



APPLICATIONS:

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: The Appeal - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- 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.

1. Case Information

Environmental Case Number: ENV-2019-7520-CE
Related Entitlement Case Number(s): DIR-2019-7519-TOC-1A
Project Address: 1614 - 1626 West Temple Street
Date of Final Entitlement Determination: December 22, 2020
The CEQA Clearance being appealed is a(n):
[X] EIR [ ] SCEA [ ] MND [ ] ND [X] CE [ ] SE

2. Appellant Identity (check all that apply)

- [ ] Representative [ ] Property Owner [X] Other Person
[ ] Applicant [ ] Operator of the Use/Site

3. Appellant Information

Appellant Name: Temple CW, LLC
Company/Organization:
Mailing Address: 4221 Wilshire Blvd., Ste. 430
City: Los Angeles State: CA Zip: 90010
Telephone: (310) 266-7264 E-mail: SSmith@phsproperties.com

- a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?
[X] Self [ ] Other:
b. Is the appeal being filed to support the original applicant's position? [ ] Yes [X] No

#### 4. Representative/Agent Information

Representative/Agent name (if applicable): Stephen Allen Jamieson, Attorney  
Company: Law Offices of Solomon, Saltsman & Jamieson  
Mailing Address: 426 Culver Blvd.  
City: Playa del Rey State: CA Zip: 90293  
Telephone: (310) 822-9848 E-mail: sjamieson@ssjlaw.com

#### 5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

#### 6. Applicant's Affidavit

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

Appellant Signature: *Steven Smith* Date: Dec 31, 2020  
Steven Smith (Dec 31, 2020 17:22 PST)

### ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

**1. 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.

- Environmental Appeal Application (form CP-7840)
- Justification/Reason for Appeal
- Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

#### 2. 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. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

#### 3. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

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)

# CEQA Appeal Application (1) (1)

Final Audit Report

2021-01-01

Created:	2021-01-01
By:	Chloe Thomas (cthomas@ssjlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAEeNUlpPXCtq6CebhbaPXW1mZ0zj4RTWq

## "CEQA Appeal Application (1) (1)" History

-  Document created by Chloe Thomas (cthomas@ssjlaw.com)  
2021-01-01 - 0:46:12 AM GMT- IP address: 172.117.59.45
-  Document emailed to Steven Smith (ssmith@phsproperties.com) for signature  
2021-01-01 - 0:47:32 AM GMT
-  Email viewed by Steven Smith (ssmith@phsproperties.com)  
2021-01-01 - 1:21:55 AM GMT- IP address: 104.175.7.50
-  Document e-signed by Steven Smith (ssmith@phsproperties.com)  
Signature Date: 2021-01-01 - 1:22:32 AM GMT - Time Source: server- IP address: 104.175.7.50
-  Agreement completed.  
2021-01-01 - 1:22:32 AM GMT

**-ATTACHMENT-**

**JUSTIFICATION FOR APPEAL**

**CEQA:** ENV-2019-7520-CE

**Related Case No.:** DIR-2019-7519-TOC-1A

**Project Address:** 1614-1626 West Temple Street

**Date:** December 31, 2020

**Appellant:** Temple CW, LLC

**I. The Action Appealed**

On December 22, 2020 the Los Angeles City Planning Commission (“Planning Commission”) issued the Determination identified above denying an appeal and sustaining the Planning Director’s Determination dated June 19, 2020 approving a 60% increase in density along with two Additional Incentives for Setback and Open Space. The Planning Commission determined that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Class 32 of the CEQA Guidelines, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

**II. The Grounds for the Appeal**

The Planning Commission made an erroneous determination that the project is exempt from CEQA pursuant to a Class 32 categorical exemption, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

CEQA Guidelines § 15332 provides, in pertinent part, that “[a]pproval of the project would not result in any significant effects relating to traffic.” A residential development with inadequate parking spaces, as well as inadequate and poorly placed driveways to the parking area, will surely have a significant effect relating to traffic as residents will be forced to drive on nearby roads to find parking, likely during the hours when traffic is already at its worst, and increase the parking load for those nearby areas. Moreover, the driveways on Temple Street and in the alley will have significant adverse effects relating to traffic as indicated above, or as otherwise presented at the hearing on this appeal.

Further, the project poses an unusual circumstance, and is therefore subject to an exception to CEQA categorical exemption pursuant to Section 15300.2. The project’s large size and minimal parking availability, and adverse impact on traffic flow due to the location and size of the driveways on Temple Street and in the alley, will force residents to find alternative parking in the surrounding areas. This will impose an unusual and adverse impact on the physical environment because typical residential developments are required to provide adequate parking, and consider traffic circulation into and out of the site, so that residents of the new project do not cause a negative impact on the environment by driving around to find parking, causing more traffic and causing more cars to be parked along the streets in the surrounding area.

Additionally, the Letter of Determination mailed to Appellant on December 22, 2020 did not include proper or adequate instructions for appeal. Further, the Appellant did not receive proper notice, nor did the Appellant waive its right to notice, for the November 19, 2020 hearing.

### **III. The Action Sought**

Based on all of the foregoing reasons, as well as other issues and evidence that will be presented on this appeal and at this hearing as determined, the Appellant respectfully requests, pursuant to the applicable code sections of LAMC, a public hearing on this appeal. And, the Appellant respectfully requests that the City Council reverse or modify in whole or in part, the decision of the Planning Commission in order to address the concerns and issues and errors referenced herein, including but not limited to impacts from inadequate and dangerous traffic circulation in and around the alley caused directly or indirectly by the project, as well as those that will be presented at the hearing.



**Secretary of State**  
**Statement of Information –**  
**No Change**  
 (Limited Liability Company) **133**

**LLC-12NC**

**IMPORTANT** — This form can be filed online at *bizfile.sos.ca.gov*.  
 Read instructions before completing this form. This form may be used  
 only if a complete Statement of Information has been filed previously and  
 there has been no change.

**Filing Fee – \$20.00**

**Copy Fee – \$1.00 per copy;**  
 Certification Fee - \$5.00 plus copy fee

*Above Space For Office Use Only*

**FILED**  
 Secretary of State  
 State of California  
 MAR 23 2020

**1. Limited Liability Company Name** (Enter the exact name on file with the California Secretary of State. Note: If you registered in California using an alternate name, see instructions.)

Temple CW, LLC

**2. 12-Digit Secretary of State Entity (File) Number**

2	0	0	2	1	4	0	1	0	0	7	1
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**3. State, Foreign Country or Place of Organization**  
 (only if formed outside of California)

**4. No Change Statement** (Do not alter the No Change Statement. If there has been any change, file the Statement of Information online at *bizfile.sos.ca.gov*.)

*There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.*

**5. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.**

3/3/2020

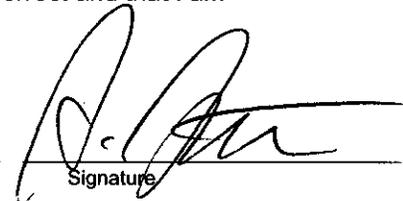
Date

Steve Smith

Type or Print Name of Person Completing the Form

Managing Member

Title

  
 Signature



# LOS ANGELES CITY PLANNING COMMISSION

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

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: DEC 22 2020

Case No. DIR-2019-7519-TOC-1A  
CEQA: ENV-2019-7520-CE  
Plan Area: Westlake

Council District: 13 – O' Farrell

**Project Site:** 1614 – 1626 West Temple Street

**Applicant:** Michael Cho, 1614 Temple, LLC  
Representative: Josh Kreger, Craig Lawson and Co., LLC

- Appellants:**
1. Miguel Siqueiros
  2. Temple CW, LLC  
Representative: Stephen Allen Jamieson,  
Law Offices of Solomon, Saltsman & Jamieson
  3. Lawrence "Damian" Pelliccione
  4. Arnulfo Rodríguez Pérez
  5. Christopher J. Rodríguez
  6. Joshua Morneo

At its meeting of **November 19, 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, six-story, 47,000 square foot mixed-use building with 72 dwelling units, including seven dwelling units set aside for Extremely Low Income Households (or nine percent of the proposed density) and with 700 square feet of commercial space. The building will be constructed with five residential levels above one ground level of parking and commercial use and one level of subterranean parking. The Project will provide a total of 72 automobile parking spaces, eight short-term and 58 long-term bicycle parking spaces. The Project includes 72 one-bedroom units, and a total of 5,794 square feet of open space for residents.

1. **Determined**, that based on the whole of the administrative record that the Project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Class 32 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained**, Planning Director's Determination dated June 19, 2020;
3. Approve, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code, a 60 percent increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program for a Tier 2 project with a total of 72 dwelling units, including seven dwelling units reserved for Extremely Low Income (ELI) Households occupancy for a period of 55 years, along with two Additional Incentives;

- a. Setback. To permit the use of any or all the yard requirements for the RAS3 Zone in lieu of the C2-1 Zone; and
- b. Open Space. To permit a 20 percent reduction in the required open space;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman  
Second: Khorsand  
Ayes: Ambroz, Leung, López-Ledesma, Periman  
Absent: Choe, Mack

**Vote: 6 – 0**

*Cecilia Lamas* (Electronic Signature due to COVID-19)

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 final and effective upon the mailing of this determination letter and not further appealable.

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. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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: Conditions of Approval, Findings, Interim Appeal Filing Procedures (CEQA), Appeal Facts Sheet

c: Heather Bleemers, Senior City Planner  
Oliver Netburn, City Planner  
Michelle Carter, City Planning Associate

## CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.22-A,31, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Base Incentives.**
  - a. **Residential Density.** The project shall be limited to a maximum density of 72 residential units, including On-site Restricted Affordable Units.
  - b. **Floor Area Ratio (FAR).** The project is permitted a maximum FAR of 3.25 to 1.
  - c. **Parking.**
    - i. **Automobile Parking.** The project shall provide a minimum of 0.5 automobile parking space per bedroom, and not to exceed one (1) automobile parking space per unit.
    - ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
    - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
    - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by the Los Angeles Department of Housing and Community Investment (HCIDLA).
3. **Additional Incentives.**
  - a. **Setback.** The project shall be permitted the use of any or all the yard requirements for the RAS3 Zone.
  - b. **Open Space.** The project shall be permitted a 20% reduction in the required open space provided that the landscaping for the Housing Development Project is sufficient to qualify

for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O".

4. **On-site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of HCIDLA to make 9% of the total number of units for Extremely Low Income Households, as defined by HCIDLA, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required reserved On-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall provide a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by HCIDLA.
5. **Changes in On-site Restricted Units.** Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
6. **Housing Replacement Requirements.** The Housing and Community Investment Department (HCIDLA) has determined that the proposed project is not required to provide replacement units.
7. **Landscaping.**
  - a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
  - b. All planters containing trees shall have a minimum depth of 48 inches (48"), including those located on the rooftop area or above a parking garage.
8. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
9. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
10. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
11. **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.
12. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical system. A minimum 15% of the available roof area shall be reserved

for the installation of a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".

### **Administrative Conditions**

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
14. **Covenant.** Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
15. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
19. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

20. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
21. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
22. **Expedited Processing Section Fee.** 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.
23. **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, of 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 (b).
- 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 (b).
- 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 includes 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

### TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to LAMC Section 12.22-A,31(e), the Director of Planning shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22-A,25(g).

1. **The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a percent gross income based on area median income thresholds dependent on affordability levels. There were no substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law.

The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project. The additional incentives requested to utilize any or all of the yard requirements for the RAS3 zone and the reduction in open space would result in building design or construction efficiencies that provide for affordable housing costs. As a result of the prescribed incentives, it is likely that the Director will always conclude that the incentives are required for such projects to provide for affordable housing units as identified by the TOC Guidelines.

**Setbacks.** The requested use of any or all the yard requirements for the RAS3 zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments located in a commercial zone may utilize any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5. In this case, the project would be required to provide side and rear yards conforming to the requirements of the R4 Zone for portions of building erected and used for residential purposes, which includes nine-foot side yards, and a 15-foot rear yard. The project as proposed, will provide yard requirements conforming to the RAS3 zone.

**Open Space.** The reduction in open space is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments in Tier 2 may utilize a 20% decrease in required open space provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O". The proposed project would be required 7,200 square feet of open space for the 72-unit development, however with a 20% reduction would be permitted to provide 5,760 square feet of open space. As proposed the project will provide 5,794 square foot of open space in lieu of the required 5,760 square feet.

2. **The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There has been no evidence provided that indicated that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)).

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to be exempt from CEQA pursuant to Article 19, Class 32 of the CEQA Guidelines.

Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

3. **The incentives/waivers are contrary to state or federal law.**

There is no substantial evidence in the record that the proposed incentives/waivers are contrary to state or federal law.

#### **ADDITIONAL MANDATORY FINDINGS**

4. 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 X, which is categorized as an area of minimal flood hazard.

# 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](mailto: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](mailto: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](mailto:cpc@lacity.org)

Central Los Angeles Area Planning Commission: [apccentral@lacity.org](mailto:apccentral@lacity.org)

East Los Angeles Area Planning Commission: [apceastla@lacity.org](mailto:apceastla@lacity.org)

Harbor Area Planning Commission: [apcharbor@lacity.org](mailto:apcharbor@lacity.org)

North Valley Area Planning Commission: [apcnorthvalley@lacity.org](mailto:apcnorthvalley@lacity.org)

South Valley Area Planning Commission: [apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org)

South Los Angeles Area Planning Commission: [apcsouthla@lacity.org](mailto:apcsouthla@lacity.org)

West Los Angeles Area Planning Commission: [apcwestla@lacity.org](mailto: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."

**Applicant Copy**  
 Office: Downtown  
 Application Invoice No: 69308

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:040121E3D-73195A4A-82B2-4CED-9124-126438853B35, Amount:\$109.47, Paid Date:01/04/2021**

Applicant: CW, LLC, TEMPLE ( 310-2667264 )
Representative:
Project Address: 1620 W TEMPLE ST, 90026

**NOTES:**

ENV-2019-7520-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

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>

Council District: 13  
 Plan Area: Westlake  
 Processed by VIDAL, ANNA on 01/04/2021

Signature: \_\_\_\_\_

**Building & Safety Copy**  
 Office: Downtown  
 Application Invoice No: 69308

City of Los Angeles  
 Department of City Planning



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Council District: 13  
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Signature: \_\_\_\_\_