



## 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-2020-4095-ZV-CU-SPR

Project Address: \_\_\_\_\_

Final Date to Appeal: 12/23/2020

#### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- ☐ Representative  
☐ Applicant

- ☒ Property Owner  
☐ Operator of the Use/Site

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

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

- ☐ Representative  
☐ Applicant

- ☐ Owner  
☐ Operator

☐ Aggrieved Party

#### 3. APPELLANT INFORMATION

Appellant's Name: Michael Rivera

Company/Organization: \_\_\_\_\_

Mailing Address: 1343 South Westlake Avenue

City: Los Angeles State: CA Zip: 90006

Telephone: (213) 281-9912 E-mail: mikesonetime@hotmail.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:  Date: 12/22/2020

#### 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: <b>\$89</b>	Reviewed & Accepted by (DSC Planner): <i>Anna M. Vidal</i>	Date: <b>12/22/2020</b>
Receipt No: <b>2020357001-67</b>	Deemed Complete by (Project Planner): <i>Anna M. Vidal</i>	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**Applicant Copy**  
Office: Downtown  
Application Invoice No: 69110



City of Los Angeles  
Department of City Planning



Los Angeles Dept of Building and Safety  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

Reference Number: 2020357001-67  
Date/Time: 12/22/2020 3:16:06 PM PST

User ID: gramos

### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accept your application, regardless of whether or not you obtain the service.

This filing fee is required by Chapter 1, Article 6

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

**For appeal case, your appeal is not valid unless the payment is received prior to**

Applicant: RIVERA, MICHAEL ( B:213-2819912 )  
Representative:  
Project Address: 1321 S UNION AVE, 90015

#### NOTES:

CPC-2020-4095-ZV-CU-SPR-1A  
Item  
Appeal by Aggrieved Parties Other than the Original Applicant \*

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

DEPT OF CITY PLANNING - PCTS  
2020357001-67-1  
DEPT OF CITY PLANNING - PCTS DOC INFO  
Document Number: 6800169110  
Operating Surcharge \$6.23  
General Plan Maintenance Surc \$6.23  
City Planning Systems Develop \$5.34  
Appeal by Aggrieved Parties \$89.00  
Development Services Center S \$2.67  
Amount: \$109.47  
Total: \$109.47  
1 ITEM TOTAL: \$109.47  
TOTAL: \$109.47  
ICL Check \$109.47  
Method:  
Total Received: \$109.47



Amount Paid: \$109.47

Council District: 1  
Plan Area: Westlake  
Processed by OSBORNE, TERRI on 12/22/2020

Signature:

December 21, 2020

To: City Councilmembers

**CPC-2020-4095-ZV-CU-SPR : Appealing Approval of Equitas 5 & 6**

I am appealing the approval of Equitas 5 and 6 because the Commission did not consider any of legitimate problems or concerns from the residents in regards to the traffic plan and to the future traffic congestion and parking problems that these two schools will bring to our community.

I am a homeowner, and live on Westlake Avenue which is about 4-5 blocks away from Equitas 1, and even I am affected by their queues and traffic. By city standards, I am not considered to be within the impacted zone which is ridiculous because I most certainly am! These two new schools, Equitas 5 and 6 will inconvenienced me even more.

There have been many times when I could not exit or enter my street or alley to and from Pico Blvd. due to the backup car lines from Equitas 1. Furthermore, driving down Pico Blvd during their operating times is a horrendous. I have to circle around the block, and hit more traffic that has done the same. Pico Blvd heading east narrows at the South East corner of S Bonnie Brea and Pico Blvd. When cars picking up students stop at this point (illegally parking/stopping as there is a fire hydrant), the number two lane is blocked, making Pico Blvd a one lane street at this point. I need not point out, Pico Blvd is a major thoroughfare. One lane of traffic going east at this point, further exasperates an already intolerable situation. Adding two schools with twice the number of students will worsen the traffic situation which is already quite bad. I really feel sorry for the residents who lived closest to the two new schools. They will have the worst of it.

I was not able to attend any of the meetings or public hearings because of work. I am sure this was the case for many other opposing residents. Listening to the audio of the meeting on 11/19/20 encouraged me to appeal this case. I discovered that the Commission disregarded the traffic, parking and alley issues presented by the residents and business owners. There were 12 opposing speakers who were from the most impacted area. In total, if you count the one person who was representing 104 impacted residents in a petition, that makes for 116 opposing residents. **Does this not speak for itself? I simply cannot understand this!**

Interestingly enough, all 22 individuals approving the project were parents of students, students, a staff director, school volunteers and one BLQ member and one business owner who live in CD1, but I imagine that they do not live within the zone or anywhere near the site of the three schools. In the end, the main reason for approval was that the school provides a great education. Of course, everyone agrees with this. That is not the point. I see a discussion of apples and oranges here. The problem with the project is the location and the overwhelming effect on the community residents. This was definitely overlooked.

I heard two opposing residents who hit the nail on the head by commenting that the Commission did not focus on the problems and issues presented by the residents from the impacted area, and only focused on approving the project based on the value of an education and the reputation of Equitas.

Furthermore, the director said that currently 2000 students are enrolled in their 6 schools, so why do they do they want to place 1000 students in one location? They already have over 400

right across the street. That will make 1500 students. Too many in one spot! I don't know of any other school with 3 school campuses so close to each other. This will complicate matters with traffic.

The other mistruth I heard was that 70% of students walk to school based on Equitas' data. Their data is wrong! As mentioned already, I am an eyewitness. I have seen Equitas' lines up the ying-yang on Pico Blvd that reach my street. These two new schools will overwhelm our streets and make our residential life miserable.

The staggered times for school drop-offs and pick-up lines is not a good idea. This does not help traffic, in fact, it makes it worse. It prolongs the time and lines, plus parents line up a half an hour before.

My final concern is safety and location. These two schools will be located at one of the busiest and dangerous intersections in the city. I have seen many, many accidents, and some fatalities. This is another reason why this spot is not a good fit for a school. Why place more people, students and traffic on an already overcrowded intersection? This makes no sense.

My last comment is about the president of the City Planning Commission who showed some preference in her voice when dealing with the approving parties, and was terse, and more matter of fact with the opposing ones. One speaker commented that she noticed that those who opposed the project were being cut off.

I ask that you review this case in its entirety, and listen to the residents who live and know their area. During deliberations, the commissioners said that traffic, parking and queue lines were always the main complaint by residents. However, I do not believe anyone of you, or the City Planning Commissioners live or would like to live on a street or an area that is overrun with cars from school drop-offs and pick-ups in the mornings and afternoons. Let alone deal with Equitas' parents parking all over your neighboring streets even though they are not supposed to be doing this

Yet, the Commission voted for this without any regards to the comments and problems made by the impacted community. Unbelievable!

Thank you for listening, and i hope you will not approve this location for these two schools.

Michael Rivera

**Applicant Copy**  
Office: Downtown  
Application Invoice No: 69110

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: 2020357001-67, Amount: \$109.47, Paid Date: 12/22/2020**

Applicant: RIVERA, MICHAEL ( B:213-2819912 )
Representative:
Project Address: 1321 S UNION AVE, 90015

**NOTES:**

CPC-2020-4095-ZV-CU-SPR-1A			
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<b>Case Total</b>			<b>\$89.00</b>

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Council District: 1  
Plan Area: Westlake  
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