



## 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: VTT-82654-1A

Project Address: 4629-4651 W. Maubert Ave

Final Date to Appeal: 02/26/2021

#### 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  
Los Feliz Improvement Association

☐ 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: Amy Gustincic

Company/Organization: Los Feliz Improvement Association (LFIA)

Mailing Address: P.O. Box 29394

City: Los Angeles    State: CA    Zip: 90029

Telephone: (415) 999-1026    E-mail: amy.gustincic@lfia.org

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

☐ Self    ☒ Other: The LFIA

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: Amy Justincic Date: 02-25-21

#### 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)





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Los Angeles City Council,  
Planning and Land Use Management Committee  
c/o Los Angeles City Clerk  
200 N. Spring St., Room 360  
Los Angeles, CA 90012

February 25, 2021

**Appeal of: Vesting Tentative Tract Map for Case No.: VTT No. 82654-1A;  
Project Addresses: 4629-4651 W. Maubert Ave.**

Chair Harris-Dawson and Honorable PLUM Committee members:

For over 100 years The Los Feliz Improvement Association has been instrumental in maintaining the character of Los Feliz and creating a safe and livable environment for its residents. The LFIA and its members assist the community by advocating on traffic, safety and quality of life issues; donating to local schools; hosting neighborhood cleanups; protecting and planting trees; and ensuring that Griffith Park remains a beautiful and accessible place where all Angelenos can enjoy nature. We also participate in homelessness solutions, host community education events and regularly inform our membership of local issues. In short, we are and have been active and committed to improving the quality of life in Los Feliz and will continue to do so for the next 100 years.

This is why it's concerning to us that the City Planning Commission paid no attention whatsoever to the merits of our appeal and the concerns of our community during its January 14, 2021 hearing on the 4629 Maubert Ave. project, a proposed 153-unit, 108-foot-tall apartment complex that is completely at odds with the limitations imposed on the site by the Hollywood Community Plan, the Vermont/Western Specific Plan, and good zoning practices. Instead, commission members were dismissive of speaker objections, ignored factual evidence, and showed no concern for the criminal relationship between the applicant, Carmel Partners, and the bribery corruption scandal enveloping City Hall.

The fact that the City Planning Commission embraced a developer charged in a federal racketeering indictment over the Los Feliz community and impacted, surrounding residents is, sadly, par for the course for a planning department with a nearly 100% track record of approving projects that comes before it. Hopefully, however, members of the city council will side with the community in this matter over felons, and overturn the Deputy Advisory Agency's August 5, 2020 approval of a Vesting Tentative Tract Map for Carmel Partners for the merger and subdivision of five lots located at 4629-4651 Maubert Avenue into one lot.

Approval of the Vesting Tentative Tract Map must be reversed due to General Plan and Specific Plan inconsistency. California Government Code Sections 66474.61(a) and (b) provide that the City "*shall deny approval of a tentative map*" if the proposed map or the proposed improvement of the proposed subdivision is not consistent with the general plan or specific plan. The subject project is within the Vermont/Western Transit Oriented



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District Specific Plan and the Hollywood Community Plan. The proposed improvement is inconsistent with the limitations of both plans and direction for this property, despite planning staff's cherry picking of quotes from both plans in an attempt to support it.



*Photo above: 4600 block of Maubert Ave.*



*Photo above: Project site.*



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*Rendering above of Carmel Partner's proposed 153-unit, 108-foot-tall apartment building.*

The proposed project involves the demolition of three 1920, two-story quadplexes consisting of 14 rent-controlled residential units on five separate lots totaling 33,053 sq. ft. The applicant, Carmel Partners, proposes the construction of a 153-unit, eight-story apartment building that would rise up to 108 feet tall, with 143,785 sq. ft. of floor area and no required parking. The project is in the R4-1 Zone and Subarea C of the Vermont/Western Transit Oriented District Specific Plan. Seventeen units would be reserved for low-income housing, **which are only three more than currently exist**, in exchange for the following incentives:

- A) An 80% increase in the allowed density (from 85 units to 153 units);
- B) A decrease in required parking from a maximum of 333 required stalls to no stalls;
- C) A 33-foot increase in the maximum permitted building height, from 75 feet to 108 feet;
- D) A 25% reduction in the required open space, from 18,025 sq. ft. to 13,519 sq. ft.
- E) A 45% increase in the permitted Floor Area Ratio from 3.0:1 to 4.35:1.

The Project as approved by the Advisory Agency has no relationship to either the intent or purpose of the Specific Plan, or the findings inherent to the California Subdivision Map Act. Instead, the Advisory Agency granted full rights to a project with severe and precedent-setting deviations from both the requirements of the Los Angeles





Municipal Code (“LAMC”), the Hollywood Community Plan and the Specific Plan (also known as “SNAP,” or Station Neighborhood Area Plan). The Advisory Agency abused its discretion by approving this Project, and the City Planning Commission failed to exercise its due diligence in reviewing it.

**A. The proposed Project is inconsistent with the Goals, Policies and Objectives of the Hollywood Community Plan and the Vermont/Western Transit Oriented District Specific Plan**

The proposed development would consist of a 153-unit, eight-story apartment building located in SNAP Subarea C, with no required parking, a Floor Area Ratio (FAR) of 4.35:1, and a potential height of 108 feet. Per the underlying zoning of R4, only 85 units are permitted in the R4 Zone, while up to 333 parking stalls would be required. The FAR is limited to 3:1.

When analyzing this case, it is important to remember that community plans like the SNAP represent the hard-fought compromise of competing interests. In this way, specific plans are like contracts upon which those competing interests rely when making decisions concerning their property in relation to other stakeholders in the community. While one stakeholder may desire increased density or height, another may be passionately committed to preserving the existing character of the neighborhood. Accordingly, when a developer and the City collaborate to single out one project for special privileges at the expense of others, they undermine the balance embodied in the Plan. This is why the law requires detailed and specific findings to support deviations to specific plans. Yet none of that has been done here. Instead, cherry-picked quotes were used to deny the obvious—that this project is incompatible with its surroundings.

As noted by the California Supreme Court, “A zoning scheme, after all, is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare.” Topanga Association for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 517

**B. The proposed map is inconsistent with the applicable general and specific plans, and the site is not physically suitable for the proposed density of development.**

The Advisory Agency abused its discretion by approving a Map that has no relationship whatsoever to the site’s existing permitted zoning. The purpose of the California Subdivision Map Act of 1974 is to vest a city with the power to regulate and control the design and improvement of land subdivisions in conformance with the requirements of Government Code Sections 66410 – 66499.58. The primary goals of the Map Act are to encourage orderly subdivision development with proper consideration to its relationship with the adjoining community; to ensure that areas dedicated for public purposes will be properly improved; and to protect the public from fraud and exploitation. None of that is achieved here.

As approved by the Advisory Agency, the Project is inconsistent with the stated objectives of the General Plan, the Hollywood Community Plan, and the Vermont/Western Transit Oriented District Specific Plan. Community Plans and Specific Plans are mandated by the State and must be considered within the planning hierarchy as such.

The applicant seeks to construct 153 dwelling units, an 80% increase over the allowed base density, and a density of one unit per approximately 216 sq. ft. of lot area, which is a density equivalent to the R5 Zone.



A density of R5 is permitted only in the Regional Center Commercial area of the Hollywood Community Plan, which is the area on Hollywood Blvd. and Sunset Blvd. between La Brea Ave. to the west and Gower St. to the east. The proposed project's density is incompatible with the regulations governing the SNAP.

Note the below chart outlining the permitted zoning and the requested entitlements:

<b>Project</b>	<b>Permitted</b>	<b>Approved</b>
<b>Density</b>	85 dwelling units	153 dwelling units, an 80% increase.
<b>FAR</b>	3:1	4.35:1 over entire site
<b>Open Space</b>	17,025 sq. ft. required	12,769 sq. ft.
<b>Height</b>	75 feet (Planning says SNAP is silent on height, which is disputed)	108 feet
<b>Parking, including guest parking</b>	218 (minimum required) 333 (maximum allowed)	No required parking. Carmel Partners proposes 84 unbundled stalls in a ground-level parking podium.

The proposed Project is not consistent with SNAP's goals, objectives and policies as it proposes a regional center density project in a location where it is not allowed.

<b>Land Use Designation</b>	<b>Corresponding Zones</b>	<b>Density Per Net Acre</b>
<b>Low Medium I RD</b>	RD3, RD4, RZ2.5, RZ3, RZ4, RU	10-17
<b>Low Medium II</b>	RW1, RD1.5, RD2	18-29
<b>Medium</b>	R3	30-55
<b>High Medium</b>	R4, [Q]R4	56-109
<b>High</b>	R5, [Q]R5	110-218

The Project as proposed is not in conformance with the above table, which provides guidance for appropriate densities in different zoning classifications. The Project is located within the R4 Zone, which permits a maximum density of one unit per 400 sq. ft. of lot area. The proposed density of 153 dwelling units calculates to 197 dwelling units per acre, or R5. The site is therefore not suitable for the proposed density.

Section 2 of the SNAP states under Purpose F that the Specific Plan *"is intended to preserve the quality of existing residential neighborhoods by limiting new residential development which would exceed the prevailing density of such neighborhoods, and establish standards for new construction in such neighborhoods to conform to the existing neighborhood character."*

A Regional Center project does not maintain the existing neighborhood character. In order to achieve the Regional Center density and receive other entitlements, the city approved the project as a Transit Oriented Communities



(TOC) development. As noted below, however, TOC projects are illegal and therefore cannot be used as the basis for such significant changes to the underlying zoning restrictions.

**C. The Transit Oriented Communities Guidelines are illegal and therefore cannot be used as the basis for approving a Vesting Tentative Tract Map.**

On November 8, 2016, voters in the City of Los Angeles approved a ballot measure known as Measure JJJ. The title of this measure was *"Affordable Housing and Labor Standards Related to City Planning."* The measure was further titled *"The Build Better LA Initiative."* As the ballot titles reveal, Measure JJJ was drafted to promote two purposes: 1) an increase in the amount of affordable housing constructed in the City, and 2) the creation of local jobs paying adequate wages.

The ballot question for Measure JJJ read: "Shall an ordinance: 1) requiring that certain residential development projects provide for affordable housing and comply with prevailing wage, local hiring and other labor standards; 2) requiring the City to assess the impacts of community plan changes on affordable housing and local jobs; 3) creating an affordable housing incentive program for developments near major transit stops; and 4) making other changes; be adopted?"

The City's Chief Legislative Analysis prepared an Impartial Analysis of Measure JJJ, which provided that Measure JJJ *"will amend City law to add affordable housing standards and training, local hiring, and specific wage requirements for certain residential projects or more units seeking General Plan amendments or zoning changes."* The Impartial Analysis explained *"This measure also creates an affordable housing incentive program with increased density and reduced parking requirements in areas within a one-half mile radius around a major transit stop."*

On September 27, 2017 the City Planning Commission released the draft TOC Guidelines *"developed pursuant to Measure JJJ."* These TOC Guidelines were clarified and updated on February 25, 2018. The TOC Guidelines contend that they *"provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC §12.22 A.31 [enacted by Measure JJJ]."*

Yet the Commission and City far exceeded the authority granted it by the voters as well as its own laws and state laws. TOC "incentives" far exceed those authorized by the voters enacting Measure JJJ, while failing to provide for well-paid jobs adhering to the prevailing wage in Los Angeles. These incentives constitute vast departures from numerous existing codified ordinances yet were never approved legislatively: not by the voters, nor by the City Council.

The reliance upon these improper guidelines by the City and the City Planning Commission constitutes an improper policy and practice of ignoring the voters' mandate in Measure JJJ and disregarding the proper legislative procedures for amending the General Plan and zoning ordinances. They therefore have no force of law. In fact, the TOC Guidelines depart significantly from the parameters and requirements of Measure JJJ in numerous respects. While Measure JJJ provides that the TOC Guidelines may allow a different level of density increase based upon a property's base zone and density, the TOC Guidelines utilize a system of Tiers based upon distance from a Major Transit Stop to award differing levels of density increase, regardless of a property's base zone or density. Measure JJJ merely provides that the TOC Guidelines contain incentives *"consistent with the following"*: a residential density increase, adjustments to minimum square feet per dwelling unit, floor area ratio, or both, as well as parking reductions.



The TOC Guidelines also include additional, non-voter approved incentives for reductions in required yards and setback, open space, lot width, increases in maximum lot coverage, height, transitional height requirements, and FAR starting levels irrespective of the underlying zoning. Each of these “additional” incentives alters otherwise applicable limitations in the municipal code without complying with the procedural requirements for zone changes, height district amendments and general plan amendments or variances, all of which provide due process and full transparency.

Section 5 of Measure JJJ provides that in the case of projects with 10 or more residential dwelling units, in order to be eligible for *“a discretionary General Plan amendment.. or any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed,”* the project must comply with various affordable housing requirements (including on- or off-site), and shall comply with the job standards in subdivision (i). The job standards require that all work be performed by licensed contractors, that at least 30 percent of the workforce are residents of the City, that 10 percent of the workforce consists of “transitional” workers living within a five-mile radius of the project, and that the workers are paid the standard prevailing wages in the project area.

Yet despite TOC projects now comprising the overwhelming majority of discretionary building applications, there have been almost no labor standard projects approved under Measure JJJ.

Voters adopted Measure JJJ being told that the measure would require projects seeking zone changes or height district changes to abide by labor standards and affordable housing requirements. What voters got instead are guidelines that provide wholesale elimination of established zoning laws for a pittance of affordable housing while destroying whole swaths of Rent Stabilized housing. The TOC Guidelines were never adopted in a legislative process or presented to the voters, and do not require the “good jobs” that Measure JJJ promised. Projects that would have been required to meet labor standards under Section 5 avoid those standards because the TOC Guidelines claim to obviate the need for zone changes and height district changes in the many areas of the city that are within a half mile from a bus line or transit stop.

The TOC Guidelines are quite simply a scam. They overturn a significant number of municipal code provisions regarding height and other planning standards, yet they were never adopted by the legislative body legally authorized to make those changes. Nor were the TOC Guidelines adopted by the voters. Instead, the TOC Guidelines significantly depart from the land use planning framework approved by the voters and overturn the duly-adopted ordinances passed by the Los Angeles City Council. Nor were the TOC “Tiers” allowing increased density within proximity to transit authorized by Measure JJJ. The Tiers function as newly created zones, which were not adopted by ordinance nor approved by voters. Only the voters can amend Measure JJJ; the Council may only make non- substantive amendments to the measure’s provisions.

The TOC Guidelines are so sweeping they effectively constitute a general plan amendment, vastly increasing permissible density and height for certain residential projects. Yet the TOC Guidelines were not adopted consistent with the process for a general plan amendment.

Further, by impermissibly including height and other incentives not provided for in Measure JJJ, the city has effectively rendered moot the general plan amendment process, thereby creating inconsistencies within the general plan in violation of state law. The TOC Guidelines undermine one of the two fundamental premises of Measure JJJ: the requirement of projects to meet labor standard requirements to receive incentives under the TOC Guidelines. Absent this requirement, the fundamental promise of Measure JJJ to provide “good jobs” is undermined.



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While Measure JJJ Section 5 sets forth an elaborate set of requirements for projects seeking general plan amendments, zone changes, or height district changes, and requires adherence to labor standards in order to receive these entitlements, projects receiving incentives under the improperly approved TOC Guidelines no longer need zone changes or height district changes, and so do not comply with the labor standards or provide the public with notice and public hearings to make these massive changes. The TOC guidelines as written and illegally “approved” is nothing short of an attempt to end-run the City Charter and the will of the voters.

In adopting the TOC Guidelines in conflict with JJJ, the Planning Department and City Planning Commission abused their discretion, and promulgated TOC Guidelines in an arbitrary and capricious manner that is not consistent with the requirements of Measure JJJ nor consistent with the requirements of state and local law for the adoption of zoning ordinances and maintaining general plan consistency. As such, any approval by the city is therefore illegal and has no relevance in law, and cannot be employed as a conceit to approve the tentative tract map.

**D. The design of the subdivision will likely cause serious public health problems.**

The project site is immediately across from the Children’s Hospital’s daycare and playground facilities, and less than 10 feet from adjacent residential housing. Both construction and operational traffic, noise and vibration impacts will likely significantly affect the health of children and others in such immediate proximity to the project. The applicant has offered no plausible mitigation to negate these effects, despite self-serving additional material submitted by their consultants.







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*Photo above: Children's Hospital daycare playground located directly across from project site.*

## **E. Conclusion**

The Project as proposed would create a myriad of significant adverse impacts upon this community. It is respectfully submitted that in its current form, the Advisory Agency's approval of the Vesting Tentative Tract Map should be overturned and the Project in its current form should not be approved.

*"Before one brings about a potentially significant and irreversible change to the environment, an EIR must be prepared that sufficiently explores the significant environmental effects created by the project." Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal.App.4<sup>th</sup> 1344, 1371. "Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." Cadiz Land Co., Inc. v. Rail Cycle, L.P. (2000) 83 Cal.App.4<sup>th</sup> 74, 84.*

Thank you for your time and consideration of this matter.

Sincerely,  
Amy Gustincic

President, LFIA



# 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: **FEB 16 2021**

**Case No. VTT-82654-1A**

CEQA: ENV-2019-3761-SCPE

Plan Area: Hollywood

Related Case: DIR-2019-3760-TOC-SPP-SPR-1A

Council District: 13 – O' Farrell

**Project Site:** 4629 – 4651 West Maubert Avenue

**Applicant:** Will Cipes, Maubert LA VI, LLC  
Representative: Heather Waldstein, Rosenheim & Associates

**Appellants:** Abraham Soghomonian, Los Feliz Preservation Coalition

Amy Gustincic, Los Feliz Improvement Association (LFIA)

At its meeting of **January 14, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Merger and subdivision of five lots into one lot, in conjunction with the demolition of three existing multi-family buildings and accessory buildings; and the construction, use and maintenance of an eight-story apartment building, with two levels of above grade parking and 143,785 square feet of floor area consisting of 153 dwelling units, within Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

1. **Determined**, in accordance with Public Resource Code Section 21155.1, the Advisory Agency found that the Project was assessed in the Sustainable Communities Project Exemption, Case No. ENV-2019-3761-SCPE, which the City Council approved on January 14, 2020 and determined that the Project was statutorily exempt from the California Environmental Quality Act (CEQA) as a Sustainable Community Project;
2. **Denied** the appeals and sustained the Planning Director's determination dated August 5, 2020;
3. **Approved** with Conditions, pursuant to Sections 17.03, 17.06 and 17.15 of the Los Angeles Municipal Code, a Vesting Tentative Tract Map for the merger and subdivision of five lots into one lot;
4. **Adopted** the attached Conditions of Approval;
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman  
Second: Ambroz  
Ayes: Choe, Leung, López-Ledesma, Mack  
Absent: Perlman, Relan

**Vote: 8 – 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 further appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council and the decision of the City Planning Commission will become final and effective upon the close of the 10-day appeal period. 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:** FEB 26 2021

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

c: Jane Choi, Principal City Planner  
Deborah Kahen, Senior City Planner  
Valentina Knox-Jones, City Planner  
Jason Hernandez, City Planning Associate

## CONDITIONS OF APPROVAL

### BUREAU OF ENGINEERING

*Bureau of Engineering approvals are conducted at the Land Development and GIS Division, located 201 N. Figueroa Street, Suite 290. Any questions regarding these conditions should be directed to Mr. Georgic Avanesian by calling (213) 808-8588.*

1. That a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half public alley.
2. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.

### DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

*Grading Division approvals are conducted at 221 North Figueroa Street, 12<sup>th</sup> Floor suite 1200. The approval of this Tract Map shall not be construed as having been based upon a geological investigation such as will authorize the issuance of the building permit of the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.*

3. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the correspondence dated November 12, 2019, Soils Approval Letter dated September 23, 2019 (Log #1107430-02) and attached to the case file for Tract No. 82654.

### DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

*Building and Safety approvals are conducted by appointment only - contact Laura Duong at (213) 482-0434 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.*

4. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
  - b. Provide a copy of affidavit AFF-6795. Show compliance with all the conditions/requirements of the above affidavit as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the

Department, on the termination form, prior to recording.

- c. Provide a copy of the DIR Case DIR-2019-3760-TOC-SPP-SPR. Show compliance with all the requirements/conditions of the DIR case as applicable.
- d. Show all street/alley dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street/alley dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
- e. The submitted Map does not comply with the maximum density (400 s.f. of lot area/dwelling unit) requirement of the R4-1 Zone. Justify the allowable density for the proposed 153 units, revise the Map to show compliance with the above requirements, or obtain approval from the Department of City Planning.
- f. The submitted Map does not comply with the allowable FAR of 3:1 for a residential zone. Revise the Map to justify compliance with the above requirement or obtain approval from the Department of City Planning.

Notes:

The property is located in a Methane Zone.

This property is within the Vermont/Western Station Neighborhood Area Plan.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

The proposed buildings may not comply with City of Los Angeles Building Code requirements concerning exterior wall, protection of openings and exit requirements with respect to the proposed and existing property lines. Compliance shall be to the satisfactory of LADBS at the time of plan check.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

## DEPARTMENT OF TRANSPORTATION

- 5. That the project be subject to any recommendations from the Department of Transportation.

## FIRE DEPARTMENT

*Fire Department approvals and review are conducted at 201 North Figueroa Street, 3rd Floor. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 264-6807. You should advise any consultant representing you of this requirement as well.*

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
- a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - d. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req #75)
  - e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  - f. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - g. 2014 City of Los Angeles Fire Code, Section 503.1.4 (Exception)
    - (i) When this exception is applied to a fully fire sprinkled residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
    - (ii) It is the intent of this policy that in not case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path travel to be taken by a person responding to an emergency in the building.
    - (iii) This policy does not apply to single-family dwellings or to non-residential buildings.
  - h. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
  - i. Entrance to the main lobby shall be located off the address side of the building.
  - j. Any required Fire Annunciator panel or Fire Control Room shall be located within a 2-foot visual line of site of the main entrance stairwell or to the satisfaction of the Fire

Department.

- k. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- l. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- m. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- n. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- o. Submit plot plans indicating access road and turning area for Fire Department approval.
- p. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- q. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- r. Site plans shall include all overhead utility lines adjacent to the site.
- s. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- t. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- u. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- v. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- w. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- x. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- y. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
- z. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot

plan.

- aa. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

## DEPARTMENT OF WATER AND POWER

*Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, CA 90051-5700 or (213)367-1218.*

- 7. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

## BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS

*Street Lighting clearance for this Street Light Maintenance Assessment District Condition is conducted at 1149 S. Broadway Suite 200. Street Lighting improvement condition clearance will be conducted at the Bureau of Engineering District Office, see Condition S-3.(c) where applicable.*

- 8. Street Lighting clearance for this Street Light Maintenance Assessment District condition is conducted at 1149 S. Broadway Suite 200. Street Lighting improvement condition clearance will be conducted at the Bureau of Engineering District office, see condition S-3. (c).

## BUREAU OF SANITATION

- 9. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found (no) potential problems to their structure or potential maintenance problem, as stated in the memo dated November 20, 2019. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

## INFORMATION TECHNOLOGY AGENCY

- 10. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

## DEPARTMENT OF RECREATION AND PARKS

*Park fees are paid at [221 North Figueroa Street, Suite 400](#), Los Angeles. Please contact Park Fees staff at (213) 202-2657 for any questions or comments.*



11. That the Project dedicate land to the City, or provide a combination of land dedication and fee payment, in order to fulfill the Project's requirements under provisions of LAMC 12.33.

## URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

12. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway street removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division (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. All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at 213-847-3077 for permit information. CEQA document must address parkway tree removals.

## DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

*Approvals are conducted at the Metro, West Los Angeles or Valley Development Services Centers, unless otherwise indicated.*

13. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. **Use.** Limit the proposed development to a maximum of 153 dwelling units pursuant to the approval of incidental Case No. DIR-2019-3760-TOC-SPP-SPR.
  - b. **Parking.** of the project may provide a minimum of zero (0) parking spaces for a project located within Tier 4 TOC Affordable Housing Incentive Area and no more than 257 residential parking spaces, and 77 guest parking spaces, as determined per the SNAP pursuant to the approval of incidental Case No. DIR-2019-3760-TOC-SPP-SPR.
  - c. **Fence.** That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in the required front yard.
  - d. **Energy Conservation.** That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - e. That the subdivider shall record and execute a Covenant and Agreement to comply with the **Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan** prior to the issuance of a building permit, grading permit and the recordation of the final tract map.
  - f. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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).
- (iv) 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).
- (v) 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. Action 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.

14. That prior to the issuance of the building permit or the recordation of the final map, a copy of the approved incidental Case No. DIR-2019-3760-TOC-SPP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. DIR-2019-3760-TOC-SPP-SPR is not approved, the subdivider shall submit a tract modification.
15. Prior to the recordation of the final map, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 17 units available to Extremely Low Income Households 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 set-aside affordable 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 will present 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 the HCIDLA. Refer to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Background and Housing Replacement (AB 2556 Determination) sections of this determination

#### **Tenant Relocation Conditions**

16. That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition. The covenant and agreement shall be executed and recorded with 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.
17. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Ellis Act (Government Code §§ 7060, et seq.) and §§ 151.22 – 151.28 of the Los Angeles Municipal Code.

**DEPARTMENT OF CITY PLANNING - STANDARD CONDITIONS**

SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Development Services Center of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

SF-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

**BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1
- (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Municipal Code.
  - (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
  - (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
  - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.

- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2 That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3 That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Improve the alley adjoining the subdivision by the repairing any existing bad order alley section including any necessary removal and reconstruction of the existing improvements.
  - (b) Construct the necessary on-site mainline sewers satisfactory to the City Engineer.
  - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
    - a. Construct new street lights: Two (2) on Maubert Avenue.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division ((213) 847-3077) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.
- (i) That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
  - a. Improve Maubert Avenue adjoining the subdivision by the construction of the followings:
    - (i) A concrete curb, a concrete gutter, and a full-width concrete sidewalk with tree wells.
    - (ii) Suitable surfacing to join the existing pavements and to complete an 18-foot half roadway.
    - (iii) Any necessary removal and reconstruction of existing improvements.
    - (iv) The necessary transitions to join the existing improvements.
  - b. Improve the alley being dedicated and adjoining the subdivision by the construction of a suitable surfacing to complete a 10-foot wide half alley and 2-foot center longitudinal concrete gutter including any necessary removal and reconstruction of the existing improvements.

#### NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this density.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

## FINDINGS

### Entitlement Findings

#### FINDINGS OF FACT (CEQA)

On January 14, 2020, the City Council, Council File No. 19-1389, approved the SCP Exemption (SCPE) and determined that based on the whole of the administrative record, the project is exempt from CEQA pursuant to Public Resources Code, Section 21155.1, under Case No. ENV-2019-3761-SCPE.

#### FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 82654, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plan establishes goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land. Moreover, the project site is located within Subarea C (Commercial Center) of the Vermont/Western SNAP, which establishes goals, objectives, and policies for future developments that supersede the LAMC.

#### **Relationship between the Vermont/Western SNAP and LAMC**

Pursuant to Section 3 of the SNAP, the provisions in the Specific Plan which require or permit greater or lesser setbacks, street dedications, open space, densities, heights, uses, parking, or other controls on development than would be allowed or required pursuant to the provisions contained in Chapter 1 of the Los Angeles Municipal Code (LAMC), prevail and supersede the applicable provisions of the LAMC. The SNAP was adopted in 2001, therefore, the proposed project is reviewed as one development project and obligated to comply with the development regulations of the Specific Plan.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.03 requires that the Tract Map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Hollywood Community Plan, which designates the site with a Community Commercial Land Use designation corresponding to the CR, C2, C4, P, PB, RAS3, and RAS4 Zone. The project site is zoned R4-1, which is consistent with the land use designation. Moreover, the project site is located within Subarea C of the SNAP and is consistent with its standards and regulations. The applicant filed a concurrent case (DIR-2019-3760-TOC-SPP-SPR) for the demolition of three (3) existing multi-family buildings and accessory buildings; and the construction, use and maintenance of an eight-story apartment building, with two (2) levels of above grade parking and 143,785 square feet of floor area consisting of 153 dwelling units. The approval of the Vesting Tentative Tract Map is subject to the approval of the concurrent DIR Case and the applicant is required per the Conditions of Approval to submit a copy of



the Letter of Determination for the DIR Case prior to the issuance of the building permit or the recordation of the final map. In the event that the DIR case is not approved, the applicant is required to submit a tract modification. The project site has 33,053 square feet of lot area, or 33,720.5 square feet (33,053 sf + 667.5 square feet with half of the alley), allowing a maximum of 85 dwelling units. However, the applicant is seeking an 80 percent increase in the maximum allowable density permitted in the SNAP to allow 153 dwelling units in lieu of the otherwise permitted 85 dwelling units, in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program. As shown on the Vesting Tentative Tract Map, the project proposes to merge and subdivide five (5) lots into one (1) lot, to accommodate the new residential building.

The Vesting Tentative Tract Map was prepared by Brandow & Johnston, Edgard S. Melo (License No. C80534), and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, location of existing buildings and improvements of the tract map. The tract map indicates the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. As proposed and conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B; and is consistent with the applicable General Plan and the SNAP Specific Plan, subject to the approval of the concurrent case (DIR-2019-3760-TOC-SPP-SPR).

b) THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and “improvements” refers to the infrastructure facilities serving the subdivision. LAMC Section 17.50 enumerates the design standards for a parcel map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As indicated in Finding (a), LAMC Section 17.03 requires that the tract map be designed in conformance with the zoning regulations of the project site and the SNAP. Subarea C of the SNAP states that all lots found within this subarea are subject to R4 density. With a density of 400 square feet per dwelling unit, the site permits a maximum of 85 dwelling units on the 33,053 square-foot of lot, or 33,720.5 square feet (33,053 sf + 667.5 square feet with half of the alley). The applicant is seeking an 80 percent increase in the maximum allowable density permitted in the SNAP to allow 153 dwelling units in lieu of the otherwise permitted 85 dwelling units, in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program per concurrent Case No. DIR-2019-3760-TOC-SPP-SPR. As the map is proposed for a 153 unit apartment building on one (1) lot, it is consistent with the density permitted by the zone, the specific plan, and the approval of the concurrent DIR application.

The Vesting Tentative Tract Map was distributed on October 22, 2019 to and reviewed by various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering (BOE) has recommended improving Maubert Avenue and the alley adjoining the subdivision, consistent with the standards of the Mobility Element. In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers

and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. The Bureau of Street Lighting has recommend the applicant install two (2) new street lights along Maubert Avenue. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

c) THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

The project site is comprised of five (5) rectangular-shaped lots located along the northerly side of Maubert Avenue and consisting of 33,053 net square feet (0.76 net acres) of lot area. The subject site is currently developed with three (3) multi-family buildings and accessory buildings, constructed in 1920, 1947 and 1975, respectively. All structures on-site will be demolished. According to the City's database, ZIMAS, all five (5) lots are subject to the Rent Stabilization Ordinance (RSO). The site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or Survey LA. Moreover, on January 26, 2020, the Office of Historic Resources concurred with the Historic Resource Assessment conducted for the site that the properties are not historical resources for the purposes of CEQA. There are no protected trees on the site, as identified in a letter prepared by Ian Morris, Senior Principal PLA #4988, dated April 30, 2019.

The project proposes a Vesting Tentative Tract Map for the subdivision of five (5) lots into one (1) individual parcel for the the construction, use and maintenance of an eight-story apartment building, with two (2) levels of above grade parking and 143,785 square feet of floor area consisting of 153 dwelling units. The project site is located within a methane zone per LADBS, Zoning Division, approximately 0.19 kilometers from the Upper Elysian Park Fault. The property is not located within a designated hillside area, liquefaction zone, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. Furthermore, the site is not located within a high fire hazard severity zone, flood zone, landslide, or tsunami inundation zone. The subject property is located in a BOE Special Grading Area, but will not be pursuing a Haul Route approval from the Deputy Advisory Agency at this time.

Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is not located within any Flood Zone. The map has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the correspondence dated November 12, 2019, Soils Approval Letter dated September 23, 2019 (Log #107430-02) and attached to the case file for Tract No. 82654, prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The surrounding area is generally characterized by medium density residential and commercial uses. Parcels to the east and north are zoned C2-CSA1 and C2-1, respectively, located within Subarea C of the SNAP, and developed with banks and commercial uses. The parcels to the west are zoned R4-1, located within Subarea C of the SNAP, and developed with multi-family residential buildings. The parcels to the south are zoned R4-2 and C2-CSA1, located within Subarea C of the SNAP, and developed with Children's Hospital Los Angeles.

The project site, which is comprised of five (5) parcels, consists of 33,053 square feet of land and is developed with three (3) multi-family buildings and accessory buildings, constructed in 1920, 1947 and 1975, respectively. The project proposes to construct a 98-foot, 5-inch in height apartment building containing 153 dwelling units. As proposed, the density and height is consistent with the zone and land use designation, which would permit a maximum of 153 dwelling units and a height of 108 feet, in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned, the proposed tract map is physically suitable for the proposed density of the development.

- e) THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. Mitigation measures are not necessary as there are no potentially significant negative environmental effects associated with the project. On January 14, 2020, the City Council, Council File No. 19-1389, approved the SCP Exemption (SCPE) and determined that based on the whole of the administrative record, the project is exempt from CEQA pursuant to Public Resources Code, Section 21155.1, under Case No. ENV-2019-3761-SCPE.

- f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- g) THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Maubert Avenue, which is a public street. The project site consists of parcels identified as Lots No. 24 (arb 2), 25 (arb 1 and 2), 26, and 26 (arb 1) of City Boundary Tract and is identified by the Assessor Parcel Map No. 5542014023, 5542014026, and 5542014031.

There are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed tract map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Tract No. 82654.

# 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: 70451

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:260221AC0-5068C3D6-6B74-4136-BE6A-177591724511, Amount:\$109.47, Paid Date:02/26/2021**

Applicant: LOS FELIZ IMPROVEMENT ASSOCIATION - GUSTINCIC, AMY ( 415-9991026 )
Representative:
Project Address: 4629 W MAUBERT AVE, 90027

### NOTES:

VTT-82654-2A			
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: Hollywood  
Processed by CHAN, JASON on 02/26/2021

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



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



\*6800170451\*



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**Receipt Number:260221AC0-5068C3D6-6B74-4136-BE6A-177591724511, Amount:\$109.47, Paid Date:02/26/2021**

Applicant: LOS FELIZ IMPROVEMENT ASSOCIATION - GUSTINCIC, AMY ( 415-9991026 )
Representative:
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**NOTES:**

VTT-82654-2A			
Item	Fee	%	Charged Fee
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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: Hollywood  
Processed by CHAN, JASON on 02/26/2021

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