvd.
1021, 1023, 1029, and 1031 North Via de la Paz
Case No. ZA-2015-420-CUB-DRB-SPP- 1A***

**Hearing Date: *October 19, 2022*
Time: *after 4:30 pm***

Dear Area Planning Commission,

We own a condo in the building Via de la Paz next door to (north of) this Shell Station. We strongly oppose the applicant's appeal – both the request for a CUB for alcohol sales and the request to be allowed to move the location of the proposed structure.

Alcohol Sales

It is certainly worth repeating – the applicant requires an **exception** for his CUB for alcohol sales. The City and the Alcohol Beverage Control Board have written standards for whether a license for the sale of beer and wine should be granted. Applicant does not meet those standards. Exceptions should be the exception, not the rule.

Those standards have not been met here.

1. General Rules for Alcohol Sales

LAMC §12.24 governs the granting of conditional beverage uses. Section E sets out the Findings required for granting such an exception. Section 12.24 W.1 sets out additional findings that must be made for a permit to sell alcohol.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

2. *Sale of beer and wine*

In order to be given a license to sell beer and wine, the provisions of §12.24.E. must be met. The first requirement is that the project provide a service that is “essential or beneficial” to the community. Applicant does not even suggest that one more place to buy alcohol is “essential” to the community.

Appellant argues that a mini-mart would provide a “beneficial” service to the community. But Appellant conflates “mini-mart” with “alcohol sales” and implies that because a mini-mart would provide a beneficial service, so too would alcohol sales. This is not so.

Appellant was granted permission to build a mini-mart – without alcohol sales. Appellant’s entire “beneficial” argument relies on the benefits of a mini-mart with no mention of any benefits of another place to buy alcohol.

Appellant notes that before the Mobil station closed six years ago, it was a place oft visited by local security people and the LAPD and thus was a benefit to the community. This is true. But neither the local security people nor the LAPD officers were buying beer or wine there. It was the mini-mart (and bathroom) that were the benefit, not the alcohol sales.

Appellant has received permission to expand his current Shell station tiny mini-mart into a substantial one. LAPD and local security will be able to shop there, just as they did before and the “benefit” to the community will be the same as it was before, especially without a beer and wine permit. Appellant’s attempt to piggy-back the alcohol sales as a “benefit” should fail.

Appellant sold the Mobil station in 2016 – six years ago. After it closed there has been neither a hint or a whisper that the community lacks enough places to buy beer or wine. There is no suggestion that the community misses the benefit of alcohol sales.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

While Appellant argues that loss of the Mobil station eliminated a “significant convenience within the community” they provide no evidence of this—it’s just argument. To our knowledge not one person has ever expressed such an opinion. When the local newspaper runs nostalgic articles on businesses that used to be – the Mobil station is never mentioned.

Just before the Mobil station closed my wife and I spent a Saturday night outside the mart watching who was buying beer and wine. The vast majority of those purchasers were homeless people who otherwise lived in the shadows in the Palisades. (To this day, our friends remind us that this was the worst date night ever.)

To the extent that Appellant **suggests** that the Pacific Palisades Design Review Board was in favor of the sale of beer and wine here, that is absolutely **not** the case. The Design Review Board’s job is “Design Review” and the Board specifically told the Appellant that it was not within its jurisdiction to opine on other matters such as alcohol sales. Appellant alleges that “some members” of the Board (Appellant letter, page 5, last paragraph) may have speculated that the economics required “accessory uses”, there is no documentation of any such speculation, nor is there any economic evidence that this is true. In any event, the Design Review Board took no such position.

In making its argument about “benefit” under E.2.1, Appellant ignores the additional requirement Regulation E.2.2 – that the project “will not adversely affect...the surrounding **neighborhood**.”

Appellant’s letter, at page 7, last full paragraph falsely states that other alcohol sales occur where properties are at commercial corners. This is flat out wrong. The first example is 11852 San Vicente, a Chevron station. I called them ((310) 826-6495) and they do not sell alcohol. Next example is a 76 station at 801 (sic should be 800 as 801 would be in the middle of the 405 freeway) N. Sepulveda. I called them ((310) 476-1979) they do not sell alcohol. Next is 2305 S. La Cienega Blvd. which is 12 miles away and not even in the West LA Planning Commission jurisdiction and that applies to 3325 West 6th St as well.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

There is no other gas station in the entire Brentwood-Pacific Palisades area that also sells alcohol. The chart demonstrating this is in the file. The one attempt at being allowed to sell alcohol at a gas station/convenience store (at PCH and Entrada, described below) was soundly rejected by Zoning Administration.

The vast majority of residents in the condos object to the sale of beer and wine. In your file is a petition signed by 290 local residents who object to the application.¹

It seems clear that alcohol sales and the accompanying use by the homeless population is going to reduce the property values of those condos. We can bicker about how much of a drop, but a drop there will be. I understand there are a few who don't care about their neighbors' property values so long as those few have another place to buy alcohol, but I submit that those people are few and are far outnumbered by those who think of us as a pleasant neighborhood to live in.

In addition to the provisions of §12.24.E. of the Code, an applicant for a beer and wine license must meet the conditions of §12.24.W.1.

Number 3 is the focus of the discussion. The law does not ask for a comparison of the harm to nearby residents with the benefit to people who would like one more place in the Village at which they may purchase beer or wine. The **only** consideration is whether it will negatively affect the residents – here those who live only 25 feet away. Not only will it result in diminished property values, increased traffic generally, and especially an increase in homeless traffic, it will have a negative effect on the many children who live in the condo units.

In addition to having one more place to buy beer or wine, Appellant's argument in

¹. At the beginning of this process, the applicant claimed to have a petition signed by over 200 people in support of the project. I looked at the signatures and the vast majority of signers lived nowhere near Pacific Palisades. In addition, a large number of signatures were duplicates, and a similarly large number were obviously made up names and addresses. If the applicant submits that petition to you, we ask that you look carefully at it to verify this.

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

favor of the license is that the property owner ought to be allowed to do what he wants with his property – after all, as the Appellant has argued, “this is America.” Indeed. But in order to sell beer and wine he must comply with the law – after all, “this is America.” As set out above, his proposal does **not** comply with the law and therefore should be denied. Simply stated, it’s just not a good idea, it is wholly unnecessary and it is inconsistent with the Village and residential character of our community.

3. *Similar Situation*

In 2002, after a many-year battle with neighbors, the Chevron station at Pacific Coast Highway and Entrada was **denied** a permit to sell beer and wine. Case No. ZA 2001-0394(CDP)(CUB)(CU)-A2. Determination Report: 14791 Pacific Coast Hwy., p. 12.

The Chevron station is on busy Pacific Coast Highway, across the street from a full liquor store, and does not abut any residential structures, surely not a 107 unit condominium building. The Zoning Administrator reviewed the same standards as here and came to the conclusion that the CUB should be denied.

Condition 8 - Location of the Structure

We ask that the Commission affirm the decision of the Zoning Administrator to not allow the new structure to block access from Sunset to the structures to the west. If only the 20 foot wide alley is allowed for access, then cars and trucks using it will have to back out to Via de la Paz using the entire length of the alley. This means backing very slowly, with backup beepers going the entire time – with our condos a mere 25 feet away.

In addition, not just the children from the condos but from the entire neighborhood of the Alphabet Streets use the Via/Sunset crossing to access the numerous schools on the south side of Sunset. Having a substantial increase in truck traffic entering and leaving the alley from Via creates a significant increase in the dangers for those children – notoriously not as careful at all times as they should be (the same

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

really goes for those truck drivers as well).

The present configuration, with traffic allowed to come in from Sunset, has been a safety success story and has minimized the truck and backup beeper noise for the condo residents.

There is no good reason to move the structure to the west wall. It will only create a large, vast, and ugly unbroken parking lot feel worthy only of a Walmart or a Costco.

A continuing concern with the Shell station as it presently works involves vehicles eastbound on Sunset who want to go into the Shell station. They first have to make a left turn to go northbound on Via de la Paz and then an immediate left into the Shell station, because U-turns on Sunset are not allowed. If southbound traffic on Via is backed up by more than 3 or 4 cars, such a left turn into the station is not possible. This means that the cars behind that car, also turning left on Via, will not be able to clear the intersection while waiting for that vehicle to be able to go into the Shell station. This will block the westbound traffic on Sunset. This is already a problem, *albeit* not often occurring. However, if we add to that the trucks and cars that previously were able to enter from Sunset and will now have to enter from the alley on Via, we've compounded the problem likely into a significant one.

To a certainty, for these reasons the loss of the Sunset Blvd. access to the western property will create significant and substantial adverse impacts, both on traffic, noise and safety – most important the safety of local children walking to school and back home.

Condition 8 was a fair and good faith compromise of the competing interests of the parties to this dispute.

4. In sum

In reviewing those standards the only reasonable conclusion is that the requests for the CUB should be denied and Condition 8 should be enforced. The law does **not**

Re: *Case No. ZA-2015-420-CUB-DRB-SPP- 1A*

allow Appellant's application **unless** very specific conditions are met. Those conditions clearly are not met here.

The Building Code is the result of a bargain between the businesses and residents. The Code itself says no alcohol sales. It also says that there are exceptions and alcohol sales will be allowed, but only if **certain conditions** are met. Those conditions have not been met. If the applicant believes that the conditions are too onerous or not good public policy, those concerns are to be addressed by the City Council, not by the Planning Commission.

There was no abuse of discretion, there was no (otherwise unidentified) "error." The Hearing Officer reviewed a substantial documentary file, listened to the testimony of numerous witnesses, and came to a decision well within the bounds of his discretion.

I ask that the Planning Commission enforce the bargain set out in the City Code as there is no basis here for any exception.

Very truly yours,

/s/ Ronald Dean

RONALD DEAN

TED CURTIS WEITZ
ATTORNEY AT LAW
1101 Monument Street
Pacific Palisades, California 90272
Tel.: (310) 573-1238 Fax: (310) 573-9348
t.weitz4@verizon.net

To: Members of the Zoning Appeals Board
From: Ted Weitz
Date: October 6, 2022

Re: 15401 and 15406 W. Sunset Boulevard, 1021, 1023 1029 and 1031 North Via de la Paz (the “Property”); Hearing Date: October 19, 2022

Owners of the subject parcel and their consultants and attorneys have been attempting to obtain approval of a CUP/CUB and a permit to develop the subject Property as a 24 hour convenience market since approximately 2015. They *continuously* have been rebuffed despite exhausting two hearing officers, three public hearings, numerous Planning Assistants who have reviewed this file and the general public who live close to the Property. Yet, like an insolent child that cannot accept being told “NO”, this Property owner *once again* seeks to push its ill-conceived plans by filing the present appeal. The Zoning Administrator said “NO”; the public clearly said “NO”; common sense has repeatedly said “NO” and this Zoning Appeals Board likewise should say “NO!”.

By way of background regarding the immediate surrounding area, through their avaricious commercial over-developments and by unnecessary overuse of their properties over the past 10 years, developers have steadily destroyed the unique character of a once quiet and charming village area known as the Pacific Palisades Village. The subject property seeks to follow that same destructive path, caring less about the adverse impacts on the community at large, or more particularly how its plans impact the immediately-adjacent 107 unit residential condominium building housing families which is separated by a mere 20 foot easement on

appellant's property which is easement is shared with other neighbors for ingress and egress and will be burdened by the applicant's proposed extended uses.

Although the undersigned reserves its right to supplement the position set forth herein, the instant submission in opposition to the appeal is *only* directed to appellant's appeal of the Denial of a Conditional Use Permit (CUB) for the sale of beer and wine for off-site consumption.

It be must be noted and understood the Appellant's position clearly lacks credibility. In Exhibit A, Section III of its Justification for Appeal, appellant relies on the 'findings' of the Pacific Palisades Design Village Review Board (the "DRB") without ever mentioning the DRB voted 4 to 1 against the issuance of any CUB to sell alcohol at this property when it reviewed appellant's application. In other words, the DRB said "NO" to appellant's plan for off-premises alcohol sales.

Further underscoring how disingenuous the appellant's position is, one needs to dissect appellant's Justification at Section III A, which states, "Mr. Kohanoff merely proposes to replace that convenience by providing it at the Property, and in effect to transfer the alcohol sales license from the now-closed store to the proposed store, resulting in no net increase in licenses—and therefore no undue concentration of licenses—in the census tract as a result of the Project." In fact, Mr. Kohonoff sold his prior Mobil service station to Mr. Rick Caruso for a handsome amount more than seven years ago. Mr. Caruso proceeded to develop the Mobil gas station space and adjacent parcels and open *seven new outlets with alcohol licenses*. The census area *clearly* suffers from an over-concentration of alcohol licenses. It simply is not true that granting this one additional CUB will not add to that over-concentration of licenses.

The reasons for denial of a CUB are numerous and multifaceted. Attached hereto find three earlier submittals (August 18, 2017, September 20, 2017, and July 23, 2021) in which I exhaustingly detail why “off-premises” alcohol sales should not be allowed at this Property.

As set forth in the Zoning Administrator’s reasoned findings, the proposed sale of alcohol WILL detrimentally adversely impact the immediate residential and surrounding area; and there is NO PUBLIC NECESSITY OR JUSTIFICATION for issuing the CUB as there are numerous grocery stores close-by for the public to purchase packaged alcohol within the immediate area without allowing alcohol sales at “grab-and-go” convenience store located on a dangerous main thoroughfare.

Respectfully submitted,

Ted Weitz

Ted Weitz, Resident at 1101 Monument St. Pacific Palisades, CA

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October 6, 2022

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Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

Honorable Commissioners:

I represent the Via De La Paz Association (“VDLPA”) and its individual members. The VDLPA is a homeowners association representing 107 condominiums and approximately 214 people in buildings immediately adjacent to and only 20’ away from the Project site.

The owner of 15401-15406 W. Sunset (“Applicant”) is seeking an exemption from CEQA, a conditional use permit (“CUP”) to allow 24/7 hours of operation, a CUP to sell beer and wine from and a Project Permit Compliance Review and Design Review (the “Project”).

The VDLPA opposes the Project.

INTRODUCTION

This is one of many hearings regarding the expansion of use at the Project site. In 2007, the City rejected an application proposing the expansion of the gas station.

In 2015, the Applicant applied for approval of the present Project. On August 31, 2017, the City conducted a public hearing. The record was closed without a decision. The City then allowed Applicant to submit further reports after the matter was closed, essentially providing Applicant with a “do-over” without any substantial justification or even an explanation. The matter was set for another public hearing. The VDLPA objected to this second hearing on the grounds that this “do-over” was unfair to the neighboring residents and violated their right of due process.

Nevertheless, on July 7, 2021, the City conducted another public hearing regarding the Project. Then over a year passed by without any decision or determination.

On July 28, 2022, Associate Zoning Administrator, Charles J. Rausch issued the City’s determination regarding the Project. The Applicant has appealed this determination.

PROJECT DESCRIPTION

The Project will demolish an existing 1,620 sf. gas station located approximately in the center of the Project site and construct a new 2,440 sf. convenience store on the western lot line of the site. The existing convenience store is only 440 sf. and Applicant proposes a new 2,440 sf. store that will double the sales area of the store to approximately 850 sf.

Applicant is requesting the following discretionary actions:

1. A Class 32 Exemption from the California Environmental Quality Act (CEQA);
2. A Conditional Use Permit (CUP) to allow the sale of beer and wine from 6 a.m. to 2 a.m.;
3. A CUP to allow hours of operation for 24 hours, 7 days a week;
4. A Project Permit Compliance and Design Review pursuant to LAMC §§11.5.7 and 16.50.

THE CITY'S JULY 28, 2022 DETERMINATION

The City made the following determinations with conditions:

1. That the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Class 5 and Section 15332 Class 32 and that there is no substantial evidence demonstrating that any exceptions apply under Section 15300.2 of the State CEQA Guidelines.
2. Disapproval of a Conditional Use allowing the sale of beer and wine.
3. Disapproval of a Conditional Use allowing 24 hour, daily operation and an approval of a Conditional Use allowing operation from 6 a.m. to 11 p.m.
4. Approval of a Project Permit Compliance and Design Review to demolish the existing structure and construct a new 2,440 sf. convenience store at an existing gas station.

Applicant requested that the new store be located on the west lot line of the site. The City imposed Condition 8, which placed the new store in the middle of the Project site, with the four parking spaces to be located on the west side of the site. Essentially, Condition 8 keeps the store in the general area where the present store is located. This preserved the existing access from Sunset Blvd. to the alley on the north side of the site.

APPLICANT'S APPEAL

Applicant appealed the 7/28/22 Determination regarding Condition 8 (the location of the store) and the denial of a conditional use permit to sell wine and beer.

Applicant contends that the imposition of Condition 8, keeping the store in the middle of the site, renders the parking and traffic circulation “problematic and potentially infeasible.” However, Applicant provided no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades.

Applicant also contends that the denial of a conditional use permit for the sale of beer and wine was erroneous because the sale of beer and wine will provide an essential service and a convenience to the community. Applicant also asserts that this use permit merely replaces one at a nearby location that closed six years ago in 2016.

THE VDLPA'S OPPOSITION TO THE APPEAL

The VDLPA opposes the Appeal of the 7/28/22 Determination for the following reasons:

1. If the Project store is moved from the middle of the site, then it will cause a serious, adverse traffic circulation impact and increase traffic congestion. Applicant's proposed plan eliminated the long-time access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' wide alley behind the Project, between the Project and residences and right under residential bedrooms. This will bring increased traffic closer to the adjacent homes. Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. The increased use of the alley, with trucks backing down with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.
2. Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. There is no public benefit to allow the Project to sell alcohol and this is not an essential service for the neighborhood. Alcohol is available for sale at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary. The neighborhood opposes this use.

CONDITION 8 IN THE CITY'S 7/28/22 DETERMINATION CORRECTLY KEEPS THE STORE LOCATION IN THE MIDDLE OF THE SITE

Applicant's proposed site plan moves the store to the west lot line, eliminating access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' alley behind the Project, which is between the Project and the next door homes.

Locating the store at the west lot line of the site will cause a dangerous traffic circulation impact. The City's 7/28/22 Determination mitigates this with Condition 8, which places the store in the center of the site, where it has been for decades.

Without Condition 8, increased traffic will be pushed closer to the adjacent homes. Persons entering the adjacent property, including deliveries, will have to use the alley. Persons leaving must back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. Traffic on Via de la Paz will slow to allow access to and from the alley. The increased use of the alley will result in vastly more noise right under the bedrooms of the adjacent homes.

Applicant contends that Condition 8 renders the parking and traffic circulation "problematic and potentially infeasible." But Applicant provides absolutely no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades. There is no good reason to move the store to the west lot line, but there would be plenty of adverse impacts if this is done. Applicant has operated a store at the center of the site for years without any adverse impacts.

The City was correct in keeping the store in the middle of the site. Nothing will be taken from Applicant if it is left there. If the Project is allowed as proposed, persons seeking access to the adjacent commercial property will be forced to use the 20' alley behind the site. This increased traffic will cause more noise and give rise to an extremely unsafe situation for drivers and pedestrians. Applicant has not and cannot dispute this.

THE CITY'S 7/28/22 DETERMINATION CORRECTLY DENIES ALCOHOL SALES

Applicant wants to sell beer and wine in the new store. In 2015, Applicant wanted alcohol sale hours of 6 a.m. to 2 a.m. Applicant now wants the hours to be from 10 a.m. to 10 p.m.

Los Angeles Municipal Code §12.24-W governs the authority to grant a conditional use to sell beer and wine for off-site consumption. §12.24-W(a) allows such a conditional use provided that the Zoning Administrator makes the following findings:

- (1) that the proposed use will not adversely affect the welfare of the pertinent community;
- (2) that the granting of the application will not result in an undue concentration of premises for the sale ... of alcoholic beverages, including beer and wine ... giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and
- (3) that the proposed use will not detrimentally affect nearby residentially zoned communities ... after giving consideration to the distance of the proposed use from residential buildings ...”

The City received substantial input from the neighboring residents to the effect that the sale of alcohol will adversely affect neighboring homes. Noise from late night customers arriving and leaving the Project site after purchasing alcoholic beverages will adversely affect the quiet enjoyment of the adjacent homes. There will be the sound of car doors opening and closing late at night. Loud conversations in the parking lot are to be expected.

Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood.

As the adjacent homes are located above the site grade only 20’ from the store, no wall or landscaping will mitigate potential adverse impacts from noise, lights, glare and other nuisances resulting from the late night purchase of alcohol. To allow this Project to sell alcohol would violate the Municipal Code.

THE CITY REJECTED AN EXPANSION OF THE STORE AT THE SITE IN 2007

In 2007, the owner (at that time) of the Project site applied for a CUP to expand the convenience store. (Case No. ZA 2006-9396 (CU) The owner also sought to build a new, separate car wash. The City rejected not only the car wash, but also the expansion of the convenience store. This involved the same gas station as the present Project.

In rejecting the expansion of the convenience store, the ZA made the following findings:

1. The proposed location will not be desirable to the public convenience or welfare.

The City found that the convenience store expansion “*provides no particular convenience given the proximity to Gelson’s Market, Ralph’s Market, CVS and a Mobile gas station food mart.*”

The City found that any patronage of the convenience store *“would be substantially from the nearby area which has responded with its opposition to the use. Therefore, the alleged convenience to be provided is a false one.”*

2. The location is not proper in relation to adjacent uses.

The City noted the presence of VDLPA’s 107 units immediately adjacent to the site and noted the adverse effects of noise from cars and increased traffic on the adjacent residents. The City found that increasing the size of the convenience store *“adds nothing beneficial to the development of the community given the availability of purchasing a wider selection of the same items at competitive prices within walking distance of the subject site.”*

3. The use will be materially detrimental to the character of the neighborhood.

Regarding traffic, the City noted that residents of this area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city, stating:

“... the degree of change may be statistically insignificant when compared to the city at large but tangibly significant to those who live and work in the immediate area of the project site ...”

Regarding the increase of traffic, the City found that *“Either the enlargement will attract more patronage ... or the expansion makes little economic sense and will attract no significant increase in revenue.”* Therefore, there would have to be more vehicle trips to the store. The City found that *“the character of the area goes to the heart of the specific plan”* and to expand the store would be to *“completely disregard the plan.”*

4. The store expansion will not be in harmony with the General Plan.

The City made the specific finding that the proposed expansion of the food mart beyond the otherwise allowed 600 sf. is *“inconsistent with the specific plan.”*

Applicant takes great pains to assert that prior applications and denials are irrelevant because they are old. (But Applicant has no problem relying on a traffic report that’s over seven years old.) However, the City’s findings made in 2007 are still true today and as this is a larger project, the adverse effects on the neighborhood will only be worse than what was anticipated in 2007.

There is no doubt (as the City found in 2007) that an enlargement of the store will attract more patronage. Otherwise the expansion makes no economic sense. Applicant’s traffic report (from Kimley-Horn) is over seven years old and completely out of date. Even so, it admits that “Project-related traffic is expected to access the site similarly to the existing site usage, albeit with greater intensity due to the increase in building area.” Trips to the store will increase. The related noise and adverse traffic impacts will increase.

There is still no basis for a conclusion that the Project will be: 1) desirable to the public convenience or welfare; 2) proper in relation to adjacent uses or the development of the community; 3) not materially detrimental to the character of the development in the immediate neighborhood; and 4) in harmony with the General Plan.

CONCLUSION

Condition 8 in the City's July 28, 2022 Determination correctly keeps the store in the Project in the middle of the site. If the store is moved to the west lot line, then it will cause a bad traffic circulation impact and create a dangerous situation for motorists and pedestrians.

With the store at the west lot line, the long-time access to the adjacent commercial property from Sunset Blvd. will be eliminated. Access to the commercial property will be limited to the alley behind the Project and next to residences, bringing increased traffic closer to the adjacent homes.

Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an unsafe situation for drivers and pedestrians. The increased use of the alley, including trucks backing up with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.

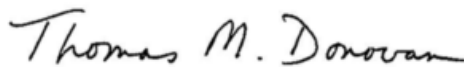
Applicant has produced no evidence that the Project will be impaired in any way if the store is kept in the middle of the Project site. There is no evidence that keeping the store in the middle of the site is infeasible in any way. That's where the store has always been. There has been no "taking" as Applicant asserts. The City is merely keeping the store in the middle of the site where it has been located for decades.

Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood. In fact, the neighborhood opposes this use. The Project's hours with the sale of beer and wine will adversely affect the quiet enjoyment of the adjacent homes. The City already rejected a lesser expansion of the convenience store.

The VDLPA also contends that a Class 32 Categorical Exemption to CEQA is inapplicable and that the Project is not in conformity with the Community Plan and the Specific Plan. The Proposed Mitigated Negative Declaration and its findings are not supported by substantial evidence. The Project violates Los Angeles Municipal Code §12.24-W. The VDLPA has provided substantial evidence to make a fair argument under CEQA that the Project may have a significant effect on the environment. The mitigation measures and conditions proposed are insufficient. The VDLPA's arguments regarding these issues are attached in Addendum A and in prior submissions to the City.

If the WLA APC is inclined to allow this Project at all, at the very least, the store should be located at the center of the site and no alcohol should be sold there.

Very truly yours,

A handwritten signature in black ink that reads "Thomas M. Donovan". The signature is written in a cursive, flowing style.

Thomas M. Donovan

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ADDENDUM “A”

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

The Via De La Paz Association (“VDLPA”) and its individual members submit this Addendum in further opposition to the proposed Project identified above.

A CLASS 32 CATEGORICAL EXEMPTION IS INAPPLICABLE TO THIS PROJECT

Despite the prior 2007 decision, the City, in its 7/28/22 Determination, approved a Class 32 Exemption from CEQA, after a Proposed Mitigated Negative Declaration was circulated. It appears that Planning changed its thinking solely because of a noise report unfairly submitted in March 2020, long after the record had closed. Regardless, a Class 32 Exemption is inapplicable.

A Class 32 exemption from CEQA under California Code of Regulations (CCR) §§15300.2 and 15332 exempts projects if they meet certain criteria.

California Code of Regulations §15300.2(c) provides in part as follows:

§15300.2. Exceptions

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. *[Emphasis added]*

California Code of Regulations §15332 provides in part as follows:

§15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. *[Emphasis added]*

The Location of the Project is in a Sensitive Environment and Unusual Circumstances Exist.

A Class 32 Exemption is inapplicable if a reasonable possibility of a significant effect due to unusual circumstances is demonstrated. The City has been presented with substantial testimony that the Project site is in a sensitive environment and presents unusual circumstances.

In 2007, the City denied the expansion of the convenience store at this same location. The City specifically found that residents of the Project site area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city. This is a finding that the Project site is in a sensitive environment and presents unusual circumstances.

Testimony from neighboring residents established that the Project site has unusual circumstances, with residential homes only 20 ft. from the Project site. The neighborhood is primarily a quiet bedroom community and noise easily travels. Residents even further away from the site can already hear noises that emanate from the present gas station in the evening.

This is a sensitive and unusual neighborhood when compared with the rest of the City. The Project will have significant unmitigated effects on traffic and public safety, which make the exemption unavailable. The testimony of the Project neighbors is adequate to establish unusual circumstances and a reasonable possibility that the project will have a significant environmental impact.

The Project is not Consistent with the Applicable Community Plan.

A Class 32 Exemption does not apply unless the project is consistent with the policies of the applicable Community Plan. (Public Resources Code 21059.25(b)(1).) Objective 2-1.3 in the Community Plan requires that projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 is to preserve community character and scale.

The City concluded in 2007 that: The proposed expansion of the food mart beyond the otherwise allowed 600 square feet and the introduction of a car wash are inconsistent with the specific plan.” No car wash is sought in the present application. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf., a greater increase than sought in 2007.

Approval of the Project Will Result in Significant Effects Relating to Traffic and Noise.

The Project will cause an adverse traffic circulation impact and increased traffic to the site. The change in traffic patterns will result in an increased use of the adjacent alley. It will also cause significant noise that will adversely affect the quiet enjoyment of the adjacent homes.

The Applicant’s traffic engineers admitted that Project-related traffic will increase, but underestimated the amount of increase. By staying open until 11 p.m., the increase will occur when nearby residents are sleeping in their homes. Opposition from nearby residents confirms this significant noise increase. The neighborhood residents have established the reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. Therefore, a categorical exemption may not be used for this Project.

A Class 5 Exemption is Also Inapplicable to the Project.

The Notice of Public Hearing on 7/7/21 did not notify the public that a Class 5 Exemption was

sought. Due to this failure, this exemption should not have been considered. The VDLPA objected to its consideration. Regardless, a Class 5 Exemption is inapplicable to the Project.

A Class 5 Exemption from CEQA under Code of Regulations (CCR) §15305 provides:

§15305 - Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

A Class 5 Exemption is inapplicable to the Project. It can only apply if there are only minor alterations of land use limitations and no changes in land use. As indicated in §15300.2, a project that is ordinarily insignificant in its impact may be significant in a particularly sensitive environment. This is one of those situations. The changes sought by the Applicant are not minor and there are specific changes in land use. The present gas station does not sell alcohol. To allow the sale of alcohol is a specific change in land use. The substantial opposition to the present application confirms that this is not a minor change.

The primary use of the present gas station is to sell gas. Its present, small, 440 sf. convenience store is an accessory to the sale of gas. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf. (at a minimum), doubling the square footage. This makes the sale of gas accessory to the sale of other items, including alcohol. This is a major change in the primary use of the site. The Project will likely make more money from the sale of alcohol and other items than from the sale of gas.

THE PROJECT DOES NOT COMPLY WITH THE COMMUNITY AND SPECIFIC PLANS FOR THE PROJECT SITE AREA

The Project site is governed by the Brentwood-Pacific Palisades Community Plan and the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. The Project conflicts with the Community Plan's goals, objectives and policies. A purpose of the Community Plan is to preserve and enhance the positive characteristics of existing residential neighborhoods.

Objective 2-1.3 in the Community Plan requires that commercial projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 in the Community Plan is to preserve community character and scale.

The Specific Plan, adopted in 2016, sets forth specific purposes. Section 2.A provides that future development be compatible with the surrounding residential community. Section 2.B indicates that the individual qualities of plan areas are to be preserved. Section 2.D states that commercial uses should be consistent with the general character of the community, which includes single-family residences and some multiple residential structures. Section 2.F notes the promotion of harmonious development by prohibiting uses inconsistent with the Plan and inappropriate to their sites, surroundings and traffic circulation.

A convenience store, operating 24/7 while selling alcohol until 11 p.m. is not consistent with the above plans and goals which are designed to protect residential neighborhoods. These operating hours with the sale of alcohol are incompatible to with the adjacent homes and inconsistent with the general neighborhood character. The Project as proposed conflicts with the community plans.

THE PROPOSED MND IS DEFICIENT IN FAILING TO IDENTIFY AND MITIGATE THE ADVERSE IMPACTS ON LAND USE

The Proposed Mitigated Negative Declaration (MND) is deficient as follows:

1. The MND Initial Study notes that increased noise levels may result, but astonishingly states that potential impacts will be mitigated simply by a 6-foot wall. This absurd mitigation will not affect the Project's noise from the projecting to the bedrooms on the floors above a wall.
2. The Initial Study indicates that the Project conforms with the existing community plans and that there is no conflict with the plans. As indicated above, this is untrue.
3. The Initial Study indicates noise as an environmental factor but mentions nothing about its effect on the adjacent homes.
4. The Initial Study finds that the Project will have no impact on traffic. No consideration is given to the Project's effect on the adjacent commercial building and the resulting change in traffic patterns. Even Applicant's traffic engineers indicate that the Project will increase traffic with greater intensity.

The proposed findings by the MND are false and not supported by sufficient evidence. The consequence is that no mitigation measures are proposed. Failing to cite inconsistencies with adopted land use policies as adverse impacts and failing to identify or propose any reasonable mitigations, is a failure to proceed in the manner required by CEQA. No doubt this is why Planning wants to consider an exemption. Otherwise, this Project would not pass muster under CEQA.

OBJECTION TO THE 7/7/21 HEARING.

The VDLPA continues to object to the Public Hearing held on 7/7/21. The Applicant filed his application in 2015 and the City held a hearing on 8/31/17. No decision was made and the record was left open to 9/22/17. The record was closed as of that date, yet the City allowed the Applicant to submit further reports and then allowed a second hearing. The City provided the Applicant with a "do-over" without any justification. This was unfair to the neighboring residents and violated their right of due process.

The City allowed the Applicant to submit a noise report dated 3/10/20. Project opponents were not notified that the record was still open. The Applicant should not have been allowed to make further submissions after the record was closed. The 7/7/21 Notice of Public Hearing was also defective in that the times to sell alcohol were not indicated and the square footage sought was misstated. A new Notice of Public Hearing should have been issued to provide full and fair notice of what was proposed. Please see the Opposition submitted by the VDLPA dated 7/6/21 for further details.

SHAUN MALEK, D.D.S.
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October 10, 2022

West L.A. Area Planning Commission
c/o Nick Vasuthasawat, Planning Assistant
200 N. Spring Street
Los Angeles, CA 90012 Via email only: **Nick.Vasuthasawat@lacity.org**

FOR HEARING DATE: OCTOBER 19, 2022
Project Address: SHELL GAS STATION at 15401 and 15406 Sunset Blvd;
1021,1023,1029, and 1031 N. Via De La Paz, Pacific Palisades
Case No. ZA2015-420-CUB-DRB-SPP-1A;
ENV-2015-421-CE

Dear Area Planning Commissioners:

My name is Dr. Shaun Malek. I am the Vice President of the Pacific Palisades Business Improvement District and the owner of 15415 Sunset Blvd, the adjacent property to the west of the proposed Palisades Shell convenience store. On behalf of my tenants, the Palisades community, and myself I ask that you support the ZA's decision in its entirety for the following reasons:

My first and foremost concern regarding this development is safety. The design, building placement, and new traffic circulation patterns proposed by this project are highly flawed in that they disregard the safety of pedestrians and drivers accessing my property, the Atria assisted living home, and the Shell gas station itself. Affirming the ZA's decision and upholding Condition 8 completely alleviates these very serious issues for all parties involved.

The proposed project (without the imposition of Condition 8) would force vehicles accessing my property as well as Atria, to back out approximately 200-feet down a 20-foot-wide alley, onto the sidewalk, and ultimately onto Via De La Paz (all while in reverse), a virtually impossible task for any reasonably skilled driver. The project in effect proposes to create a three-way T-intersection on the gas station and the alleyway easement. It also proposes to close the curb cut on the corner of Via De La Paz forcing ALL eastbound, northbound, and southbound traffic into the proposed T-intersection.

This WILL without a doubt drastically increase traffic flow into this confined space. I would like to ask the APC to take a moment and reflect on this proposal and ask yourselves if you think it is reasonable or safe to force drivers accessing my building and Atria to reverse out a 200 foot-long, 20-foot-wide alley and into a busy three-way T-intersection? I do not believe that it is reasonable or safe because I have never

encountered a three-way T-intersection designed to make people enter into it backwards. Clearly, none exist because that would be highly dangerous. The ZA, upon hearing testimony from numerous Palisadian residents and reviewing dozens of letters (over 70 letters), amongst other evidence, in opposition both in 2014 and 2021, used his common sense and agreed with the community that the project's proposed traffic circulation WAS a safety hazard and WOULD HAVE created safety and noise concerns for all properties, residents, and patrons involved.

The ZA reached the decision to impose Condition 8, not by entertaining the idea of some defacto implied easement, rather he based his decision upon balancing the overwhelming adverse impacts (such as Noise, Pedestrian Safety, and Vehicle Safety) the project imposed on neighboring properties, residents, as well the gas station's own customers. In fact, the ZA meticulously stated that he did not wish to opine on any legal easement claim and that it was out of his purview.

Next, the appellant's attorney, Mr. Brower, contends that it is our responsibility to modify our own parking lot to accommodate space to make K-turns to exit. We would love to if we could, but we cannot because it is not only a physical impossibility, it is a legal impossibility per the Los Angeles parking code's length requirements for a K-turn. Reversing the ZA's decision of Condition 8 would in effect strip us of the reasonable use and enjoyment of our parking spots and property rights approved by the city of Los Angeles decades ago and would be an arbitrary and capricious use of the APC's appellate discretion. It would be highly inequitable to adversely affect one property owner's permitted parking by-right, against another property owner's proposed development that required multiple discretionary variances.

Mr. Brower is incorrect to say that it is our responsibility to alleviate this issue or that this is a self-imposed hardship. It is not. It is a parking lot that has been used before the appellant had even owned the gas station or I had owned my own building. Nothing is self-imposed here and there is no evidence in the record to support such a claim. These parking spots are a vested entitlement by-right. It is the responsibility of the city to ensure safe development that is harmonious to its surroundings, which the ZA has done a perfect job of. The ZA did not exceed his authority in imposing Condition 8 and did not abuse his discretion. The ZA was well within his rights to promote the health, safety, and welfare of the community and to mitigate safety and noise concerns after reviewing vast amounts of evidence in opposition presented at two different lengthy meetings. The APC should NOT strike the condition.

Lastly, Mr. Brower, seeks to conflate a Takings argument with the plain and simple city of Los Angeles discretionary permit process. The appellant has NO vested right to build a convenient store however, wherever, whichever way he likes. In fact, this project requires multiple variances, this is not a by-right development project. There are zoning laws and rules in place to promote the health, welfare, and safety of our communities that we all have to abide by. The ZA did not reach his decision in an arbitrary or capricious manner, he based it on strong overwhelming evidence in the record that accurately depicts the dangers and adverse impacts imposed by the proposed site location that WOULD HAVE occurred without Condition 8.

Developers don't get to just raise frivolous Takings arguments anytime they are unhappy with a ZA's decision about their project, especially when we are dealing with multiple discretionary variance approvals. No developer is entitled to a variance, ever.

If that were the case then I suppose the government must compensate every shopping center owner, every drive-thru developer, every gas station convenience store owner, etc., anytime a ZA conditions

the use of existing parking on one side of a property versus the other in the effort to promote safety, health, and welfare? No. That is not how the law works. That is not how the discretionary permit process works. No such Taking claim exists. In fact, nothing in the record supports the notion that the Appellant would not receive his distinct investment backed expectations with the imposition of Condition 8. He has owned this gas station since 2013 and has continued to profit off a successful business. The city and community have not taken anything away from him and have not deprived him of any recognized property rights that I am aware of. In fact, he has been approved for the full size (2440 sf) of the convenience store he sought and requested to build. If he does not like the condition, he can continue to operate his convenience store as it now stands.

The Condition is not baked into his deed in perpetuity. It's a condition for so long as the site is used for the proposed expanded convenient store. Nothing is stopping the appellant or his successors in interest down the line from developing the property for other uses ultimately getting rid of the condition. An implied prescriptive easement is perpetual in nature, therefore, Mr. Brower calling the condition a de-facto implied easement is plainly incorrect because the condition is only imposed for so long as the site operates as a convenient store servicing the public. No one in good conscience can claim that the government has effectuated a Taking here with regards to the appellant's property. It simply does not make any sense.

Upholding Condition 8 would be neither an arbitrary nor capricious use of the APC's appellate review power because the ZA was well within his rights to impose the condition. The condition does not now, or ever, inhibit the appellant's ability to expand his convenience store or further develop his property for other uses in a manner that is more orderly, attractive, and harmonious to its immediate surroundings, making it more in line with the purposes and goals of the Palisades Specific Plan Section 2 A-I.

Area Planning Commissioners, once again thank you for your time in reviewing this matter and hearing out all parties involved. We ask that you AFFIRM the ZA's decision in its entirety. I strongly urge you all to take the foregoing stated issues heavily into consideration in making your determination.

Best,

Dr. Shaun Malek

SHAUN MALEK, D.D.S.
15415 SUNSET BLVD. SUITE #290
PACIFIC PALISADES, CA 90272
shaunmalek@aol.com

310-433-0077

October 10, 2022

West L.A. Area Planning Commission
c/o Nick Vasuthasawat, Planning Assistant
200 N. Spring Street
Los Angeles, CA 90012 Via email only: **Nick.Vasuthasawat@lacity.org**

FOR HEARING DATE: OCTOBER 19, 2022

**Project Address: SHELL GAS STATION at 15401 and 15406 Sunset Blvd;
1021,1023,1029, and 1031 N. Via De La Paz, Pacific Palisades**

Case No. ZA2015-420-CUB-DRB-SPP-1A;

ENV-2015-421-CE

Dear Area Planning Commissioners:

My name is Dr. Shaun Malek. I am the Vice President of the Pacific Palisades Business Improvement District and the owner of 15415 Sunset Blvd, the adjacent property to the west of the proposed Palisades Shell convenience store. On behalf of my tenants, the Palisades community, and myself I ask that you support the ZA's decision in its entirety for the following reasons:

My first and foremost concern regarding this development is safety. The design, building placement, and new traffic circulation patterns proposed by this project are highly flawed in that they disregard the safety of pedestrians and drivers accessing my property, the Atria assisted living home, and the Shell gas station itself. Affirming the ZA's decision and upholding Condition 8 completely alleviates these very serious issues for all parties involved.

The proposed project (without the imposition of Condition 8) would force vehicles accessing my property as well as Atria, to back out approximately 200-feet down a 20-foot-wide alley, onto the sidewalk, and ultimately onto Via De La Paz (all while in reverse), a virtually impossible task for any reasonably skilled driver. The project in effect proposes to create a three-way T-intersection on the gas station and the alleyway easement. It also proposes to close the curb cut on the corner of Via De La Paz forcing ALL eastbound, northbound, and southbound traffic into the proposed T-intersection.

This WILL without a doubt drastically increase traffic flow into this confined space. I would like to ask the APC to take a moment and reflect on this proposal and ask yourselves if you think it is reasonable or safe to force drivers accessing my building and Atria to reverse out a 200 foot-long, 20-foot-wide alley and into a busy three-way T-intersection? I do not believe that it is reasonable or safe because I have never

encountered a three-way T-intersection designed to make people enter into it backwards. Clearly, none exist because that would be highly dangerous. The ZA, upon hearing testimony from numerous Palisadian residents and reviewing dozens of letters (over 70 letters), amongst other evidence, in opposition both in 2014 and 2021, used his common sense and agreed with the community that the project's proposed traffic circulation WAS a safety hazard and WOULD HAVE created safety and noise concerns for all properties, residents, and patrons involved.

The ZA reached the decision to impose Condition 8, not by entertaining the idea of some defacto implied easement, rather he based his decision upon balancing the overwhelming adverse impacts (such as Noise, Pedestrian Safety, and Vehicle Safety) the project imposed on neighboring properties, residents, as well the gas station's own customers. In fact, the ZA meticulously stated that he did not wish to opine on any legal easement claim and that it was out of his purview.

Next, the appellant's attorney, Mr. Brower, contends that it is our responsibility to modify our own parking lot to accommodate space to make K-turns to exit. We would love to if we could, but we cannot because it is not only a physical impossibility, it is a legal impossibility per the Los Angeles parking code's length requirements for a K-turn. Reversing the ZA's decision of Condition 8 would in effect strip us of the reasonable use and enjoyment of our parking spots and property rights approved by the city of Los Angeles decades ago and would be an arbitrary and capricious use of the APC's appellate discretion. It would be highly inequitable to adversely affect one property owner's permitted parking by-right, against another property owner's proposed development that required multiple discretionary variances.

Mr. Brower is incorrect to say that it is our responsibility to alleviate this issue or that this is a self-imposed hardship. It is not. It is a parking lot that has been used before the appellant had even owned the gas station or I had owned my own building. Nothing is self-imposed here and there is no evidence in the record to support such a claim. These parking spots are a vested entitlement by-right. It is the responsibility of the city to ensure safe development that is harmonious to its surroundings, which the ZA has done a perfect job of. The ZA did not exceed his authority in imposing Condition 8 and did not abuse his discretion. The ZA was well within his rights to promote the health, safety, and welfare of the community and to mitigate safety and noise concerns after reviewing vast amounts of evidence in opposition presented at two different lengthy meetings. The APC should NOT strike the condition.

Lastly, Mr. Brower, seeks to conflate a Takings argument with the plain and simple city of Los Angeles discretionary permit process. The appellant has NO vested right to build a convenient store however, wherever, whichever way he likes. In fact, this project requires multiple variances, this is not a by-right development project. There are zoning laws and rules in place to promote the health, welfare, and safety of our communities that we all have to abide by. The ZA did not reach his decision in an arbitrary or capricious manner, he based it on strong overwhelming evidence in the record that accurately depicts the dangers and adverse impacts imposed by the proposed site location that WOULD HAVE occurred without Condition 8.

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the use of existing parking on one side of a property versus the other in the effort to promote safety, health, and welfare? No. That is not how the law works. That is not how the discretionary permit process works. No such Taking claim exists. In fact, nothing in the record supports the notion that the Appellant would not receive his distinct investment backed expectations with the imposition of Condition 8. He has owned this gas station since 2013 and has continued to profit off a successful business. The city and community have not taken anything away from him and have not deprived him of any recognized property rights that I am aware of. In fact, he has been approved for the full size (2440 sf) of the convenience store he seeked and requested to build. If he does not like the condition, he can continue to operate his convenience store as it now stands.

The Condition is not baked into his deed in perpetuity. It's a condition for so long as the site is used for the proposed expanded convenient store. Nothing is stopping the appellant or his successors in interest down the line from developing the property for other uses ultimately getting rid of the condition. An implied prescriptive easement is perpetual in nature, therefore, Mr. Brower calling the condition a de-facto implied easement is plainly incorrect because the condition is only imposed for so long as the site operates as a convenient store servicing the public. No one in good conscience can claim that the government has effectuated a Taking here with regards to the appellant's property. It simply does not make any sense.

Upholding Condition 8 would be neither an arbitrary nor capricious use of the APC's appellate review power because the ZA was well within his rights to impose the condition. The condition does not now, or ever, inhibit the appellant's ability to expand his convenience store or further develop his property for other uses in a manner that is more orderly, attractive, and harmonious to its immediate surroundings, making it more in line with the purposes and goals of the Palisades Specific Plan Section 2 A-I.

Area Planning Commissioners, once again thank you for your time in reviewing this matter and hearing out all parties involved. We ask that you AFFIRM the ZA's decision in its entirety. I strongly urge you all to take the foregoing stated issues heavily into consideration in making your determination.

Best,

A handwritten signature in blue ink, appearing to read "Shaun Malek", with a long horizontal line extending to the right.

Dr. Shaun Malek



Planning APC West LA <apcwestla@lacity.org>

ZA-2015-420-CUB-DRB-SPP-1A: 15401 Sunset Blvd, Pacific Palisades (Support for ZA Determination)

1 message

Matthew S. Rodman <mrodman@furstenterprises.com>

Mon, Oct 17, 2022 at 9:21 AM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>

Cc: "nick.vasuthasawat@lacity.org" <nick.vasuthasawat@lacity.org>

Dear Commissioners,

I write this letter in support of the zoning administrators determination from July 28, 2022 that the application for the sale of alcoholic beverages by the Applicant be denied and the specific requirements of any new structure on the property.

This location is on a direct safe-passage route from the adjacent neighborhood to the very nearby Palisades Elementary School, Village School, Seven Arrows School, Palisades High School and Methodist Church. The location is not suitable for the sale of alcohol, especially by an applicant that has a history of poor performance when he owned the former Mobil Gas Station that sold alcohol (one block away at Sunset and Swarthmore).

The community is already well served by full-service grocery stores (Ralph's and Gelson's) that sell alcohol in a responsible manner. No community convenience or benefit comes from the sale of alcohol at this location.

Thank you,

Matthew Rodman

LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
(310) 260-6016

October 6, 2022

Sent Via E-Mail
apcwestla@lacity.org
etta.armstrong@lacity.org
nick.vasuthasawat@lacity.org
jordann.turner@lacity.org

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

Honorable Commissioners:

I represent the Via De La Paz Association (“VDLPA”) and its individual members. The VDLPA is a homeowners association representing 107 condominiums and approximately 214 people in buildings immediately adjacent to and only 20’ away from the Project site.

The owner of 15401-15406 W. Sunset (“Applicant”) is seeking an exemption from CEQA, a conditional use permit (“CUP”) to allow 24/7 hours of operation, a CUP to sell beer and wine from and a Project Permit Compliance Review and Design Review (the “Project”).

The VDLPA opposes the Project.

INTRODUCTION

This is one of many hearings regarding the expansion of use at the Project site. In 2007, the City rejected an application proposing the expansion of the gas station.

In 2015, the Applicant applied for approval of the present Project. On August 31, 2017, the City conducted a public hearing. The record was closed without a decision. The City then allowed Applicant to submit further reports after the matter was closed, essentially providing Applicant with a “do-over” without any substantial justification or even an explanation. The matter was set for another public hearing. The VDLPA objected to this second hearing on the grounds that this “do-over” was unfair to the neighboring residents and violated their right of due process.

Nevertheless, on July 7, 2021, the City conducted another public hearing regarding the Project. Then over a year passed by without any decision or determination.

On July 28, 2022, Associate Zoning Administrator, Charles J. Rausch issued the City’s determination regarding the Project. The Applicant has appealed this determination.

PROJECT DESCRIPTION

The Project will demolish an existing 1,620 sf. gas station located approximately in the center of the Project site and construct a new 2,440 sf. convenience store on the western lot line of the site. The existing convenience store is only 440 sf. and Applicant proposes a new 2,440 sf. store that will double the sales area of the store to approximately 850 sf.

Applicant is requesting the following discretionary actions:

1. A Class 32 Exemption from the California Environmental Quality Act (CEQA);
2. A Conditional Use Permit (CUP) to allow the sale of beer and wine from 6 a.m. to 2 a.m.;
3. A CUP to allow hours of operation for 24 hours, 7 days a week;
4. A Project Permit Compliance and Design Review pursuant to LAMC §§11.5.7 and 16.50.

THE CITY'S JULY 28, 2022 DETERMINATION

The City made the following determinations with conditions:

1. That the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Class 5 and Section 15332 Class 32 and that there is no substantial evidence demonstrating that any exceptions apply under Section 15300.2 of the State CEQA Guidelines.
2. Disapproval of a Conditional Use allowing the sale of beer and wine.
3. Disapproval of a Conditional Use allowing 24 hour, daily operation and an approval of a Conditional Use allowing operation from 6 a.m. to 11 p.m.
4. Approval of a Project Permit Compliance and Design Review to demolish the existing structure and construct a new 2,440 sf. convenience store at an existing gas station.

Applicant requested that the new store be located on the west lot line of the site. The City imposed Condition 8, which placed the new store in the middle of the Project site, with the four parking spaces to be located on the west side of the site. Essentially, Condition 8 keeps the store in the general area where the present store is located. This preserved the existing access from Sunset Blvd. to the alley on the north side of the site.

APPLICANT'S APPEAL

Applicant appealed the 7/28/22 Determination regarding Condition 8 (the location of the store) and the denial of a conditional use permit to sell wine and beer.

Applicant contends that the imposition of Condition 8, keeping the store in the middle of the site, renders the parking and traffic circulation “problematic and potentially infeasible.” However, Applicant provided no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades.

Applicant also contends that the denial of a conditional use permit for the sale of beer and wine was erroneous because the sale of beer and wine will provide an essential service and a convenience to the community. Applicant also asserts that this use permit merely replaces one at a nearby location that closed six years ago in 2016.

THE VDLPA'S OPPOSITION TO THE APPEAL

The VDLPA opposes the Appeal of the 7/28/22 Determination for the following reasons:

1. If the Project store is moved from the middle of the site, then it will cause a serious, adverse traffic circulation impact and increase traffic congestion. Applicant's proposed plan eliminated the long-time access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' wide alley behind the Project, between the Project and residences and right under residential bedrooms. This will bring increased traffic closer to the adjacent homes. Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. The increased use of the alley, with trucks backing down with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.
2. Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. There is no public benefit to allow the Project to sell alcohol and this is not an essential service for the neighborhood. Alcohol is available for sale at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary. The neighborhood opposes this use.

CONDITION 8 IN THE CITY'S 7/28/22 DETERMINATION CORRECTLY KEEPS THE STORE LOCATION IN THE MIDDLE OF THE SITE

Applicant's proposed site plan moves the store to the west lot line, eliminating access to the adjacent commercial property from Sunset Blvd. Access to the commercial property would be limited to a 20' alley behind the Project, which is between the Project and the next door homes.

Locating the store at the west lot line of the site will cause a dangerous traffic circulation impact. The City's 7/28/22 Determination mitigates this with Condition 8, which places the store in the center of the site, where it has been for decades.

Without Condition 8, increased traffic will be pushed closer to the adjacent homes. Persons entering the adjacent property, including deliveries, will have to use the alley. Persons leaving must back out through the alley to Via De La Paz, creating an extremely unsafe situation for drivers and pedestrians. Traffic on Via de la Paz will slow to allow access to and from the alley. The increased use of the alley will result in vastly more noise right under the bedrooms of the adjacent homes.

Applicant contends that Condition 8 renders the parking and traffic circulation "problematic and potentially infeasible." But Applicant provides absolutely no facts or an explanation of how it will be infeasible to keep the store in essentially the same place that it has been for decades. There is no good reason to move the store to the west lot line, but there would be plenty of adverse impacts if this is done. Applicant has operated a store at the center of the site for years without any adverse impacts.

The City was correct in keeping the store in the middle of the site. Nothing will be taken from Applicant if it is left there. If the Project is allowed as proposed, persons seeking access to the adjacent commercial property will be forced to use the 20' alley behind the site. This increased traffic will cause more noise and give rise to an extremely unsafe situation for drivers and pedestrians. Applicant has not and cannot dispute this.

THE CITY'S 7/28/22 DETERMINATION CORRECTLY DENIES ALCOHOL SALES

Applicant wants to sell beer and wine in the new store. In 2015, Applicant wanted alcohol sale hours of 6 a.m. to 2 a.m. Applicant now wants the hours to be from 10 a.m. to 10 p.m.

Los Angeles Municipal Code §12.24-W governs the authority to grant a conditional use to sell beer and wine for off-site consumption. §12.24-W(a) allows such a conditional use provided that the Zoning Administrator makes the following findings:

- (1) that the proposed use will not adversely affect the welfare of the pertinent community;
- (2) that the granting of the application will not result in an undue concentration of premises for the sale ... of alcoholic beverages, including beer and wine ... giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and
- (3) that the proposed use will not detrimentally affect nearby residentially zoned communities ... after giving consideration to the distance of the proposed use from residential buildings ...”

The City received substantial input from the neighboring residents to the effect that the sale of alcohol will adversely affect neighboring homes. Noise from late night customers arriving and leaving the Project site after purchasing alcoholic beverages will adversely affect the quiet enjoyment of the adjacent homes. There will be the sound of car doors opening and closing late at night. Loud conversations in the parking lot are to be expected.

Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood.

As the adjacent homes are located above the site grade only 20’ from the store, no wall or landscaping will mitigate potential adverse impacts from noise, lights, glare and other nuisances resulting from the late night purchase of alcohol. To allow this Project to sell alcohol would violate the Municipal Code.

THE CITY REJECTED AN EXPANSION OF THE STORE AT THE SITE IN 2007

In 2007, the owner (at that time) of the Project site applied for a CUP to expand the convenience store. (Case No. ZA 2006-9396 (CU) The owner also sought to build a new, separate car wash. The City rejected not only the car wash, but also the expansion of the convenience store. This involved the same gas station as the present Project.

In rejecting the expansion of the convenience store, the ZA made the following findings:

1. The proposed location will not be desirable to the public convenience or welfare.

The City found that the convenience store expansion “*provides no particular convenience given the proximity to Gelson’s Market, Ralph’s Market, CVS and a Mobile gas station food mart.*”

The City found that any patronage of the convenience store *“would be substantially from the nearby area which has responded with its opposition to the use. Therefore, the alleged convenience to be provided is a false one.”*

2. The location is not proper in relation to adjacent uses.

The City noted the presence of VDLPA’s 107 units immediately adjacent to the site and noted the adverse effects of noise from cars and increased traffic on the adjacent residents. The City found that increasing the size of the convenience store *“adds nothing beneficial to the development of the community given the availability of purchasing a wider selection of the same items at competitive prices within walking distance of the subject site.”*

3. The use will be materially detrimental to the character of the neighborhood.

Regarding traffic, the City noted that residents of this area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city, stating:

“... the degree of change may be statistically insignificant when compared to the city at large but tangibly significant to those who live and work in the immediate area of the project site ...”

Regarding the increase of traffic, the City found that *“Either the enlargement will attract more patronage ... or the expansion makes little economic sense and will attract no significant increase in revenue.”* Therefore, there would have to be more vehicle trips to the store. The City found that *“the character of the area goes to the heart of the specific plan”* and to expand the store would be to *“completely disregard the plan.”*

4. The store expansion will not be in harmony with the General Plan.

The City made the specific finding that the proposed expansion of the food mart beyond the otherwise allowed 600 sf. is *“inconsistent with the specific plan.”*

Applicant takes great pains to assert that prior applications and denials are irrelevant because they are old. (But Applicant has no problem relying on a traffic report that’s over seven years old.) However, the City’s findings made in 2007 are still true today and as this is a larger project, the adverse effects on the neighborhood will only be worse than what was anticipated in 2007.

There is no doubt (as the City found in 2007) that an enlargement of the store will attract more patronage. Otherwise the expansion makes no economic sense. Applicant’s traffic report (from Kimley-Horn) is over seven years old and completely out of date. Even so, it admits that “Project-related traffic is expected to access the site similarly to the existing site usage, albeit with greater intensity due to the increase in building area.” Trips to the store will increase. The related noise and adverse traffic impacts will increase.

There is still no basis for a conclusion that the Project will be: 1) desirable to the public convenience or welfare; 2) proper in relation to adjacent uses or the development of the community; 3) not materially detrimental to the character of the development in the immediate neighborhood; and 4) in harmony with the General Plan.

CONCLUSION

Condition 8 in the City's July 28, 2022 Determination correctly keeps the store in the Project in the middle of the site. If the store is moved to the west lot line, then it will cause a bad traffic circulation impact and create a dangerous situation for motorists and pedestrians.

With the store at the west lot line, the long-time access to the adjacent commercial property from Sunset Blvd. will be eliminated. Access to the commercial property will be limited to the alley behind the Project and next to residences, bringing increased traffic closer to the adjacent homes.

Persons leaving the commercial property will be forced to back out through the alley to Via De La Paz, creating an unsafe situation for drivers and pedestrians. The increased use of the alley, including trucks backing up with beepers blaring, will vastly increase the noise levels in the bedrooms above the alley.

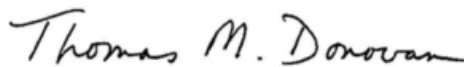
Applicant has produced no evidence that the Project will be impaired in any way if the store is kept in the middle of the Project site. There is no evidence that keeping the store in the middle of the site is infeasible in any way. That's where the store has always been. There has been no "taking" as Applicant asserts. The City is merely keeping the store in the middle of the site where it has been located for decades.

Selling alcohol at the Project site will detrimentally affect nearby residents, who reside only 20' away from the Project. Alcohol is available at other nearby and more appropriate locations. Another alcohol sale venue in this neighborhood is unnecessary and does not benefit the neighborhood. In fact, the neighborhood opposes this use. The Project's hours with the sale of beer and wine will adversely affect the quiet enjoyment of the adjacent homes. The City already rejected a lesser expansion of the convenience store.

The VDLPA also contends that a Class 32 Categorical Exemption to CEQA is inapplicable and that the Project is not in conformity with the Community Plan and the Specific Plan. The Proposed Mitigated Negative Declaration and its findings are not supported by substantial evidence. The Project violates Los Angeles Municipal Code §12.24-W. The VDLPA has provided substantial evidence to make a fair argument under CEQA that the Project may have a significant effect on the environment. The mitigation measures and conditions proposed are insufficient. The VDLPA's arguments regarding these issues are attached in Addendum A and in prior submissions to the City.

If the WLA APC is inclined to allow this Project at all, at the very least, the store should be located at the center of the site and no alcohol should be sold there.

Very truly yours,

A handwritten signature in black ink that reads "Thomas M. Donovan". The signature is written in a cursive, flowing style.

Thomas M. Donovan

LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
(310) 260-6016

ADDENDUM “A”

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

The Via De La Paz Association (“VDLPA”) and its individual members submit this Addendum in further opposition to the proposed Project identified above.

A CLASS 32 CATEGORICAL EXEMPTION IS INAPPLICABLE TO THIS PROJECT

Despite the prior 2007 decision, the City, in its 7/28/22 Determination, approved a Class 32 Exemption from CEQA, after a Proposed Mitigated Negative Declaration was circulated. It appears that Planning changed its thinking solely because of a noise report unfairly submitted in March 2020, long after the record had closed. Regardless, a Class 32 Exemption is inapplicable.

A Class 32 exemption from CEQA under California Code of Regulations (CCR) §§15300.2 and 15332 exempts projects if they meet certain criteria.

California Code of Regulations §15300.2(c) provides in part as follows:

§15300.2. Exceptions

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. *[Emphasis added]*

California Code of Regulations §15332 provides in part as follows:

§15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. *[Emphasis added]*

The Location of the Project is in a Sensitive Environment and Unusual Circumstances Exist.

A Class 32 Exemption is inapplicable if a reasonable possibility of a significant effect due to unusual circumstances is demonstrated. The City has been presented with substantial testimony that the Project site is in a sensitive environment and presents unusual circumstances.

In 2007, the City denied the expansion of the convenience store at this same location. The City specifically found that residents of the Project site area are accustomed to lower traffic volumes and the community maintains a far more “small town” character than other areas of the city. This is a finding that the Project site is in a sensitive environment and presents unusual circumstances.

Testimony from neighboring residents established that the Project site has unusual circumstances, with residential homes only 20 ft. from the Project site. The neighborhood is primarily a quiet bedroom community and noise easily travels. Residents even further away from the site can already hear noises that emanate from the present gas station in the evening.

This is a sensitive and unusual neighborhood when compared with the rest of the City. The Project will have significant unmitigated effects on traffic and public safety, which make the exemption unavailable. The testimony of the Project neighbors is adequate to establish unusual circumstances and a reasonable possibility that the project will have a significant environmental impact.

The Project is not Consistent with the Applicable Community Plan.

A Class 32 Exemption does not apply unless the project is consistent with the policies of the applicable Community Plan. (Public Resources Code 21059.25(b)(1).) Objective 2-1.3 in the Community Plan requires that projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 is to preserve community character and scale.

The City concluded in 2007 that: The proposed expansion of the food mart beyond the otherwise allowed 600 square feet and the introduction of a car wash are inconsistent with the specific plan.” No car wash is sought in the present application. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf., a greater increase than sought in 2007.

Approval of the Project Will Result in Significant Effects Relating to Traffic and Noise.

The Project will cause an adverse traffic circulation impact and increased traffic to the site. The change in traffic patterns will result in an increased use of the adjacent alley. It will also cause significant noise that will adversely affect the quiet enjoyment of the adjacent homes.

The Applicant’s traffic engineers admitted that Project-related traffic will increase, but underestimated the amount of increase. By staying open until 11 p.m., the increase will occur when nearby residents are sleeping in their homes. Opposition from nearby residents confirms this significant noise increase. The neighborhood residents have established the reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. Therefore, a categorical exemption may not be used for this Project.

A Class 5 Exemption is Also Inapplicable to the Project.

The Notice of Public Hearing on 7/7/21 did not notify the public that a Class 5 Exemption was

sought. Due to this failure, this exemption should not have been considered. The VDLPA objected to its consideration. Regardless, a Class 5 Exemption is inapplicable to the Project.

A Class 5 Exemption from CEQA under Code of Regulations (CCR) §15305 provides:

§15305 - Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

A Class 5 Exemption is inapplicable to the Project. It can only apply if there are only minor alterations of land use limitations and no changes in land use. As indicated in §15300.2, a project that is ordinarily insignificant in its impact may be significant in a particularly sensitive environment. This is one of those situations. The changes sought by the Applicant are not minor and there are specific changes in land use. The present gas station does not sell alcohol. To allow the sale of alcohol is a specific change in land use. The substantial opposition to the present application confirms that this is not a minor change.

The primary use of the present gas station is to sell gas. Its present, small, 440 sf. convenience store is an accessory to the sale of gas. But Applicant is seeking to expand the convenience store from 440 sf. to over 800 sf. (at a minimum), doubling the square footage. This makes the sale of gas accessory to the sale of other items, including alcohol. This is a major change in the primary use of the site. The Project will likely make more money from the sale of alcohol and other items than from the sale of gas.

THE PROJECT DOES NOT COMPLY WITH THE COMMUNITY AND SPECIFIC PLANS FOR THE PROJECT SITE AREA

The Project site is governed by the Brentwood-Pacific Palisades Community Plan and the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. The Project conflicts with the Community Plan's goals, objectives and policies. A purpose of the Community Plan is to preserve and enhance the positive characteristics of existing residential neighborhoods.

Objective 2-1.3 in the Community Plan requires that commercial projects be designed to achieve a high level of compatibility with existing uses. Objective 2-4.2 in the Community Plan is to preserve community character and scale.

The Specific Plan, adopted in 2016, sets forth specific purposes. Section 2.A provides that future development be compatible with the surrounding residential community. Section 2.B indicates that the individual qualities of plan areas are to be preserved. Section 2.D states that commercial uses should be consistent with the general character of the community, which includes single-family residences and some multiple residential structures. Section 2.F notes the promotion of harmonious development by prohibiting uses inconsistent with the Plan and inappropriate to their sites, surroundings and traffic circulation.

A convenience store, operating 24/7 while selling alcohol until 11 p.m. is not consistent with the above plans and goals which are designed to protect residential neighborhoods. These operating hours with the sale of alcohol are incompatible to with the adjacent homes and inconsistent with the general neighborhood character. The Project as proposed conflicts with the community plans.

THE PROPOSED MND IS DEFICIENT IN FAILING TO IDENTIFY AND MITIGATE THE ADVERSE IMPACTS ON LAND USE

The Proposed Mitigated Negative Declaration (MND) is deficient as follows:

1. The MND Initial Study notes that increased noise levels may result, but astonishingly states that potential impacts will be mitigated simply by a 6-foot wall. This absurd mitigation will not affect the Project's noise from the projecting to the bedrooms on the floors above a wall.
2. The Initial Study indicates that the Project conforms with the existing community plans and that there is no conflict with the plans. As indicated above, this is untrue.
3. The Initial Study indicates noise as an environmental factor but mentions nothing about its effect on the adjacent homes.
4. The Initial Study finds that the Project will have no impact on traffic. No consideration is given to the Project's effect on the adjacent commercial building and the resulting change in traffic patterns. Even Applicant's traffic engineers indicate that the Project will increase traffic with greater intensity.

The proposed findings by the MND are false and not supported by sufficient evidence. The consequence is that no mitigation measures are proposed. Failing to cite inconsistencies with adopted land use policies as adverse impacts and failing to identify or propose any reasonable mitigations, is a failure to proceed in the manner required by CEQA. No doubt this is why Planning wants to consider an exemption. Otherwise, this Project would not pass muster under CEQA.

OBJECTION TO THE 7/7/21 HEARING.

The VDLPA continues to object to the Public Hearing held on 7/7/21. The Applicant filed his application in 2015 and the City held a hearing on 8/31/17. No decision was made and the record was left open to 9/22/17. The record was closed as of that date, yet the City allowed the Applicant to submit further reports and then allowed a second hearing. The City provided the Applicant with a "do-over" without any justification. This was unfair to the neighboring residents and violated their right of due process.

The City allowed the Applicant to submit a noise report dated 3/10/20. Project opponents were not notified that the record was still open. The Applicant should not have been allowed to make further submissions after the record was closed. The 7/7/21 Notice of Public Hearing was also defective in that the times to sell alcohol were not indicated and the square footage sought was misstated. A new Notice of Public Hearing should have been issued to provide full and fair notice of what was proposed. Please see the Opposition submitted by the VDLPA dated 7/6/21 for further details.

CASE # ZA-2015-420-CUB-DRB-SPP-1A

Ladies and Gentlemen,

Our household unanimously supports Mr. Rausch's July 28, 2022 Letter of Determination Disapprovals and Approvals for Case ZA-2015-420-CUB-DRB-SPP-1A. The letter includes **Denial** of the sale of alcoholic beverages at the proposed Shell Station mini market; and provides specific placement guidelines for the new building, the two issues being appealed by Mr. Kohanoff.

Mr. Rausch's findings prove this location and community should not coexist with such an establishment. The location of the proposed business is adjacent to a three-story condominium building with over 100 units. The garage to this building is located at the ground level, even with a sound wall built; it would not prevent the noise generated.

The proposed food mart raises concern for the community. The increase in noise, traffic and crime that usually accompanies these business establishments proves a disadvantage for our community. We have one market, Ralph's, that is open to accommodate any late-night purchases, with a parking lot located well away of any potential sleeping residents. If the food mart is allowed to be open past 9 PM, the reasonable bedtime for most children, the neighbors will be negatively impacted.

The gas station that exists presently is located at a very busy intersection. Sunset Boulevard at Via de la Paz is a "Collector Street" that becomes congested with traffic, school children reaching our numerous local schools, and the many carpoolers who descend upon this area during the day. The perilous intersection already has a no U-turn provision and a left turn signal to help prevent future tragedies. The driveways of the proposed business are in poor locations and will further add to the traffic and safety issues at this intersection.

The proposed project has generated significant opposition in our community.

Sincerely,
Tracey, David, David, Bennett and Audrey Price
1134 Charm Acres Place
Pacific Palisades, CA 90272

October 6, 2022

Re: Case No. ZA-2015-4201-CUB-DRB-SPP-1A

Hearing Date: October 19, 2022

To: City Planning Commissioners (West Los Angeles)

Via email to: apcwestla@lacity.org

nick.vasuthasawat@lacity.org

I own a condo at 15515 W. Sunset Blvd, Unit 219, Pacific Palisades (next door to the Shell Station). There are a total of 107 units in our condo complex, with 2 addresses in the HOA – 15515 Sunset and 1029 Via de la Paz, (Via de la Paz Homeowners Association). I also own a rental condo at 1029 Via de la Paz, Unit 127. My tenants tell me that the activity at the Shell station when they are open is more than most of us can even imagine. This will only become worse if Mr. Kohanoff's appeal is not rejected.

I am writing this letter in support of the findings in Mr. Charlie Rausch's Letter of Determination (Dated July 28, 2002). Mr. Rausch conducted a fair and impartial hearing on July 7, 2021. His LOD was thorough and accurate.

I am requesting that these two items (addressed by Charlie Rausch in his findings) stand as DISAPPROVED in order to protect the interests of the Pacific Palisades community and in particular the residents of our complex (next door to the Shell Station):

- 1. There should be NO SALE of BEER or WINE at the Shell Station—**There are many young children and teenagers that live in our complex. There are also many schools that are located close to the Shell Station (including Palisades High School where my children went to school.) The sale of beer and wine will result in the Shell Station being a "local hang out" for teens and young adults as well as for transients that are often dealing with alcohol and/or drug addictions.
- 2. The Position of the Building should remain in the same approximate location (in the middle of the property)—**This will allow for the flow of traffic and will eliminate the hazard of cars, delivery trucks, and trash trucks from backing out (which puts young children at risk when they are walking/running/bicycling on the sidewalk or crossing the alley by the Shell station.

I also refer you to the letter submitted by Attorney Tom Donovan. Mr. Donovan is representing our homeowners (Via de la Paz Homeowners Association or VDLPA). In addition, numerous residents of our condominiums and other local residents of Pacific Palisades have submitted letters in support of Charlie Rausch's findings in his LOD.

I respectfully request the rejection of Saeed Kohanoff's Appeal of Mr. Rausch's findings. Thank you.

Sincerely, Dianne Jones-Longaker

DAY OF HEARING SUBMISSIONS

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at 12120~~10~~ Herbert Avenue, or authorized representative thereof, I hereby offer my full support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,



Name: C. Christensen

Date: 9/25/22

12120 Herbert St.

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Friendly Neighbors LLC,

As an owner of the property located at 12034 Herbert St, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

The owners at 12106 Herbert St have been respectful neighbors and we have had no issues with them.

Sincerely,

Max Lishansky

Name: Max Lishansky

Date: 10/11/22

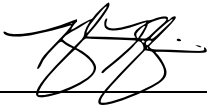
Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an
Over-in-Height Fence within the Front Yard Setback
at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at _____¹²¹⁰² Herbert Avenue, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property abuts or is across street from, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,



Name: _____ Kristopher Karuna

Date: _____ 20 January 2022

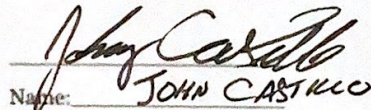
Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an
Over-in-Height Fence within the Front Yard Setback
at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at 12112 Herbert Avenue, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property abuts or is across street from, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,


Name: JOHN CASTILLO

Date: 1-20-22

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Respectful Neighbors LLC,

As an owner of the property located at 12133 Herbert Avenue, or authorized representative thereof, I hereby offer my full support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

Sincerely,

Kyle Kobe

Name: Kyle Kobe

Date: 9/27/22

Respectful Neighbors LLC
12106 Herbert St
Los Angeles, CA 90066

**Letter in Support of the Application for an Over-in-Height Fence
within the Front Yard Setback at 12106 Herbert St**

Dear Friendly Neighbors LLC,

As an owner of the property located at 12034 Herbert St, or authorized representative thereof, I hereby offer my support for the Los Angeles Department of City Planning application (ZA-2021-9762-F) and the subsequent appeal for an over-in-height fence within the front yard setback at 12106 Herbert St, to which my property is located nearby, pursuant to Los Angeles Municipal Code Section 12.24.X.7.

The owners at 12106 Herbert St have been respectful neighbors and we have had no issues with them.

Sincerely,

Max Lishansky

Name: Max Lishansky

Date: 10/11/22

LAW OFFICES OF
THOMAS M. DONOVAN
A PROFESSIONAL CORPORATION
11900 W. OLYMPIC BOULEVARD, SUITE 450
LOS ANGELES, CALIFORNIA 90064
(310) 260-6016

October 18, 2022

Sent Via E-Mail
apcwestla@lacity.org
etta.armstrong@lacity.org
nick.vasuthasawat@lacity.org
jordann.turner@lacity.org

Honorable Commissioners
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Re: Case No. : ZA-2015-420-CUB-DRB-SPP-1A
CEQA No. : ENV-2015-421-CE
Location : 15401-15406 West Sunset Blvd., Pacific Palisades

Honorable Commissioners:

I represent the Via De La Paz Association (“VDLPA”) and its members, representing approx. 214 people who live only 20’ from the Project site. The VDLPA submitted opposition to this Project and Applicant’s Appeal, and in particular, the store relocation and the CUB to sell beer/wine.

On Oct. 14, Planning disclosed that the Applicant has requested a continuance of the APC hearing. The ostensible reason for this continuance is that the Applicant is working to “resolve the issues raised” and redesign the Project store to locate it in the middle of the site. There is no indication that Applicant is accepting the denial of the CUB.

The VDLPA opposes this continuance. Applicant applied for this Project 2015. Two hearings were held, in 2017 and in 2021. On 7/28/22, the City disapproved a CUB for the sale of beer/wine and imposed Condition 8, requiring the store to remain in the center of the site. Applicant appealed, contending that beer/wine sales were an essential service to the community and that keeping the building in the center of the site was infeasible. Yet no evidence of infeasibility was provided.

The opponents of the Project are concerned that this is a delay tactic to obtain expert testimony to support the contention that keeping the store in the middle of the site is infeasible. Applicant has not agreed to refrain from selling beer/wine, the other major issue in the Appeal.

There is no need for this last minute continuance. Applicant can simply accept the City’s Determination and place the new, smaller store in the middle of the site, thereby satisfying Condition 8 and the denial of the CUB.

There have been two public hearings. The location of the store and the sale of beer/wine were continuously and soundly opposed by the public. Applicant has had over 7 years to redesign the store. There is no reason to allow Applicant further time. The delays regarding this Project have been burdensome to the neighboring community.

Also, it now appears that Applicant is trying to move the goalposts by submitting a completely new design for the store. This would result in those opposing the Project to again submit opposition, this time to a different proposal.

The WLA APC should deny this request for a continuance and deny the Appeal on Oct. 19. If the WLA APC is inclined to grant a continuance, it should do so only with the firm and binding representation by Applicant that the store will be located in the middle of the site as provided by Condition 8 and that no beer/wine will be sold there.

Very truly yours,

A handwritten signature in black ink that reads "Thomas M. Donovan". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Thomas M. Donovan

**JOHN B. MURDOCK
ATTORNEY AT LAW
1209 PINE STREET
SANTA MONICA, CA 90405
TEL: (310) 450-1859
jbmlaw@hotmail.com**

October 18, 2022

West L.A. Area Planning Commission
c/o Nick Vasuthasawat, Planning Assistant
200 N. Spring Street
Los Angeles, CA 90012
Via email only: Nick.Vasuthasawat@lacity.org

FOR HEARING DATE: OCTOBER 19, 2022
Case No. ZA2015-420-CUB-DRB-SPP-1A;
ENV-2015-421-CE

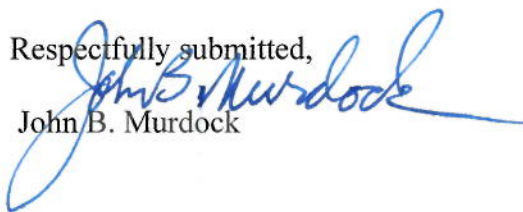
Dear Area Planning Commissioners:

The undersigned presented the attached support for the ZA decision on behalf of Shaun Malek, D.D.S., owner of the office building at 15415 Sunset Blvd., which is directly adjacent to the west of the subject Shell Station. I have received no notice from the staff of a proposed continuance, nor any request from appellant for a stipulation, but I have recently learned from others that the appellant has requested an extension of time on the basis that he will submit new plans moving the structure from the west property line back to the center where it now exists, to alleviate the problems cited in the ZA's Condition 8 decision and our opposition.

There is no basis for an extension of the hearing. New plans that were not before the ZA cannot form the basis for any decision by this appellate body (see my letter Oct. 10, 2022), they must be submitted to the ZA and the DRB after this appeal is denied. The appeal of Condition 8, requiring the building in the center of the lot, is frivolous and is now being abandoned. The appellant clearly sees there is no basis to win this appeal and is stalling to come back again with some form of compromise in January. However, nothing can or will change with respect to the appeal of the CUB application for alcohol. That appeal *should be denied outright based on the record before you today*. Although we welcome appellant's decision to drop the appeal of Condition 8, nothing can be done by this body in January with respect to revised building plans, so that request forms no basis for a continuance. New plans must be properly submitted in due course, *not at the last minute for some kind of decision by this body at a hearing in January*.

The proposal to expand the convenience store and add alcohol sales has been going on in one form or another **since before 2007**. (See file materials). It was denied previously, and cannot possibly succeed on the record before you, now *or* in January. If the CUB appeal were also dropped, there could be room for a compromise, but no such offer is made. The community should not be subjected to these endless efforts to get inappropriate approval for alcohol sales. The extension request should be denied, and we respectfully request the appeal be denied, today.

Respectfully submitted,


John B. Murdock