



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: CPC-2019-6138-CU

Project Address: 2515 W. Beverly Blvd: 110 N. Coronado St.; 114-128 N. Coronado St.

Final Date to Appeal: 11/06/2020

2. APPELLANT

Appellant Identity:
(check all that apply)

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

☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

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

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

3. APPELLANT INFORMATION

Appellant's Name: Claudia Ruano

Company/Organization: _____

Mailing Address: 130 N. Coronado St.

City: Los Angeles

State: CA

Zip: 90026

Telephone: (213) 330-5003

E-mail: claudia.i.ruano@gmail.com

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

☒ Self ☐ Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

b. Are specific conditions of approval being appealed? ☒ Yes ☐ No

If Yes, list the condition number(s) here: Condition of approval numbers 8 and 19

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☒ The reason for the appeal ☒ How you are aggrieved by the decision
☒ Specifically the points at issue ☒ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Claudia Ramo Date: 11/11/2020

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

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

NOTE:

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

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

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

NOTE:

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

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

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

F. BUILDING AND SAFETY DETERMINATION

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

a. Appeal Fee

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

b. Notice Requirement

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

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

a. Appeal Fee

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

b. Notice Requirement

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

G. NUISANCE ABATEMENT

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

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

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

2. Plan Approval/Compliance Review

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

a. Appeal Fee

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

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

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

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

Justification

The reason for the appeal:

-In 2020, the school is seeking a new CUP to continue expanding, which involves the construction, use, and maintenance of a new 2,500 square-foot classroom and 5,700 square-foot outdoor play space along with an underground transformer and EV charging station in the RD 5-1 zone (According to what is listed on the project summary presented at the October 8th, 2020 hearing shared document drive). Condition of approval No. 8 under the heading, Entitlement Conditions, states: "The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible." This condition does not address having a construction noise management plan nor does it address dust mitigation measures for the project to comply with, especially since only single-unit family homes surround the project where all the construction will take place in the RD 5-1 zone. Condition of Approval No. 19 a through letter c, under the heading, School Noise, states: a) "No amplified music or loud non-amplified music is permitted outside, except in conjunction with special events." b) "Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site." c) "No public address system shall be utilized on the exterior of the premises except for emergency announcements." This condition does not address the time that noise will be heard from recess or recreational play, or other school activities conducted during school hours, which are loud and can be heard by adjacent homes like mine.

How you are aggrieved by the decision:

-Condition of Approval No. 8 is very general. In 2018 the school project was granted a Class 32 Categorical Exemption. In the report from CEQA: ENV-2017-4490-CE, it states: "The proposed project would be subject to Regulatory Compliance Measures (RCM's) that require compliance with the City ordinances related to noise. These RCM's would reduce any potential impacts on noise to less than significant." Furthermore, under construction noise, the CEQA report cited that the following LA municipal codes would be complied with. They are: LAMC Sections 41.40, sections 111.0 through 116.01, and section 112.02 and Ordinance No. 178.048. August 17, 2018 was the first day of construction activities, and for the most part, these ordinances were not complied with. The construction company, Satoh Brothers International, that the school hired, did not have a construction site notice on their premises. As a result, construction crews/independent sub-contractors would come in during the wee hours of the morning to haul dirt and construction debris from the parking lot in the RD 5-1 zone, operate machinery and power tools prior to 7 A.M, and sometimes, workers would stay operating power tools past 10 P.M., and often times, leave as late as 3 A.M from working inside the building (I have video recordings of these activities and documentation). We had no peace; workers were coming and going as they pleased at any time of day, and would engage in all kinds of nuisance type behavior from engaging in loud talk and yelling at other crews prior to 7 A.M. Nobody seemed

to be in charge. Yet, different workers and sub-contractors had the key to the parking lot gates and would go in to do work during times outside the hours allowed for construction per LAMC 41.40, dealing with quality of life issues. Aside from the noise, appropriate dust control measures were not implemented, which deal with SCAQMD Rule 403 - Fugitive Dust, which is also mentioned in the CEQA report (CEQA: ENV-2017-4490-CE). This report also mentions that best management practices (BMP) will be implemented for the project that would include (but not be limited to the following: “wetting at least three times daily unpaved demolition and construction areas during excavation and construction, using temporary dust covers, minimizing exhaust emissions, turning off idle trucks, etc.” With regard to this rule, none of this was done. For the most part, the dust and construction rubble was never covered up after the workers would leave the construction site. The wind would blow the construction dust in my direction (toward my family’s bedroom windows) along with the foul smells from the emissions. We could seldom have our windows open. No type of dust mitigation barrier was put up to prevent the dust from getting out of the site and onto residential homes. As a result, my family member got sick from the dust that we were constantly exposed to, and she began taking medication during the time that construction was going on (early 2019). I have a 60 plus page timeline of events, pictures and video recordings, a prescription medication for upper respiratory ailment, and doctor’s notes listing construction dust as the source of illness (for legal purposes). This new condition of approval no. 8 for 2020 does not address any of my concerns, nor does it protect my family’s well-being. The school project, under CEQA, was granted a categorical exemption at the expense of one of my family member’s getting sick. This 2nd time around—with more construction activity in close proximity to my family’s bedroom windows—I want to see condition of approval no. 8 expanded to include the following:

- A Construction Noise Management Plan and dust control measures shall be followed throughout any construction activities, and include the following practices:
 - a) Provide notification to the surrounding single-unit family homes, disclosing the schedule, including the various types of activities that will be occurring throughout the duration of each phase of construction
 - b) Applicant shall install and maintain noise curtains/mitigating barriers that are high enough along the residentially zoned concrete wall in the RD 5-1 zone (unless homeowners say it is not necessary).
 - c) Post construction site notices at all entrances with the appropriate contact person’s name, and phone number in case of complaints.
 - d) The staging area for construction equipment in the parking lot in the RD5-1 zone, will be enclosed and located away from the adjacent property’s sensitive uses on the north (bedroom windows).
 - e) Any noise-generating equipment (operating tools, the act of loading and unloading per LAMC 41.40 (A), dealing with quality of life issues) prior to the allowed hours of construction, is prohibited in the RD 5-1 zone.

- f) Applicant shall put up and maintain a safety netting to capture construction debris and particles than can be carried by the wind along the residentially zoned (RD 5-1 zone) block wall.
- g) Applicant shall abide by CEQA guidelines included in ENV-2017-4490-CE.

Next, condition of Approval No. 19, gives a list of what is not permitted by the school, but it does not address the noise emitted from the playground and other types of recreational play and physical education as well as assemblies conducted in the lot/parking lot of the RD 5-1 zone. Activities from such play and assemblies should not be allowed to occur at all times (i.e, as early as 7: 30 A.M is not acceptable), and school activities should not disturb the peace and contribute to a private nuisance for the affected adjacent homeowners, like myself. The best times for recess and loud recreational play and other types of activities during school hours needs to be established with the affected residents on the RD5-1 zone.

Specifically the points at issue:

-Condition of Approval No. 8 is too general and needs further clarification and expansion. One can easily miss the point of that condition the way it is currently worded, and take no action to “prevent noise beyond certain levels at adjacent uses [...]” Clarify what types of noise, is it referring to construction noise or school noise. This needs to specify what type of emission or noise being created that is prohibited. Condition of Approval No. 19 does not include playground, recreational or even noise from assemblies, and appropriate times for these activities should be established that takes into consideration an open line for communication with affected residents on the RD5-1 zone. The best times for recess and loud recreational play should be decided with the most affected homeowners. Homeowners need to have a say in what are appropriate times for outdoor loud recreational play and assembly type noise. Recreational play should not start at 7 A.M.

Why you believe the decision-maker erred or abused their discretion:

-At the October 8th, 2020 hearing before the LA City Planning Commission, the case was designated, “not controversial.” As a result, a motion was passed quickly to approve the project. Commissioner Millman, who seconded the project, mentioned that schools can function in residential areas. Having visited schools that are in District 13, I have encountered several buffers, either the homes are on higher elevation that the school itself, or there is an alley in between the school and the adjacent homes. I have yet to see, a school functioning and conducting operations in a similar residential neighborhood like mine, adjacent to homes, that are completely exposed. Furthermore, the Echo Park Neighborhood Council, in a letter of support sent September 30, 2020, included a 4th condition to be met for the school’s project, which was not included in the school’s project analysis of the Recommendation report that was presented to the commissioners on October 8th, 2020 which states that the school applicant: “Implement a plan that follows best practices in construction noise management and the prevention of dust and other emissions from exiting the site while adhering to LA County codes

For Case No.: CPC-2019-6138-CU

CEQA: ENV-2019-6139-CE

and ordinances.” The school applicant only included the first 3 conditions in the project analysis recommendation report on the October 8th hearing, omitting the 4th condition. Thereby, this does not give a true account of what the Echo Park Neighborhood council decided on September 22, 2020 when the EPNC Board of Governors held a Brown Act noticed-virtual meeting, and approved 4 conditions for the school project to meet. The commission, was not able to see this 4th condition, dealing with environmental conditions, and thereby potentially address concerns dealing with noise construction and fugitive dust regarding this particular project.



ECHO PARK NEIGHBORHOOD COUNCIL



CHAIR

Darcy Harris

VICE CHAIR

Mo Najand

CHIEF INFORMATION OFFICER

Thomas DeVoss

TREASURER

Tyler Samples

SECRETARY

Richard Courtney

CPC-2019-6138 CU
Letter of Support for Phase 1
and conditional support for Phase 2
2515 W. Beverly Blvd.
Los Angeles, CA

CERTIFIED COUNCIL
APRIL 16, 2002

1226 N ALVARADO ST
LOS ANGELES, CA 90026

(323) 487-9124

INFO@ECHOPARKNC.COM
WWW.ECHOPARKNC.COM

Sept 30, 2020

VIA EMAIL

PLANNING DEPARTMENT

Jordann.Turner@lacity.org

CASE NO.: ZA-2017-4489-CU-ZV-F

The Echo Park Neighborhood Council (EPNC) supports Phase I of the project of Citizens of the World Charter School at 2515 W. Beverly Blvd. L.A., CA 90057 for the creation of an outdoor playground in an RD5-1 Zone approximately 5,700 sq. ft. in conjunction with the existing public elementary school.

EPNC supports Phase II - the proposed construction, use and maintenance of a new 2,500 sq. ft. classroom at the northerly RD5-1 Zone lot at 124-128 Coronado Street, L.A. CA 90026 -- based only on the following conditions being met:

1. Continue to adhere to the Conditional Use Permit (CUP)
2. Provide an adequate parking plan with sufficient parking for staff such that they aren't forced into the residential-neighborhood
3. Reach a solution for fencing and landscape buffer along the shared property lines to the satisfaction of the neighbors.
4. Implement a plan that follows best practices in construction noise management and the prevention of dust and other emissions from exiting the site while adhering to LA County codes and ordinances.

RESOLUTION

On September 22, 2020, the EPNC Board of Governors held a Brown Act noticed-Virtual meeting, at 7 p.m. Meeting was conducted entirely electronically with a teleconferencing number for public participation. With a quorum of ___board members present and a vote count of 17 yeas, 0 nays, and 0 abstentions, the Board resolved to write a letter of support for Phase 1 of the project and conditional support of Phase 2 of the project stated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Courtney", written in a cursive style.

Richard Courtney
Secretary, Echo Park Neighborhood Council

cc: Craig Bullock, Planning CD 13



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **OCT 22 2020**

Case No. CPC-2019-6138-CU
CEQA: ENV-2019-6139-CE
Plan Area: Westlake

Council District: 13 – O' Farrell

Project Site: 2515 West Beverly Boulevard; 110 North Coronado Street;
114-128 North Coronado Street

Applicant: Katrina Conley, Citizens of the World Charter School
Representative: Shawn Keltner, Keltner Company

At its meeting of **October 8, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use, and maintenance of a new 2,500 square-foot classroom and approximately 5,700 square-foot outdoor play space serving an existing public charter school located in the C2-1 and RD5-1 Zones.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15314, Class 14, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.24 U.24 of the Los Angeles Municipal Code, a Conditional Use to permit the operation of a public charter elementary school in the RD5-1 and C2-1 Zones;
3. **Adopted** the attached Modified Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Khorsand
Second: Millman
Ayes: Ambroz, Leung, Mack, Mitchell, Perlman
Absent: Choe

Vote: 7 – 0


Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is appealable to the Los Angeles City Council 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: NOV 06 2020

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures,
Appeal Fact Sheet

c: Nicholas Hendricks, Senior City Planner
Jordann Turner, City Planner

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 8, 2020)

Pursuant to Section 12.24-U,24 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Use.** The subject property may be continued to be used as the Citizens of the World Charter Elementary School. The existing public charter elementary school (TK/Kindergarten through 5th grade) shall be limited to a maximum enrollment of 650 students.

The proposed project shall also comply with the conditions of approval for Case No. ZA-2017-4489-CU-ZV-F-1A.

2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the attached plans labeled as Exhibit A, stamped, signed and dated by Department of City Planning Staff, attached to the subject case file, and except as modified by this action.
3. **Parking.**
 - a. **Automobile Parking.** Parking shall be provided in accordance with LAMC Section 12.24-A,4.
 - b. **Bicycle Parking.** Bicycle parking shall be provided in accordance with the provisions of LAMC Section 12.21-A,4 and 12.21-A,16.
 - c. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
4. **Solar.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
5. **Signs.** Signage shall comply with the Los Angeles Municipal Code.
6. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate any adjacent properties, the public right-of-way, or the above night skies.
7. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
8. The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
9. **Fencing/Walls/Landscaping (approved under Case No. ZA-2017-4489-CU-ZV-F-1A)**
 - a. The existing 5-foot landscaped setback along the west property line facing Coronado Street shall be maintained.

- b. The existing approximately 5 to 6-foot high wall along the east and north property lines adjoining residential uses shall be maintained. If the wall is replaced, it shall be replaced with a minimum 6-foot high solid fence or decorative CMU wall.
 - c. Fences and/or walls up to 8 feet in height may be maintained within the required front yard in the RD5 Zone.
10. **Bureau of Street Lighting.** Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
- a. Construct new street light: one (1) on Beverly Boulevard. If street widening per BOE improvement conditions, relocated and upgrade street lights: one (1) on Coronado Street, and one (1) on Beverly Boulevard.
11. **Department of Transportation.**
- a. Vehicular access to the site shall be limited to two one-way ~~full-service~~ driveways on Coronado Street.
 - b. Student loading/unloading should take place on-site.
 - c. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
 - d. Security gate(s) shall remain open during school pickup/drop off and other after school events.
 - e. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to issuance ~~submittal~~ of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, call (213) 482-7024.
12. **Bureau of Street Services, Urban Forestry Division.**
- a. Plant street trees and remove any existing street trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted on a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division at 213-847-3077 upon completion of construction to expedite tree planting.

Note: Removal or planting of any tree in the public right of way requires approval of the Board of Public Works. Contact Urban Forestry Division at 213-847-3077 for permit information. CEQA document must address parkway tree removals.

School Administration Conditions

13. All school administrators, faculty and school board members shall be provided a copy of the subject determination.

- a. **Hours of Operation** for the elementary school shall be from 7:00 a.m. to 6:30 p.m., Monday through Friday.
- b. Teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school activities may extend beyond the hours set forth above.
- c. Any special event expected to attract more than 150 people will have auxiliary parking agreement(s) with nearby facilities.

14. Traffic Management Program.

- a. Curb-side drop-off and pick-up of students on adjacent streets is prohibited.
- b. All student drop-off and pick-up shall be conducted in the on-site parking lot. The school shall provide an adequate number of adult parking monitors during student drop-off and pick-up hours to monitor and direct traffic to minimize congestion and back-up on Coronado Street.
- c. Vehicular access to the parking shall be provided with one-way circulation and the north driveway shall be limited to ingress only and the south driveway shall be limited to egress only. Signs shall be posted at the entrance and exit of each driveway indicating "Entrance Only" and "Exit Only". The monitors required by Condition No. 13 b shall direct traffic to ensure the appropriate driveways are utilized.
- d. The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking.
- e. Activities outside normal school hours, including parent teacher conferences, school meetings, and other customary school activities shall be scheduled so as to adequately provide parking on-site for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.
- f. No Staff members shall arrive at the school before 7:00 a.m., Monday through Friday, except for unique and unusual circumstances.
- g. Staff members shall park at designated parking facilities for the school, and not on the surrounding neighborhood streets. The school shall discourage Staff Members from parking on surrounding streets. Special events that generate an unusually high parking demand, such as a back to school night, are exempt this parking restriction.
- h. Student drop-off shall occur between the hours of 7:20 a.m. to 8:45 a.m., Monday through Friday.
- i. Student pick-up shall occur between the hours of 2:30 p.m. to 4:00 p.m. Monday-Friday and at 12:00 p.m. and 2:30 p.m. for early dismissal days. After school programs will dismiss students at 6:00 p.m., Monday through Friday.
- j. During all drop-off and pick up hours, parking monitors in orange vests or other distinctive attire shall direct traffic, preclude noise from car horns, car radios, car alarms, and loud voices, ensure student safety, and maintain smooth ingress and egress to/from the parking lot. Said monitors shall report any violations to school administrators including any off-campus drop-offs or pick-ups, which are observed, and applicable license plate numbers.

15. **Traffic Coordinator.** The school shall be required to appoint a "Traffic Coordinator" to oversee the traffic management plan. Additionally, Parent Coordinators are to be appointed in each class and are responsible to distribute the literature explaining the traffic management plan as well as distributing family names and phone numbers so that parents can identify potential carpool opportunities. The Traffic Coordinator shall also investigate and implement the distribution of public transit passes or subsidies for faculty, administrators, and students.
16. **Special Events, Parking Notification, and Neighborhood Outreach and Notice.** Not more than two (2) "Special Events" are authorized per month. Special events are activities involving parents and/or other visitors where more than 150 vehicles are anticipated at one time for a performance. School administrative board meetings and parent/teacher meetings are excluded from the definition of "Special Events".
 - a. The date and time of the special events shall be posted online on the school's website at least 30 days before each event, and prominently at the school, visible from the public right of way, at least three (3) days before each special event.
 - b. **Parking Notification.**
 - 1) The school shall coordinate and provide information for off-site parking area(s) as needed.
 - 2) The school administration shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity.
 - c. A Community Relations representative shall be designated and contact information of that person posted online on the school's website, and prominently at the school, 10 days prior to the beginning of each school year.
17. **Deliveries.** The School Administrator shall instruct companies who deliver to do so between 7:30 a.m. and 6 p.m. but outside the stated hours of student drop-off/pick-up.
18. **Trash.** The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.
19. **School Noise.**
 - a. No amplified music or loud non-amplified music is permitted outside, except in conjunction with special events.
 - b. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site.
 - c. No public address system shall be utilized on the exterior of the premises except for emergency announcements.
20. **Review and Compliance.**

- a. A complaint log shall be kept and include the complainant's name, date and time of complaint, phone number, email address, the nature of the complaint, the date and time of the response of the complaint, and a description of how the issue was responded to or resolved. Record of all complaints must be maintained on the premise. Information on how the public can report concerns or complaints shall be posted online on the school's website, and prominently at the school visible from the public right of way, 10 days prior to the beginning of each school year for public reference.
 - b. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of Planning will have the right to require the applicant or school administration to file for a plan approval.
 - c. **Plan Approval.** Within 24 months from the issuance of this letter of determination for the school, the applicant shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property with the Department of City Planning. The Director of Planning may require a public hearing. If a public hearing is held, public notice shall be made to owners and occupants within a radius of 500 feet. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the queuing plan, the management of circulation impacts of parking associated with special events and any documented noise impacts from parking operations, student drop-off and pick-up, and other activities on the surrounding community. The City Planning Commission and/or Director of Planning may also require one or more subsequent Plan Approval applications, if deemed necessary. The application shall include the following minimum information:
 1. The number of students enrolled and the number of students permitted to drive to school.
 2. A copy of the most recent Certificates of Occupancy.
 3. A copy of the most recent school year calendar, hours of operation, and dates of special events.
 4. A copy of any approved curbside drop-off/pick-up plans and/or Transportation Demand Management Program.
21. **Emergency Procedures Plan.** An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.
22. **Security Plan.** A security plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the Rampart Police Station Commanding Officer a diagram of the site indicating access routes and any additional information to facilitate police response.

Administrative Conditions

23. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
24. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
25. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
26. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
27. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
28. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
29. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
30. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim

personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

1. Conditional Use Findings.

- a. **That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The school site consists of a three-story classroom/administration building fronting Beverly Boulevard with a surface parking area located behind the existing three-story building. The school has been in operation since August 2019. The proposed project is the redevelopment of the existing surface parking area at an existing charter elementary school (Citizens of the World Charter School) to accommodate a one-story 2,500 square-foot two-classroom building and approximately 5,700 square-foot outdoor play space. The proposed enrichment classroom building is approximately 20-feet in height and would maintain the required side yard along Coronado Street (20-feet) and rear yard set-back of 10-feet. The project will be developed in two phases with the first phase consisting of primarily landscape and hardscape renovations and the second phase to incorporate a new classroom building and bicycle parking.

The proposed project will provide more substantial outdoor play space for the students and allow the school to extend the curriculum beyond core classes to include enrichment activities for the students. The reconfigured parking lot will provide one-way circulation to allow more efficient circulation and minimize congestion on and off the site. All student drop-off will continue to be conducted on the parking lot. The parking lot will be reconfigured to maximize cueing on the site and to allow efficient student drop-off and pick-up. The driveway at the northern boundary of the site, furthest from Beverly Boulevard, is and will continue to be utilized for ingress to minimize potential back-up on Beverly Boulevard. The southerly driveway is and will continue to be used for egress only. The parking plan will accommodate cueing for up to 13 cars on-site.

Allowing an additional classroom building and outdoor play spaces to serve the existing elementary school also provides an essential function and service that benefits the local community. Allowing students ample outdoor areas to exercise and stimulate their minds and bodies with interactive play structures, sporting games, and other outdoor activities. The two-classroom building will mostly be used for enrichment classes including programs such as learning earth sciences, foreign languages, drama, art, technology, adventure learning or physical education. These educational enrichment programs extend and enhance the learning in the classroom and are tied in to the schools constructivist curriculum. The school encourages socioeconomically diverse children in the neighborhood and surrounding community, giving children an opportunity to attend a local tuition-free public elementary school in a small class size school environment that emphasizes high academic standards in a new, state-of-the-art classroom building. The continued operation of the school allow students in the community to receive a high quality education, and thereby provide an essential function and service that benefits the local community.

- b. **That 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 project's location, size, height, operations, and other significant features will continue be compatible with the surrounding neighborhood and will not adversely affect

or degrade adjacent properties. The subject property is an approximately 0.75-acre, (32,669 square-foot) rectangular-shaped lot located at the northeast corner of Beverly Boulevard and Coronado Street and is developed with the Citizens of the World Charter Elementary School. The school site consists of a three-story classroom/administration building fronting Beverly Boulevard with a surface parking area located behind the existing three-story building. Surrounding uses consist of single-family and multi-family uses to the north, east and west, and commercial and mixed use multi-story buildings across Beverly Boulevard to the south and to the east and west along the Beverly Boulevard frontage.

The proposed project is the redevelopment of the existing surface parking area to accommodate a one-story 2,500 square-foot classroom building and approximately 5,700 square-foot outdoor play space. The proposed enrichment classroom building would maintain the required side yard along Coronado Street (20-feet) and rear yard set-back of 10-feet. The project will be developed in two phases with the first phase consisting of primarily landscape and hardscape renovations and the second phase to incorporate a new classroom building and bicycle parking. The proposed project will provide more substantial outdoor play space for the students and allow the school to extend the curriculum beyond core classes to include enrichment activities for the students.

The reconfigured parking lot will provide one-way circulation to allow more efficient circulation and minimize congestion on and off the site. All student drop-off will continue to be conducted on the parking lot. The parking lot will be reconfigured to maximize cueing on the site and to allow efficient student drop-off and pick-up. The driveway at the northern boundary of the site, furthest from Beverly Boulevard, is and will continue to be utilized for ingress to minimize potential back-up on Beverly Boulevard. The southerly driveway is and will continue to be used for egress only. The parking plan will accommodate cueing for up to 13 cars on-site. The fencing and wall requirements approved under Case No. ZA-2017-4489-CU-ZV-F-1A will continue to provide security for the parking and students and shield the parking lot.

The school's location, size, height, and a majority of the operations will remain unchanged from their existing operation. The operation of the charter school will be subject to conditions regulating operating hours, events, parking, and student enrollment caps to minimize impacts to the surrounding neighborhood. The fencing and wall requirements approved under Case No. ZA-2017-4489-CU-ZV-F-1A will continue to provide security for the parking and students and shield the parking lot.

Thus as conditioned, 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.

- c. 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 is the redevelopment of the existing surface parking area to accommodate a one-story 2,500 square-foot classroom building and approximately 5,700 square-foot outdoor play space, on conjunction with an existing charter elementary school (Citizens of the World Charter School). The project is consistent with the following General Plan and Westlake Community Plan and education related objectives and policies:

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goal relevant to the instant request:

Schools:

GOAL 9N: Public schools that provide a quality education for all of the City's children, including those with special needs, and adequate school facilities to serve every neighborhood in the City so that students have an opportunity to attend school in their neighborhoods.

The proposed project is consistent with the goal of the Framework Element for schools, as it will provide an educational opportunity for students in the area. The approval of the Conditional Use would allow the Citizens of the World Charter Elementary School to add two-classrooms to the existing 26-classroom campus expanding the educational opportunities to the surrounding community. Citizens of the World Charter Elementary School provides a comprehensive educational experience to up to 650 students at full capacity in grades TK-5.

The Mobility Element. The Mobility Element of the General Plan is not likely to be affected by the recommended action herein. Any necessary dedication and/or improvement of adjacent streets to the Plan designation standards assures compliance with this element of the General Plan. However, pursuant to under LAMC Section 12.37, no street dedications are required for projects located in the RD5.1 Zone. No dedication or improvement requirements have been conditioned herein.

The Sewerage Facilities Element of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Community Plan. The Westlake Community Plan Map designates the C2-1 zoned lots (the lots along the Beverly Boulevard frontage) for Highway Oriented Commercial land uses, corresponding to the C2, C1, CR, RAS3, RAS4 and P zones, and designates the balance of the property, the RD5-1 lots fronting on Coronado Street, for Low Medium residential density, corresponding to the RD1.5, 2, 3, 4, 5, RU, 2.5, 3, 4, 5 zones. The provisions of the C2 zone permit public schools by right and public parking areas are also allowed in the RD5 zone through the conditional use process under LAMC Section 12.24.W.37. The conditional use for the public parking areas were approved in May 2018 on appeal by the Central Area Planning Commission under Case No. ZA-2017-4489-CU-ZV-F-1A. As the school is proposing to construct facilities on the RD5-1 Zone portion of the property, the proposal is requesting a Conditional Use pursuant to LAMC Section 12.24-U. The Los Angeles Municipal Code permits the use of a school within the R Zones with the approval of a Conditional Use Permit.

The project is consistent with the following Westlake Community Plan and education related objectives and policies:

Objectives:

1. To secure appropriate locations and adequate facilities for schools to serve the needs of the existing and future population.
2. To site schools in locations complementary to existing land uses and in locations which will enhance community identity.

Policy

Encourage compatibility in school locations, site layout, and architectural design with adjacent land uses and community character, and as appropriate, use schools to create a logical transition and buffer between different uses.

The continued use of the property for a public charter elementary school would further the Community Plan's objectives and policies for schools by locating a school within a dense residential area that is close to transit facilities located along Beverly and Rampart Boulevards and is served by Metro bus lines, with bus stops located in close proximity.

The school will continue to be complementary and compatible with existing land uses and community character in the area. With the imposition of conditions, the school will continue to be compatible with existing land uses and community character. Conditions include requirements to adhere to a drop—off/pick-up plan and the provision of monitors to ensure smooth operations. The minor expansion of the elementary school facilities will support innovative programs and will continue to provide students with state-of-the art services and resources to establish a basic foundation for comprehensive learning.

The Los Angeles Municipal Code permits the use of a school within the RD5-1 Zone with the approval of a Conditional Use. The approval of the Conditional Use will not change the land use designation or zone of the project site and will not restrict or prohibit the use of the site for residential development if the school is no longer in operation. As conditioned herein, the project substantially conforms with the purpose, intent, and provisions of the General Plan and Westlake Community Plan.

Environmental Findings

2. **Determine** Determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 14, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The construction, use, and maintenance of a new 2,500 square-foot classroom and approximately 5,700 square-foot outdoor play space serving an existing public charter school. The project will not result in the increase in enrollment.
3. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:

Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment

FACT SHEET

Planning Entitlement Appeals

Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at planning.figcounter@lacity.org.

Frequently Asked Questions

Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

How long do applicants have to submit a project-related appeal?


An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.

Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission



(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

How long does the City have to consider the appeal of a land use decision?

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

How (and when) are notifications sent notifying the appellant of their hearing date?

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

Who from City Planning can provide assistance, should there be any questions?

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS

Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.

Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.

Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.

Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.

Commission email addresses:

City Planning Commission: cpc@lacity.org

Central Los Angeles Area Planning Commission: apccentral@lacity.org

East Los Angeles Area Planning Commission: apceastla@lacity.org

Harbor Area Planning Commission: apcharbor@lacity.org

North Valley Area Planning Commission: apcnorthvalley@lacity.org

South Valley Area Planning Commission: apcsouthvalley@lacity.org

South Los Angeles Area Planning Commission: apcsouthla@lacity.org


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

Are appellants required to sit through the entire meeting when there are multiple items on the agenda?

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the “[Events Calendar](#)” on City Planning’s website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

Will the appellant have an opportunity to speak during the hearing?

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant’s presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant’s presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to



questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

What is the format and structure of a typical hearing for a project appeal?

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.


To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

How much time does the appellant have to present their argument?

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

Is there a need for the appellant to submit a PowerPoint presentation?

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

What role does the planner assigned to this project play during the appeal process?

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

What happens after the Appellate Body issues a formal decision, one way or another?

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

When can a CEQA appeal be filed?

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.



When should appellants fill out the CEQA Appeal Form?

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."