



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: CPA-2020-4095-ZV-CU-SPR

Project Address: 1608-1636 West Pico Blvd.; 1321-1331 South Union Ave

Final Date to Appeal: 12/24/2020

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: Yolanda Gutierrez

Company/Organization: La 27th Restaurant

Mailing Address: 1830 W Pico Blvd

City: Los Angeles

State: Ca

Zip: 90006

Telephone: 323447-3369

E-mail: Yolandacgutierrez319@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: _____

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: *[Signature]*

Date: 12/23/2020

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 COMMUNITIES (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)

December 21, 2020

Honorable Members of City Council,

Case No. CPC-2020-4095-ZV-CU- SPR - Appeal for Non-Approval of Elementary Schools at 1608-1636 West Pico Blvd., 1321 – 1331 South Union Avenue

My name is Yolanda Gutierrez, and I am the owner of La 27 Restaurante Nicaraguense located at 1830 West Pico Boulevard. I am appealing the approval decision. I am also representing several business owners along the Pico Boulevard stretch from Alvarado to Union Avenue. We are aggrieved by this decision because:

- 1) **Equitas' drop-off and pick-up queues along Pico Blvd block our businesses, and they produce pollution by their idling cars.** This in turn, impedes our delivery services, limits our customer's parking availability, creates an unhealthy environment, and reduces our profits. Case in point, my deliveries have to be dropped off on Bonnie Brae in front of the park which is a great inconvenience because I must carry all my merchandise around the block. I am sure other businesses have been inconvenienced as well. The addition of two more schools on Pico Boulevard will increase our problems threefold.
- 2) **The two new schools will aggravate the already congested traffic down Pico Boulevard with the additional 1000 student body, and this will make matters financially worse for business owners.** As it is, we are struggling to survive during the pandemic, it is crucial for our recovery to be able to serve our customers without having to deal with the current difficulties of Equitas 1, and the further obstacles from Equitas 5 and 6.
- 3) **Equitas is downplaying traffic impact to our businesses using data that is not accurate. 70 % of students walk to school is not true.** The length of their queues tells a different story. We see the truth staring us right in the face. Again, three schools on the same street will triple the problems.
- 4) **Outreach from Equitas was non-existent.** The business owners were not informed about Equitas' conversion project. We found out about it through the neighbors and customers. This in itself is not right. We will also be along traffic route, Pico Boulevard, so to dismiss us as not being impacted is a slap in the face. We are being ignored even though Equitas 1, during non-pandemic time, knows that their queues are constantly stationed right in front of our businesses.
- 5) **Byzantine Latino Quarter representative said that all business owners approved the project. This is not true.** The businesses from Alvarado to Union Avenue were not involved in any meetings, phone calls or contacted personally by this organization. They did not bother to ask the businesses most affected by the project such as my restaurant, Joseph's Upholstery, Mood Fabrics, Imperial Liquor, Pico-Union Medica Clinica Latina to name a few. We were falsely represented.
- 6) **During the City Planning Commission meeting, I noticed that the opposing parties were being cutoff, and I made this comment.** There was bias and unfairness in the process. I do not speak English, but I do understand a bit. In fact, but I could tell by the voice of the woman

who was conducting the meeting that there was favoritism toward the speakers who supported the project.

Please take into consideration the business owners who are already financially burdened by Equitas 1's car lines prior to the pandemic. Adding 2 schools down the same busy street will only aggravate our situation.

We, the business owners, do not approve of the project. We ask the City Council not to uphold the approval.



12/23/2020

Yolanda Gutierrez

Representing Pico Boulevard Business Owners

Applicant Copy
Office: Downtown
Application Invoice No: 69172

City of Los Angeles
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:2020359001-120, Amount:\$109.47, Paid Date:12/24/2020

Applicant: LA 27 RESTAURANTE - GUTIERREZ, YOLANDA (323-4473369)
Representative:
Project Address: 1321 S UNION AVE, 90015

NOTES:

CPC-2020-4095-ZV-CU-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 1
Plan Area: Westlake
Processed by CHAN, JASON on 12/24/2020

Signature: _____



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



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