APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: CPC-2018-2223-CU

Project Address: 3477 North Laurelvale Drive, Studio City

Final Date to Appeal: 02/08/2023

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
Jed and Marisa Kubrin, other neighbors

☐ 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: Jed and Marisa Kubrin

Company/Organization: NA

Mailing Address: 3501 Laurelvale Drive, Studio City, California

City: Studio City State: California Zip: 91604

Telephone: 213-625-1497 E-mail: jed@walkingmaninc.com

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

☑ Self ☐ Other: _____

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Larry Slade, Esq.

Company: NA

Mailing Address: 14146 Killion Street, Suite 100

City: Sherman Oaks State: Califronia . Zip: 91401

Telephone: (818) 997-8585 E-mail: larry@sladelaw.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: 1, 3, 4, 8, 9, 11, 12

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: On behalf of Jed & Marisa Kubrin Date: 02/07/2023

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:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

JUSTIFICATION/REASON FOR APPEAL
OF CORRECTED LETTER OF DETERMINATION

I. INTRODUCTION

When presented with an emotionally appealing application for a Conditional Use Permit for a "swim school" in applicant's backyard that failed to comply with the home occupation ordinance, the City Planning Commission took the bait and approved this CUP while ignoring state and local law, the planning and zoning scheme, disregarding the objections of the neighbors and, most importantly, setting a precedent that will allow anyone with a home based business to evade the home occupation regulations by classifying a purely commercial operation as a "school."

In approving this CUP, the City Planning Commission abused its discretion by granting the Conditional Use Permit that turns backyard swim lessons – a home-based business, subject to the home occupation regulations in the Los Angeles Municipal Code – into a "private school," that does not fit the definition of a school set forth in the LAMC. Indeed, the CPC essentially ignored both the letter and the spirit of the LAMC's definition of "school," ignored the home occupation regulations, ignored the clear dictates of CEQA and ignored numerous flaws in the application.

Instead, the CPC drastically expanded the definition of "school" beyond anything ever intended by the LAMC and granted the application because swim lessons teach an important skill, and the applicant is a good instructor. This conclusion is a blatant abuse of the CPC's discretion. If the CUP is permitted to stand, the CPC will have opened the door for any home-based business to call itself a "school" and evade the home occupation regulations. The CPC has created a hybrid entity that is seemingly not bound by *any* regulations – it's no longer a residence, not a home-based business, but not subject to the rules for schools either. This is a dangerous precedent that is surely not what the City intended.

II. AFTER ILLEGALLY RUNNING HIS COMMERCIAL SWIM OPERATION FROM HIS BACKYARD FOR YEARS, IGNORING NUMEROUS CITATIONS AND VIOLATIONS, AND HEARING COMPLAINTS FROM NEIGHBORS, APPLICANT DECIDED TO AVOID THE HOME OCCUPATION RULES AND INSTEAD SOUGHT A CUP AS A "SCHOOL"

Appellants Jed and Marisa Kubrin[1] reside at 3501 Laurelvale Drive, Studio City, California. They are co-Trustees of the Kubrin Living Trust, which holds title to the Kubrin Home. William Marsh ("Marsh") and his wife, Elisa, live next door at 3477 Laurelvale Drive, Studio City, California (the "Marsh Property"). They are joined in this appeal by the following neighbors:

- Andrew Schatt, 3500 Laurelvale
- Nadim Bakhos, 3514 Laurelvale

[1] The Kubrins are joined by a majority of the neighbors to the north of the subject property. As will be discussed below, because of the topography of the canyon street and the way the Marsh's home and pool are situated, the noise and traffic issues primarily affect neighbors to the north. Of the 14 homes to the north of Marsh, nearly all have complained to the CPC, written letters opposing the CUP, and/or joined as appellants here.

- Cynthia Bain, 3525 Laurelvale
- Jill Thraves, 3562 Laurelvale
- Michael Macfarlane, 3562 Laurelvale
- Sheila Baily, 3563 Laurelvale

A. Applicant unlawfully runs his business from his home in violation of the home occupation ordinance for years.

Beginning in about 2010 or 2011, without a permit or authorization from the City, Marsh began giving swim lessons in his backyard pool. He is considered a good instructor and quickly grew his home-based business: **about 30 children, typically between the ages of about 18 months and 5 years, took swim lessons in Marsh's backyard *every single weekday from February through October***. Marsh estimated that he earned approximately $100,000.00 per year operating his swim business from his home.

On most days, classes ran from 8:00 am to 5:00 pm, with a short mid-day break. Each class was half an hour long and had up to three students. Thus, there were typically 6 children and their parents at the pool – the three in the class and the three who are preparing to begin the next class. The students are young children first being introduced to swimming in the pool next to Appellants' home. Typically, the students scream and cry through much of the introductory sessions and eventually begin shrieking with joy as their confidence grows and they play in the pool. *Indeed, Marsh's website specifically notes that about 7 out of 10 students cry at first; he lets them cry because it is natural and eventually the cries turn to "shouts of joy."*

B. Applicant ignores Stop Order issued by City of Los Angeles

Noise and traffic from the swim business became excessive and prompted numerous complaints to the City of Los Angeles Department of Building Services ("LADBS") for violating Los Angeles Municipal Code §12.06, subdivision 16, which governs "home occupations." In 2016 and 2017, LADBS issued warnings and citations to Marsh on the following issues:

- The swim business is causing greater volume of vehicle traffic than is normal
- More than one client per hour and not only between the hours of 8:00 am to 8:00 pm
- Swim business activities are visible outside of the dwelling
- Conducting a home business outside of the main dwelling unit
- The home business does not meet all of the conditions and standards for running such a business.

Marsh ignored the citation and simply refused to comply. Because these warnings and citations did nothing to stop Marsh from running his unlawful business as he had always done, on April 17, 2017, the Kubrins filed a complaint with LADBS on these same issues. LADBS Investigator Ruben Reyes investigated their complaint, found it had merit, and ordered Marsh to comply. Marsh finally complied by moving his lessons to a different location, not at the Marsh Property, for the remainder of his 2017 season.

In February 2018, however, Marsh once again began illegally operating the swim lessons from his home at the Marsh Property in defiance of the earlier orders from the City. On February 27, 2018, the Kubrins again complained to LADBS. But Marsh still refused to comply with the City's order.

C. Marsh has never operated his business lawfully

On April 18, 2018, after having operated his business illegally for 7 or 8 years, Marsh applied for the Conditional Use Permit that is the subject of this appeal. Though his citations had been based on violations of the home occupation regulations, Marsh came up with the clever approach to seek his CUP as a "school" instead of a commercial enterprise. LADBS chose to halt its investigation pending completion of Marsh's application for a Conditional Use Permit. Marsh's position was that because he had *applied* for the CUP, he was permitted once again to run his unlawful business from his backyard.

Because of the noise from the swim school, the Kubrins were unable to enjoy their own home. The noise forced them to remain indoors with windows and doors closed. Even inside their own home, they frequently had to play loud music to drown out the noise coming from the Marsh swim school. Their family – including their young son -- were unable to nap or rest while swim school was in session because of the noise. The noise is different from the typical neighborhood sounds of children playing, because it was nearly constant in the summer, beginning at 8:00 am, and was exacerbated by the number of children in and around the pool at any given time. It is also louder than kids playing because these kids are not playing. They are doing something very scary for the first time and they spend a lot of time crying and screaming during the sessions. Again, Marsh stated on his website that this was a normal part of the process and to be expected – it is a feature of the program, not an irregular bug.

At one point, the Kubrins placed a recorder in their yard to capture the piercing sounds coming from the next-door pool. They recorded practically unbearable shrieking and crying – and this was just for a few minutes on a single day, which does not capture the unceasing, ongoing noise. That recording has been submitted as part of this Appeal. It is important to listen to that recording to get the proper perspective on what this "school" sounds like. Imagine living next door to this, for hours a day, for nine months a year!

D. Constant stream of clients creates an invasion of the Kubrins' privacy

Marsh's unlawful home-based business also created an invasion of the Kubrins' privacy while in their own home. The walkway to the backyard pool at the Marsh Property is directly adjacent to the Kubrins' home, and because it is not well-shielded, provides the constant stream of traffic a view into their house and yard. Indeed, the only screening dividing the two properties is some small, sparse ficus trees. The Kubrins complained about this lack of privacy to Marsh, who offered to place a wooden fence on his property line to provide additional privacy to them. He has not done so. In addition, when parents stay during lessons to observe the classes, they frequently walk up to the hillside at the back of the Marsh Property and talk to each other or on the phone, which, again, provides a clear view into the Kubrin home and yard and increases the noise and disruption of privacy.

Marsh's unpermitted, unlawful home-based business also created traffic and parking problems on the "substandard" street. Because the street is very narrow, there is not enough room for cars to park on opposite sides of the street at the same time directly across from each other, and still permit residents ingress and egress to and from their driveways. Yet his clients frequently parked directly across from each other, so that residents have been unable to get by. These parked cars also created hazards for fire and other emergency vehicles that cannot access the street. Residents are frequently forced to sit in their cars and wait for swim lesson patrons to load children into and out of cars, change diapers, and the like.

The noise and traffic from Marsh's home-based swim business created an intolerable situation for the Kubrins, to the point they were finally forced to retain counsel to file an action in Superior Court because LADBS would not enforce its own regulations and because Marsh simply ignored them.

E. The LA Superior Court ordered an injunction – which remains in place -- to halt the illegal business

The Kubrins obtained an injunction to prohibit Marsh from running his unpermitted home-based business pending resolution of the claims of nuisance and unfair business practices in violation of §17200 of the Business & Professions Code. The parties eventually agreed to keep the injunction in place but to dismiss the lawsuit so that the issue could be resolved by this CUP proceeding instead. Thus, Marsh has been running his unlawful business elsewhere, presumably from someone else's backyard pool.

F. Applicant simply continues his unlawful business in another location

Because of COVID and other delays, the CPC was not able to hold the hearing on Marsh's application until December 15, 2022. (Marsh continued running his business for most of that time, as evidenced by his website showing sold out sessions.) At that hearing, Marsh's representative emphasized repeatedly that his home-based business was just like piano lessons. Though everyone agreed the swim business was not like a "traditional school," the Commissioners nonetheless focused on characterizing this home-based business as a school and granted the CUP on that basis. The CPC also concluded that the project was exempt from CEQA based on Class 1 (continued use of existing facilities) and Class 23 (normal operations of existing public facilities). This timely appeal followed.[2]

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[2] The Commission issued its initial Letter of Determination ("LOD") on January 24, 2023. However, in violation of its own rules, the CPC failed to give proper notice to adjacent homeowners like the Kubrins. Pursuant to LAMC §12.24,G, the CPC is required to send notice to the adjacent landowner:

> Upon making its decision, the initial decision-maker shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed a written request for the notice with the Department of City Planning.

After the Commission received the appeal from the Kubrins, making this notice argument, the Commission issued a "corrected" LOD dated February 28, 2023, and notified the Kubrins via email. The Kubrins and other neighbors are therefore submitting this revised appeal to the corrected LOD.

III. APPLICABLE LAW

The CPC abuses its discretion when it reaches an "arbitrary, whimsical or capricious" conclusion. *People v. Linkenauger* (1995) 32 Cal. App. 4th 1603, 1614. It is an abuse of discretion to rely on improper criteria or on a fact wholly unsupported by the evidence. *Waterwood Enterprises, LLC v. City of Long Beach* (2020) 58 Cal. App. 5th 955, 966. Using an incorrect definition or applying the wrong legal standard also constitutes abuse of discretion. *Costco Wholesale Corp. v. Superior Ct.* (2009) 47 Cal. 4th 725, 733. A ruling by a decision-maker that "exceeded the bounds of reason, all of the circumstances before it being considered," is an abuse of discretion. *Bustos v. Global P.E.T., Inc.* (2017) 19 Cal. App. 5th 558, 563.

IV. ARGUMENT

The Commission abused its discretion repeatedly in reaching the conclusion to grant the CUP for this so-called "school." In particular, the Commission failed to address the LAMC definition of a school, ignored evidence showing that the City never intended a home-based business like this to be characterized as a "school" for zoning purposes, entirely ignored the home occupation regulations that plainly govern this case, improperly concluded both Class 1 and Class 23 CEQA exemptions apply even though the "existing" use was unlawful for years and the backyard pool is not a public facility, gave undue weight to a fatally flawed noise study and flat-out ignored significant opposition from neighbors. Instead of considering any of those requisite factors, the Commission simply myopically focused on the applicant's skill at teaching kids to swim.

A. The Commission abused its discretion by considering a home-based business to be a "school," where the backyard swim lessons do not meet the LAMC definition of "school" but instead are covered squarely by the home occupation regulations.

From the outset, the Commission erred because it never even considered whether this home-based business was actually a "school" as defined by the LAMC. If it had, it would have been compelled to conclude that backyard swim lessons are not a "school" as defined by the City. This is especially apparent when compared with the home occupation regulations, which plainly apply to this commercial enterprise. The Commission should have held the backyard business was not a school and did not comply with the home occupation regulations, and therefore should have denied the application.

1. Backyard swim lessons are not a "school" as defined by the LAMC

LAMC defines "school" as "An institution of learning for minors, whether public or private which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education." LAMC §12.70B(11); *see also Concerned Residents of Hancock Park v. City of Los Angeles* (2010) No. B208439, 2010 WL 3672543 at *11 (Cal. Ct. App. Sept. 22, 2010)(considering whether project is a "school" or "religious institution" pursuant to LAMC).

Elsewhere, the LAMC reinforces that "school" is meant for academic, scholastic entities. For example, it defines an Elementary or High School as "An institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools by the Education Code of the State of California." LAMC §12.03. Similarly, the Zoning Manual notes that a "school" generally "shall be considered as a philanthropic use and not a commercial use." Los Angeles Department of Building Safety, *Zoning Code Manual and Commentary* at 98 (4th ed. June 2021). The Zoning Manual similarly illustrates "private school" under §12.24,U.24 – the operative section in this appeal – as "Colleges and Universities." *Id.*

The County of Los Angeles's definition of "private school" again reinforces the understanding that a school is a scholastic entity: "'Private school' means any school giving a course of training similar to that given in any grade of a public school from kindergarten to the twelfth grade, inclusive." Los Angeles County Code of Ordinances §7.70.010.

The California Department of Education similarly characterizes schools as educational institutions that offer "instruction with a full complement of subjects." https://www.cde.ca.gov/sp/ps/psfaq.asp#a1, visited February 5, 2023. The CDE also distinguished between a "program" and a "school." If all students enroll on a part-time basis, if the entity does not grant a diploma, or if students do not "have full access to all of the facilities and amenities of the entity," the entity is not a school.

The common thread through all of these definitions, from the LAMC to the Department of Education, is that a "school" is intended to include an academic entity that provides instruction in the topics typically taught in public schools. There is no indication of any intent to include swim lessons, or piano lessons or any other fitness class or subject, even ones that provide a useful or important skill. Backyard swim lessons are not schools. They are like instruction in such things as yoga, karate, cheerleading, kickboxing, basketball, pickleball, crossfit, ballet, gymnastics, pilates, horseback riding, tap dancing, tennis, tai chi, aerial silks and the like. It would frankly be absurd to consider all of these commercial operations as "schools," and backyard swim lessons are no different. Simply calling it a school is not enough. Miss Renee's School of Dance or the School of Rock would hardly qualify as a "school" under the LAMC; there is no reason Swim to Bill should either.

There are approximately 60,000 backyard pools in Los Angeles. The Commission cannot have meant to open the door to allowing every single one of those to constitute a "school" that could hold swim lessons, pool aerobics lessons, or pool physical therapy classes, but that is what this ruling has done. Every home with an outdoor kitchen can now run a cooking school. Every home with a large yard can have a dog obedience school. Every home with a big driveway or garage can have automotive repair classes. And all of them can evade the home occupation restrictions simply by reclassifying themselves as schools.

The Commission thus abused its discretion, first in failing even to consider whether Marsh's home-based business qualified as a "school" as defined by the LAMC, and then in concluding that it did. Had the CPC properly done its job, it would have been compelled to conclude that the backyard swim lessons are a home occupation.

2. The CPC abused its discretion by failing to examine whether the project was more properly characterized as a home occupation as defined by the LAMC.

The Commission simply assumed the business was a school and therefore failed to examine whether it was more properly categorized as a home occupation or a school. *See Concerned Residents of Hancock Park*, 2010 WL 3672543 at *11 (comparing "school" to "religious institution" to determine proper assessment under LAMC). If the CPC had properly examined the definitions, it would have had no choice but to conclude that Marsh's home-based swim lessons are not a school but are a classic home occupation.

Pursuant to LAMC, a "home occupation" is "An occupation carried on by the occupant or occupants of a dwelling as a secondary use in connection with the main use of the property, subject to the regulations of Section 12.05 A.16. of this Code." LAMC §12.03. An "occupation" is a job, profession, work, employment, business, vocation, career, livelihood, etc. Section 12.05 A.16 sets out the rules governing a home occupation, including how many clients may visit per hour, parking rules, and the like. The key factor of a home occupation is that it must be *secondary* or *incidental* to the main use of the property.

There is of course no question that the swim lessons in the back yard more neatly fit the definition of home occupation than school:

- The use of the pool for swim lessons is incidental or secondary to use of the home as a single-family residence;
- The swim lessons are not part of a course of study required by the California Education Code;
- Clients in the backyard swim lessons are enrolled only part-time; indeed, they are enrolled for only half an hour for 8 or 9 days;
- Swimmers do not have full access to all the facilities at the Property;
- Teaching swim lessons is Marsh's occupation, at which he earns about $100,000.00 per year.

Perhaps most importantly, when the LADBS cited Marsh for his repeated violations of the LAMC, they cited him for violating the home occupation ordinance; they never found that he was running an unpermitted school.

Applicant's backyard swim lessons *cannot be made compatible with the home occupation statute, no matter what conditions are placed on it*. The Los Angeles Municipal Code sets the following requirements for a home occupation, in relevant part:

- Activities may not be visible from outside of the dwelling unit;
- "The use shall be conducted within the main dwelling unit, except for truck gardening, and only by persons residing within the dwelling unit;"
- Visitors' parked cars cannot displace the use of required parking spaces;

- "The home occupation shall not generate greater vehicular or pedestrian traffic that is normal for the district in which the home occupation is located;"
- The use cannot cause a "public nuisance or disruption to the residential character of the neighborhood;"
- "No more than one client visit, or one client vehicle, per hour, shall be permitted."

Los Angeles Municipal Code §12.05A(16). As evidenced by the CUP application itself, there is no way for the proposed use to comply with these. Applicant would have to seek a number of variances from the rules, which he has not done here.

Perhaps aware that there was simply no way the backyard swim school could comply with the home occupation regulations, the Commission simply ignored them because they like the applicant and think swim lessons are a great idea and instead pretended this home-based business was a "school" covered by the LAMC. The CPC created a dangerous precedent with this hybrid animal, part school-part home occupation-part single family residence, and apparently subject to none of the rules governing any of them. This was an abuse of the Commission's discretion and should be reversed.

B. The Commission abused its discretion in finding that both Class 1 and Class 23 CEQA exemptions applied.

Next, the CPC shockingly found that the project was exempt from CEQA based on the Class 1 "continued use" and Class 23 existing public facilities exemptions. The CPC improperly relied on Marsh's more than 10 years of unlawful use as the basis for finding the Class 1 exemption applied, and mistakenly found Marsh's single-family residence somehow qualified as a "public facility" for Class 23 purposes.

1. The CPC abused its discretion in finding that Class 1 exemption applied

"Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." 14 Cal Codes Reg. §15301. The examples include such things as maintaining existing landscape, altering on/off signs, minor additions to existing structures, restoring damaged structures.

"[E]xemptions are construed narrowly and will not be unreasonably expanded beyond their terms." *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 966. They should be interpreted "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* (2006) 141 Cal. App. 4th 677, 697. The Commission must provide "substantial evidence" to support any decision to apply an exemption. "[E]vidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence." 14 Cal. Code Regs. §15384(a).

A recent case analyzing Class 1 is instructive. In *Saint Ignatius Neighborhood Ass'n v. City and County of San Francisco*, No. A164629 Cal. App. Ct., Div. 4, dated Nov. 18, 2022, the court held

that adding lights to allow a school to use their stadium more at night would "significantly expand" use of the stadium. In that case, the school had been using the field for about 50 nights per year with temporary lights; the installation of permanent lights would increase usage to about 150 nights per year. The court held this was a "significant expansion of the facility's existing use."

Here, the proposed expansion of use is from a purely residential home to a commercial operation with at least 18 customers a day, nearly year-round, in a residential zone – a significant change, even more significant than 100 more nights of a lit stadium where the stadium is already being used for the very same purpose. The Commission failed to provide substantial evidence to support its decision.

Nor did the Commission consider the cumulative impact of applying this exemption here. In deciding whether to exempt a project under Class 1, the "cumulative impact of successive projects of the same type in the same place, over time is significant." 14 Cal. Code Regs. §15300.2(b). "[T]he purpose of the requirement that cumulative impacts be considered . . . is to ensure review of the effects of the project in context with other projects of the same type." *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal. App. 4th 832, 874 (internal quotes and cites omitted). In other words, "the full environmental impact of a proposed project cannot be gauged in a vacuum." *Id.* The cumulative impact of allowing anyone with a pool to run daily swim lessons in their backyard for 18 kids, nine months a year, is huge. Laurelvale alone has at least 10 pools: if every neighbor with a pool decided to teach swim lessons with the same conditions suggested here, that would be at least 180 additional cars per day on this tiny cul de sac street, not to mention the neighborhood noise from the extra screaming children.

As Mashael Majid, Planning Director for Nithya Raman's Council District #4 office pointed out in her December 8, 2022, letter to the CPC, this impact must also be considered in light of the fact that "companies like Swimply are increasing operations in Los Angeles." With every backyard pool now available for rent, the impact of expanding the applicant's existing residential use to a commercial operation is significant.

Granting this exemption required accepting the fiction that Marsh's personal single-family residence is in fact a "school" that existed for this very use in the past. In fact, however, granting this exemption would require more than a minor or negligible expansion; it would entail transformation of his home to a commercial operation. In addition, granting this exemption fails to take into consideration the changes that should be required, such as building sound barriers to ensure the "school" noise does not continue to disrupt the peaceful residential nature of the neighborhood.

It cannot be the position of the City that a project is simply exempt from environmental regulations where the applicant had been using the property unlawfully. Marsh operated his home-based business in violation of the home occupation ordinance for years, even after he was cited and told to cease operations. Indeed, even after receiving an Order to Comply and paying a fine, and temporarily ceasing his business operations, he resumed his business because he believed no one would enforce the law and he could get away with it. It was only once the court entered an injunction against the applicant that he finally complied. Even then, when Marsh was required to post a sign in his yard with information about the CUP hearing, he removed the sign and the city

had to force him to reinstall it. Applying the Class 1 exemption in this case gives a loud and clear message that the way to circumvent CEQA is just to ignore the rules. This is a dangerous precedent.

The Commission thus abused its discretion in finding that the "existing use" of this property was to run a swim school. The only lawful existing use was as a single-family residence. Converting his residence into a "school" is a significant expansion of the property's use. The CPC should have held that Class 1 did not exempt Marsh from CEQA's requirements.

2. The Commission abused its discretion in finding Class 23 exemption applied here.

Similarly, the Commission abused its discretion in finding that Class 23 applied here.

> Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

14 Cal. Code Regs. §15323. "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have significant effect on the environment due to unusual circumstances." *Id.* at §15300.2(c).

There are numerous problems with applying Class 23 here: (1) it is not a facility for "public gatherings," as required by the statute; (2) the "past history" of the "facility" is as a single-family residence; and (3) allowing this use would have a significant effect on the environment due to unusual circumstances.

(a) Marsh's home and backyard pool are not a facility for "public gatherings"

First, the plain terms of Class 23 do not apply to this use because Marsh's home and backyard pool are not existing facilities for "public gatherings." To the extent his pool can even be considered a "facility" under Class 23, it is not one used for "public gatherings." It is a private residence in a residential neighborhood. Though the statute refers to "swimming pools" as an example of the type of facilities included in this exemption, it is obvious that the exemption refers to *public* pools; the other facilities listed are all places open to the public – stadiums, convention centers, amusement parks. It was an abuse of discretion for the Commission to apply this exemption here to this private backyard pool when the exemption by its very terms applies only to public facilities.

(b) The relevant "past history" is the lawful and permitted use of the property as a private residence, not Marsh's unlawful unpermitted use of his pool to run his business.

Next, the Commission abused its discretion in finding that the "past history" of the property was as a swim school, rather than as a private single-family residence. Though the applicant repeatedly refers to the "past use" of his backyard pool for a commercial operation as support for granting the CUP under this exemption, ***his past use was illegal***. It would be improper to exempt him from regulations based on an illegal past use, which would incentivize applicants to use properties for unlawful purposes and then rely on that past history to obtain permits. The Applicant plainly should not get any credit for his past unlawful use.

This makes sense given the purpose of this exemption: "[i]t is aimed at preventing a duplication in evaluations. If there is no *change* in the uses to which the facility is put and which were evaluated at the time the permit for the *facility* was obtained, there can be no adverse environmental *change* which requires an evaluation." *Lewis v. Seventeenth District Agricultural Ass'n* (1985) 165 Cal. App. 3d 823, 837 (Bease, Assoc. J., concurring). In other words, Class 23 exempts "uses which have already been evaluated in the review of the permit for the facility." *Id.*

In the instant case, the only use for which this "facility" has been evaluated or permitted is as a single-family residence. If the Commission's reading were correct – if the "past history" were to include the applicant's unlawful use of his property for his backyard business – then a previous unlawful use would enable an applicant to skirt any evaluation of the environmental impact of his use of the property. This is directly contrary to CEQA's purpose of affording the fullest possible protection to the environment. Thus, the only relevant "past history" here must be the history of the use as a single-family residence and private backyard pool, not as a public swimming pool facility.

(c) There is a reasonable possibility that this backyard business will have a significant effect on the environment due to unusual circumstances, and the Commission abused its discretion by failing to consider these circumstances.

Finally, the Commission abused its discretion by failing to consider the evidence of significant effects on the environment in the record. "[A]n agency may not apply a categorical exemption without considering evidence in its files of potentially significant effects." *Berkeley Hillside Preservation v. City of Berkeley* (2015) 0 Cal. 4th 1086, 1103. The CPC should have looked" to conditions in the immediate vicinity of [the] proposed project to determine whether a circumstance is unusual. . . . This includes whether the project is consistent with the surrounding zoning and land uses." *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. for Ag. Ass'n* (2015) 242 Cal. App. 4th 555, 586. In particular, the Commission failed to address such effects as potential fire hazards, noise, and traffic.

(1) The possibility of fire hazard from increased traffic on this substandard residential street is a potentially significant effect the Commission failed to address.

"[A] project will normally have a significant effect on the environment if it will '[c]ause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.'" *Banker's Hill, Hillcrest, Park West Comm. Preservation Group v. City of San Diego* (2006) 139 Cal. App. 4th 249, 277 (*quoting* CEQA Guidelines appendix G, §XV(a)). In this case, there is substantial evidence that the additional cars each day will cause a substantial increase in traffic on this otherwise quiet street.

In addition, the Laurelvale neighborhood is considered a "Very High Fire Hazard Severity Zone." The Commission apparently failed to consider the fire risk posed by the additional cars on this substandard cul-de-sac hillside street. Acknowledging the street is "substandard," (despite the applicant's repeated insistence it is a standard local street), the Commission should have referred the project to the Los Angeles Fire Department for a review, to ascertain whether having a commercial operation of this magnitude, with its approximately 18 additional cars every single weekday for 9 months of the year parking on the narrow substandard hillside street, would be acceptable, and whether any fire safety plans, such as for evacuation, would be required.

The configuration and classification of the substandard street, in the high-risk fire zone, coupled with the additional traffic, are "unusual circumstances" that the Commission failed to consider.

(2) **The increased, daily noise on this substandard residential street is a potentially significant effect the Commission ignored or downplayed.**

Similarly, the Commission abused its discretion by placing undue reliance on a significantly flawed noise study, rather than addressing the "reasonable possibility" that the backyard swim lessons would have a significant effect on the environment due to the unusual circumstances of hearing even what the Commission considered benign noise daily, for hours at a time, for much of the year.

The noise report should have been given no evidentiary value for the following reasons:

- It was not conducted at the applicant's property;
- It does not take into account the orientation of the pool to the neighbors' homes;
- It does not take into account the "canyon effect" of Laurelvale;
- It does not take into account the proximity of the neighbors;
- It does not take into account what types of buffers exist at the assessment site as compared to the subject site: Laurelvale is exposed to a close-by hill of a steep slope, which the study location has a move gentle slope covered by thick vegetation
- It does not address differences in ambient noises between the subject and assessment sites and the likelihood those noises would mask the swim lesson noise: related noise levels should be compared with local actual ambient sound
- It does not indicate how many children were in the pool at the time;
- It does not indicate on what day of the swim lesson cycle the recording was made – which is significant because Marsh has explained that the children tend to scream

louder and longer during the first half of the class cycle as they become accustomed to the water;

- It was conducted over the course of only one hour and improperly compares the swim lesson noise to neighborhood landscaping noises, without addressing that those noises occur for a few minutes here and there, while the swim lessons take place for hours in a row, every weekday for 9 months.

Of course, it was impossible for neighbors opposing the application to conduct their own noise survey from their yards because the injunction the court had ordered kept Marsh from conducting his business from his home some 3 years prior to the first hearing on this CUP application. In any event, comments from neighbors critiquing a "mock event" should be given consideration. *Keep Our Mountains Quiet*, 236 Cal. App. 4th at 733. The Commission abused its discretion by giving undue weight to this flawed study and by minimizing the neighbors' personal knowledge of the noise.

The CPC's dismissal of the neighbors' true concerns was reflected by the "conditions" placed on the grant of the CUP concerning noise. The Commission failed to require any substantive conditions to address noise from the backyard lessons other than to prohibit amplified music, which had never been an issue anyway. The CPC did not require the installation of any barriers to lessen or absorb the noise. The CPC did not require any sort of covering for the pool. Plainly the Commission disregarded the neighbors' concerns about the noise.

The noise here presents unusual circumstances because of the nature of the way the applicant gives his lessons and because of the daily, repeated, constant noise. It is not proper to compare the noise from his backyard swim business to the occasional sounds of kids playing or even yard equipment because those are not daily occurrences that take place over a period of hours for 9 months of the year.

Thus, for all these reasons, the CPC should have found neither Class 1 nor Class 23 exemptions applied and should have rejected the proposed project on those bases.

C. The CPC erred in permitting this "school" to function at a single-family residence without also changing the use classification.

Next, despite reclassifying Marsh's commercial endeavor as a "school," the Commission purported to leave the single-family residence use classification in place. This is plainly inappropriate. The Commission essentially created a use classification that has no basis in the regulations: it is not a home occupation, so need not abide by those rules; it is a "school," but is not covered by regulations such as the ADA, licensing, criminal background checks; and it is a single-family residence, but "students" from the "school" use facilities inside the home, such as the bathroom.

The Commission's creation of this zoning entity that lives outside of the regulations blurs the lines and undermines one of the zoning rules' main purposes, of providing uniformity and predictability. The Commission ignored the statutory scheme solely because it felt swimming lessons teach a

good life skill. That can hardly be a sufficient reason to toss the zoning ordinance aside. If the Commission were truly committed to considering swim lessons as "schools" under the LAMC, it should have reclassified the entire property as a school and required the property to adhere to the regulations for a school property.

D. The proposed conditions do not cure the problems the backyard swim business causes in this quiet residential neighborhood.

The so-called "conditions" are not realistic, do nothing to address the street traffic and parking issues, would violate numerous parking regulations and would be inconsistent with the intent and purpose of the Code, particularly given the impact on the neighbors. The additional cars each day still create hazards for the neighborhood and the constant noise for hours each day for 9 months a year still creates a nuisance for the neighbors.

a. The Proposed parking "conditions" would violate current parking regulations and are nearly impossible to abide by or enforce.

The conditions regarding parking require a bit of "one from column a" thinking: treat it like a residence when it suits a certain purpose, like a school or a business for others. The problem with this approach is that the parking then violates *all* of the rules, which simply cannot be the intent of the Commission. These rules include the following:

- A single-family dwelling must have two covered spaces available at all times for residents (which means the spaces cannot be blocked). LAMC §12.21A.4(a). Residential parking may be tandem in the driveway. LAMC §12.21A.5(h).

- For a commercial enterprise, visitors' cars cannot displace the use of required parking spaces. For tandem commercial parking, an attendant must be present. LAMC §12.21A.5(h).

- If the swim lessons are classified as a "school," students may not be required to park on the street. Schools are required to provide on-site parking based on the number of students or square feet of instructional space. *See* LAMC §12.21A.4.

- Where the property uses are combined on a lot, "the number of automobile parking spaces required shall be the sum of the requirements of the various uses." LAMC §12.21A.4(j)(1). A space provided for one use cannot also "be considered as providing any of the required space[s] for another building or space." *Id*. at (n). In other words, spaces cannot be double counted.

The conditions require swim clients to use the four driveway spaces – two tandem spots – "where possible," but offer no enforcement mechanisms. Requiring those driveway spots does not solve the problem, as it means:

- The required residential spaces would not be available at all times
- Visitors' cars could displace the use of required parking spaces
- If clients used the tandem spaces, an attendant would be required
- At least three non-tandem spaces (2 for residents and at least 1 for a swim customer) would be required, which the driveway does not accommodate
- It would be impossible to accommodate the 2 required resident and 3 "student" parking spaces for each lesson on-site if the commercial operation were classified instead as a school
- The spaces would be double counted, two for residence and four for swim customer
- Because there is no way to enforce it, no swim customers would actually be required to park on site, so all 18 cars per day could park in the street
- The rule fails to account for clients who arrive early or leave late.

The parking conditions simply fail to take into account the reality of such an operation, where clients with small children arrive early or stay late to socialize or change diapers. Indeed, the neighbors noted numerous times where cars sat in the street while kids got changed, so it is likely that practice will continue. The 15-minute buffer between classes is not enough to accommodate these realities, and it is likely the tandem parking will not be convenient for the swim business clients who instead will simply park in the street as they have always done.

As the Commission well knows, one reason for the home occupation limitation on the volume of people visiting the home business each hour is to avoid this kind of issue. The City has recognized that a situation with extra parked cars on residential streets is to be avoided where possible. The "conditions" here do nothing to satisfy this policy. To approve this set of parking "conditions," the Commission had to ignore a whole host of parking regulations just to allow one man to conduct his business at home. This is plainly inconsistent with the purpose and intent of the Code. The Commission erred in adopting these parking conditions.

b. The conditions do nothing to address the increased traffic caused by a popular commercial enterprise in this residential neighborhood.

Though the conditions limit the number of students each day to 18, that is still an extra 18 cars every weekday for 9 months out of the year on this quiet cul-de-sac. This "substandard" hillside street is only about 24 feet wide and has no sidewalk. The street has only one point of ingress/egress so non-resident traffic is extremely limited. Those additional 18 cars will therefore create significant extra traffic for much of the year.

The conditions do nothing to change the substandard nature of the street. Nor do the conditions address the classification of the street as a Very High Fire Hazard Severity Zone, as discussed in detail above.

In addition, particularly given the difficulty of enforcing the tandem parking for overlapping clients, cars will still be using neighboring driveways to turn around – since the street is not wide enough to make the turn and the street is a cul-de-sac.

The conditions are this not tailored to address the problems with the increased traffic.

c. The conditions require the neighbors to police Marsh's business

Finally, the conditions are inadequate because they force the neighbors constantly to police Marsh's compliance. How is Marsh expected to monitor the parking situation when he is in the backyard running his business and giving swim lessons? There are no enforcement mechanisms; indeed, the only regulatory condition is for Marsh to keep a log of complaints.

This is especially problematic in light of the history of this case, where the City essentially stopped trying to monitor and forced appellant to file a lawsuit to seek the applicant's compliance with the law. These conditions unfairly put the entire burden of compliance on the shoulders of the neighbors.

E. The CPC ignored the neighbors who objected to the project, instead relying almost exclusively on swim clients who liked their experience with Marsh but did not live in the neighborhood.

A significant majority of the immediate neighbors opposed granting the application, many of whom have joined as appellants here. As their letters state, those neighbors to the north of the subject property have borne the brunt of the problems – the shrieking, crying children, the blocked driveways, the kids darting out, the trash and emergency vehicles unable to turn around. Not surprisingly, of the 14 homes to the north of the Marsh property, 9 have written letters in opposition and the only one that previously supported the project has withdrawn her support. The three houses to the south that support the proposed use are separated from the Marsh home by wooded hillside and by Marsh's immediate neighbor to the south, so the noise does not travel toward their homes. In addition, for homes to the south, the pool is partially blocked by the Marsh house itself. Cars tend to park to the north of Marsh's home because the trail to the back of the house is along the north side of his property, directly abutting the immediately adjacent property.

The letters in support of Marsh as a swim teacher are admittedly a bit overwhelming; plainly Marsh is very good at his job and has high profile Hollywood celebs praising him. **But most of these supporters are nothing more than satisfied customers who are not affected by the ongoing issues the neighbors must deal with because they don't live there.** These letters should be given little to no weight because they address the irrelevant issue of whether Marsh is a good teacher.

Of the numerous letters in support, only 3 come from someone who lives even close to the backyard swim lessons.[3] It is unlikely the applicant's supporters would be so enthusiastic if the swim lessons were being taught next door to their home in their own quiet, residential, private neighborhoods, turning their peaceful street into a commercial center. In any event, their opinion of Marsh as a swim teacher should not be the guiding factor. (Indeed, this factor only takes on such primacy in the Commission's findings because of the mistaken conclusion that this business is a "school.") The question must be, who will be directly impacted by the proposed use? As

[3] There are four actual letters in support from Laurelvale neighbors. Two of those letters come from the same household, so are counted as one for purposes of assessing neighborhood numbers.

evidenced by the sold-out lessons even when Marsh had set up shop elsewhere, the customers will not be affected by the location of the business but the neighbors – especially those to the north – will continue to suffer. The finding that this purely commercial use somehow benefits the neighborhood is inconsistent with the actual neighbors' significant opposition, which the CPC did not mention in its findings.

Neighborhood opposition constitutes substantial evidence, however, so the CPC was obligated to give it due weight. "Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence." *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal. App. 4th 714, 730. Comments based on the affected neighbors' "personal knowledge" of noise or traffic problems should be considered substantial evidence "even if other evidence shows the Project will not generate noise" or have traffic impacts. *Id.* at 732, 735.

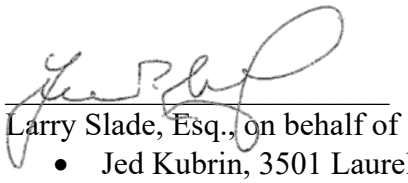
Here, the neighbors to the north of the Marsh property have nearly uniformly complained about Marsh's business. In fact, one neighbor described such "strident" screams she was concerned a child was being tortured and went to investigate. And indeed, Marsh himself has noted that about 7 out of 10 students cry at first; he lets them cry because it is natural and eventually the cries turn to "shouts of joy."

Rather than give any consideration to this "substantial evidence," as they were obligated to do, the Commissioners belittled the neighbors who had complained, saying such things as the noise is just the "sounds of a neighborhood," or merely the "sound of kids recreating." One Commissioner reprimanded the opposing neighbors to be respectful and remember that "we live in a city and have to work and live with our neighbors." One Commissioner went so far as to tell the neighbors to "take a breath and think about this as part of a community." She called the noise "a gift" and said she hoped the neighbors could "find some peace with this." This is of course a blatant abuse of discretion.

V. CONCLUSION

Appellants respectfully submit that the Commission abused its discretion by concluding this backyard, home-based commercial enterprise of giving swim lessons was a "school" as defined by the Los Angeles Municipal Code, instead of an obvious home occupation that simply does not and cannot comply with the home occupation ordinance. The applicant should not be permitted to skirt the regulations just because he is a well-liked swim instructor. The Commission allowed emotion to sway its decision, which is an abuse of its discretion. Accordingly, for all the foregoing reasons, Appellants respectfully request that the Planning and Land Use Management Committee reverse the Commission's ruling and deny the application for Conditional Use Permit.

Dated: March 15, 2023



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- Marisa Kubrin, 3501 Laurelvale
- Andrew Schatt, 3500 Laurelvale
- Nadim Bakhos, 3514 Laurelvale
- Cynthia Bain, 3525 Laurelvale
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CONTRACT

CASE NUMBER:
BTCID: VO23-294
REFERENCE: VO22-437,VO22-041,VO18-290
DATE: 5/9/2023
SITE ADDRESS: 3477 LAURELVALE DR
AUTHORIZED BY: GONZALO

DESCRIPTION OF SERVICES AND FEES:

Reinstatement Fee		x 20.00 %	
Color Fold Over Labels and Mailing	0	x $2.68	
Color Fold Over Mailing Only	71	x $2.28	$161.88
Appeals – Number	0	x $2.68	
Posting of Site – Number of signs	0	x $85.00 (1st)	
	0	x $70.00 (addtl.)	
Research/Add'l N.C. and Council Notification			$14.00
All Weather Posting (optional)	0	x $20.00	
Removal of Signs (optional)	0	x $50.00	
Credit Card fee		x 0.00 %	$0.00

TOTAL DUE: $175.88

A COPY OF THIS FORM MUST BE PRESENTED TO THE PLANNING DEPARTMENT AT THE TIME OF FILING TO HAVE YOUR APPLICATION DEEMED "COMPLETE"	
Note: If applicant/map maker is retaining labels for addition of case number, labels must be returned to BTC within 7 days from the date of this invoice, or BTC will be forced to produce labels and charge the applicant/map maker. If bill is not paid, further processing of your other cases will stop. For cases requiring immediate mailing, labels must be submitted on the day of payment or BTC will produce labels and charge applicant/map maker.	x PJD
The City of LA usually generates a determination letter comprising of one(1) to three(3) pages which requires 1st Class postage. If your project requires a determination letter that exceeds three pages, you will be billed for excess postage and material costs that are due on receipt of bill. A $ 50.00 fee will be charged if you want a copy of the BTC file(s).	x PJD
REFUNDS, CREDITS, ONLY VALID 120 DAYS, REINSTATEMENTS, VALID ONLY 180 DAYS FROM THE FILING DATES. Cancellations and changes are subject to a 20% or $50.00 handling fee, whichever is greater. Returned checks subject to a $200.00 fee. If the check is fraudulent, the City will be notified that the invoice is null and void. A fee of 10% will be charged to re-activate all null and void invoices.	x PJD
If instructed by the city that your case has gone to appeal or plum, we will immediately mail out per city instructions. The cost of mail and processing of $2.68/label, (price may change without notice if postage increases) is immediately due to us from you.	x PJD

Signature: Paul J. Delvaney Jr
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