



## 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: 2019-ZA-5552-ZV

Project Address: 9760 West Pico Boulevard

Final Date to Appeal: 06/12/2020

#### 2. APPELLANT

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

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

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

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

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

#### 3. APPELLANT INFORMATION

Appellant's Name: Yeshiva University Los Angeles Boys High School

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

Mailing Address: 6222 Wilshire Boulevard

City: Los Angeles    State: California    Zip: 90048

Telephone: (310) 203-3180    E-mail: rgargir@yula.org

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

☒ Self    ☐ Other: \_\_\_\_\_

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

#### 4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): John M. Bowman, Esq.

Company: Elkins Kalt Weintraub Reuben Gartside LLP

Mailing Address: 10345 W. Olympic Boulevard

City: Los Angeles State: California Zip: 90064

Telephone: (310) 746-4409 E-mail: jbowman@elkinskalt.com

#### 5. JUSTIFICATION/REASON FOR APPEAL

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

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

If Yes, list the condition number(s) here: \_\_\_\_\_

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

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

#### 6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 6-9-2020

#### GENERAL APPEAL FILING REQUIREMENTS

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

##### 1. Appeal Documents

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

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

##### b. Electronic Copy

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

##### c. Appeal Fee

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

##### d. Notice Requirement

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





**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITIES (TOC)**

**1. Density Bonus/TOC**

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

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

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

**NOTE:**

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

**E. TENTATIVE TRACT/VESTING**

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

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

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

**F. BUILDING AND SAFETY DETERMINATION**

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

**a. Appeal Fee**

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

**b. Notice Requirement**

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

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

**a. Appeal Fee**

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

**b. Notice Requirement**

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



## G. NUISANCE ABATEMENT

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

#### NOTE:

- Nuisance Abatement is only appealable to the City Council.

#### a. Appeal Fee

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

### 2. Plan Approval/Compliance Review

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

#### a. Appeal Fee

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

## NOTES

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

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

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

## **Justification/Reason for Appeal**

Case No. 2019-ZA-5552-ZV  
Zone Variance for Signage  
9760 West Pico Boulevard  
Los Angeles, California 90035

Yeshiva University Los Angeles Boys High School (the “YULA”), as the applicant under the City of Los Angeles Department of Planning Case No. 2019-ZA-5552-ZV, hereby provides its Justifications and Reasons for Appeal of the Associate Zoning Administrator’s denial of the zone variance for signage (the “Variance Denial”) at YULA’s property located at 9760 West Pico Boulevard, Los Angeles, California 90035 (the “YULA Campus”).

### **I. The Reason for the Appeal**

YULA appeals on the basis that the Associate Zoning Administrator abused his discretion and erred when issuing the Variance Denial, which effectively prevents the erection of twelve (12) signs on the YULA campus totaling 492 square feet of surface area in the R1 zone in lieu of the maximum 30 square feet of surface area pursuant LAMC Section 12.21-A.7(h), including the following:

- a. Six (6) signs in the R1 Zone that individually exceed the maximum 20 square feet of surface area pursuant LAMC Section 12.21-A.7(h);
- b. Five (5) wall signs that project more than 24 inches from the face of the building, pursuant to LAMC Section 14.4.10-D.2;
- c. Five (5) signs to be placed on an “awning” (canopy) that is not on the valance as prohibited pursuant LAMC Section 14.4.19; and
- d. Three (3) monument signs totaling 275 square feet in lieu of the maximum area of 75 square feet pursuant to LAMC Section 14.4.8-A (collectively, the “Requested Signage”).

### **II. Specifically the Points at Issue**

In support of the Variance Denial, the Associate Zoning Administrator made the following findings, which for the reasons summarized below are erroneous and/or not supported by substantial evidence in the record.

- A. **The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations**

The strict application of the provisions of the Los Angeles Municipal Code (the “Code”) limits identification signs on the residential/institutional buildings to 20 square feet in area and all the identification signs in total to a surface area not more than 30 square feet.

YULA must provide identification signs on all buildings within the YULA Campus, which total approximately 492 square feet. Limiting the number of signs or their size would inhibit clear identification of the buildings and lead to unnecessary confusion among students, employees and visitors, and further would create safety concerns by delaying emergency responders in locating the specific building where emergency services are needed. The Code's sign restrictions were intended to protect property in the residential zones from being overrun by unsightly, discordant commercial signage. These regulations were not meant to strictly apply to projects which are subject to the review of a conditional use permit through which a use not specifically and uniquely residential may be allowed.

The YULA Campus was permitted through the approval of a conditional use permit, Case No. CPC-2009-1049-VCU-ZV-PAD (the "YULA CUP") that allowed the YULA high school on an urban campus, which includes multiple buildings and a gymnasium. The layout of the multiple buildings on the YULA Campus therefore requires that the different structures be easily identifiable for the ease of its occupants, visitors, and emergency responders. Accordingly, the Variance Denial results in practical difficulties to both YULA and the users of the facilities approved under the YULA CUP, as it would impair the efficient functioning of the use otherwise granted.

As such, the strict application of the provisions of the Code results in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

**B. There are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity**

The YULA Campus is unique as compared to development on nearby properties since it is not a single-family residential property or used for commercial purposes. Rather, the YULA Campus is a high school campus approved under the YULA CUP and not used for single-family dwelling units or commercial uses as presupposed by its underlying split-zoning. Additionally, there are no similar facilities in the vicinity in any zone. Because of the nature of the use as well as its size and complexity of design, the YULA Campus' recently expanded facilities now require adequate and appropriate identification signage as a public service and safety measure to students, employees, visitors, and emergency responders.

Accordingly, special circumstances exist that do not apply generally to other properties in the same zone or vicinity.

**C. That such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question**

Other properties in the same zone and vicinity are able to limit their signage to what is allowed by the Code due to the private residential nature of their uses and their significantly smaller size which does not call for a greater number or size of identification signs to adequately provide necessary information to residents and visitors. Limiting the number of signs and the

total surface area to what the Code allows per lot unnecessarily places a hardship on those using a facility that is intended to benefit the public, as distinguished from a commercial use.

As such, the instant variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

**D. The granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located**

YULA has developed a coordinated signage program that will assist YULA students, employees and visitors coming to and functioning within the YULA Campus and will assist emergency responders in easily identifying the buildings on the YULA Campus in the event of an emergency. The signage program is designed to enhance the YULA Campus' identity and friendliness of use both on and off the site rather than for any commercial advantage. Since the signs are for identification purposes only, they are designed for clarity and simplicity. Their design and placement will be such as to avoid creating any visual blight on or from the public rights-of-way or on the subject site itself. Indeed, of the twelve (12) signs that comprise the Requested Signage, only four (4) are visible from any neighboring residential property.

As such, the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

**E. The granting of the variance will adversely affect any element of the General Plan**

The Variance Denial contends that the Requested Signage allows an incompatible use within the R1V2-O zone and therefore does not maintain the integrity of the Low Residential land designation and zone or protect the surrounding single-family residential properties from encroachment of incompatible uses because the Requested Signage exceeds that allowed by the Code. However, the Variance Denial fails to acknowledge that schools are compatible uses in the Low Residential land designation and zone with an approved conditional use permit. Since schools require signage to properly operate, and since the YULA CUP expressly allows YULA to operate a school on the YULA Campus, the Requested Signage needed for YULA to safely and efficiently operate is compatible with the YULA Campus' land designation and zone.

As such, that the granting of such variance will not adversely affect any element of the General Plan.

**III. How You Are Aggrieved by the Decision**

YULA is aggrieved by the Variance Denial since it will prevent YULA from erecting sufficient signage so that the buildings on the YULA Campus may be identified. This lack of signage will prevent YULA students, employees, and visitors from efficiently utilizing the YULA Campus and will pose a threat to the safety of those present on the YULA campus in the

event of an emergency that requires emergency responders to quickly identify the YULA Campus' buildings to provide emergency services to those in need.

**IV. Why You Believe the Decision-Maker Erred or Abused Their Discretion**

As detailed in Section II, above, YULA contends that the Associate Zoning Administrator erred or abused his discretion by concluding that permitting the Requested Signage would not satisfy the conditions needed to grant the zone variance to permit the Requested Signage.