

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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April 21, 2022

### VIA ONLINE SUBMISSION

Los Angeles City Council  
City of Los Angeles Planning Department  
Online Portal: <https://plncts.lacity.org/oas>

### VIA EMAIL

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Vince Bertoni, Director of Planning ([vince.bertoni@lacity.org](mailto:vince.bertoni@lacity.org))

**Re: Appeal of City Planning Commission Denial of Appeal of Vesting Tentative Tract Map for the 655 Mesquit Project, Case Number: VTT-83288; Related Cases CPC-2020-6828-GPA-ZC-HD-SPR-MCUP / ENV-2020-6829-EAF**

Dear Councilmembers, Planning Department, Ms. Escobar, Ms. Bleemers, Mr. Netburn, Mr. Bertoni:

On behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"), we submit this appeal of the City Planning Commission's ("CPC") January 27, 2022 denial of CREED LA's appeal of the Advisory Agency's approval of the Vesting Tentative Tract Map No. 83288 (map date-stamped September 5, 2021) ("VTTM") for the 655 Mesquit Project, and to be located at 640-657 South Mesquit Street, 1585 East Jesse Street, and 640-648 South Santa Fe Avenue, Case Number: VTT-83288; Related Cases CPC-2020-6828-GPA-ZC-HD-SPR-MCUP / ENV-2020-6829-EAF (collectively, "Project"), proposed by 655 Mesquit, LLC ("Applicant").

The Project proposes to redevelop a surface parking lot on the existing 640 South Santa Fe Avenue site ("Project Site") into a 14-story commercial building with approximately 188,954 square feet of floor area comprised of 184,629 square feet of office uses and approximately 4,325 square feet of ground floor commercial

L5691-007acp

uses.<sup>1</sup> As approved by the Advisory Agency, the VTTM authorized the subdivision of five (5) parcels into eight (8) lots, including one (1) master ground lot and seven (7) airspace lots, in the Central City North Community Plan at 640-657 South Mesquit Street, 15885 East Jesse Street, and 640-648 South Santa Fe Avenue.<sup>2</sup>

On September 22, 2021, the Advisory Agency conducted a public hearing to consider the VTTM. On September 23, 2021, the Department of City Planning issued a Mitigated Negative Declaration (“MND”) for the Project (MND No. ENV-2020-6829-MND) pursuant to the California Environmental Quality Act<sup>3</sup> (“CEQA”).<sup>4</sup> The public comment period on the MND began on September 23, 2021 and ended on October 13, 2021.<sup>5</sup> CREED LA submitted written comments and expert comments on the MND on October 13, 2021 (“MND Comments”) explaining that the MND failed to comply with CEQA and land use regulations.<sup>6</sup>

On December 22, 2021, the Advisory agency issued a Letter of Determination (“LOD”) approving the VTTM.<sup>7</sup> The LOD includes CEQA findings, Subdivision Map Act findings, and states that the Advisory Agency considered and adopted the MND.<sup>8</sup> However, the Advisory Agency did not consider the public comments filed on the MND, which postdated the Advisory Agency hearing on the VTTM, and there were no responses to MND comments contained in the Advisory Agency’s LOD.

On December 29, 2021, CREED LA filed an appeal of the Advisory Agency’s decision to the CPC.<sup>9</sup> The CPC considered CREED LA’s appeal at a January 27, 2022 hearing, along with a second hearing related to the CPC’s approval of the

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<sup>1</sup> City of Los Angeles Department of City Planning, Mitigated Negative Declaration: 655 Mesquit Street Project Case Number: ENV-2020-6829-EAF, CPC-2020-6828-GPA-ZC-HD-SPR-MCUP (September 2021) <https://planning.lacity.org/odocument/4ff91485-df08-4bc2-8f02-87f9c4255ab1/ENV-2020-6829.pdf>.

<sup>2</sup> LOD, p. 1.

<sup>3</sup> Pub. Res. Code (“PRC”) §§ 2100 et seq.; 14 Cal. Code Regs. (“CCR”) §§ 15000 et seq.

<sup>4</sup> LOD, p. 12.

<sup>5</sup> [https://planning.lacity.org/odocument/1449ad71-431a-42d9-a6ea-dec20e3a330f/Pub\\_092321.htm](https://planning.lacity.org/odocument/1449ad71-431a-42d9-a6ea-dec20e3a330f/Pub_092321.htm) (Public Notice re Intent to Adopt MND for 655 Mesquit Project).

<sup>6</sup> See **Exhibit 1**, 10/13/21 CREED LA Comments on the 655 Mesquit Project; Case Number: ENV-2020-6829-EAF CPC-2020-6828-GPA-ZC-HD-SPR-MCUP.

<sup>7</sup> See 12/22/21 Letter of Determination VTTM No. 83288 (“LOD”), available at <https://planning.lacity.org/pdiscaseinfo/document/MTYwMzk0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

<sup>8</sup> LOD, pp. 12-17.

<sup>9</sup> See **Exhibit 2**, CREED LA Appeal Application and Comments on the 655 Mesquit Project; Case Number: ENV-2020-6829-EAF CPC-2020-6828-GPA-ZC-HD-SPR-MCUP. L5691-007acp

Project's remaining entitlements.. Prior to the hearing CREED LA filed additional comments in response to the City's staff report recommending denial of the appeal.<sup>10</sup>

On April 12, 2022, following the January 27, 2022 CPC hearings, the City released two separate LODs, one denying CREED LA's Appeal of the Advisory Agency approvals, and a second approving the Project's remaining entitlements.<sup>11</sup> The City Council hearing is tentatively scheduled to consider the Project's remaining legislative entitlements at a date to be determined.

This letter accompanies CREED LA's appeal the CPC's denial of CREED LA's appeal of the Advisory Agency's approvals of the Project (LOD VTT-83288-1A, 4/12/22). CREED LA is concurrently filing a separate appeal of the CPC's approval and recommendation report regarding the Project's remaining entitlements (LOD CPC-2020-6828-GPA-ZCHD-SPR-MCUP, 4/12/22)

This letter supplements CREED LA's Appeal Application filed concurrently herewith. In accordance with City requirements, this appeal is also accompanied by an appeal filing fee, and a copy of the LOD being appealed. The appeal is based on each of the reasons set forth herein and in the attached and referenced exhibits. CREED LA reserves the right to supplement this appeal and the reasons therefore at the hearing on the appeal and at any subsequent City hearings and proceedings related to the Project.<sup>12</sup>

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades

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<sup>10</sup> See **Exhibit 3**, 1/24/22 CREED LA Appeal Comments on the 655 Mesquit Project; Case Number: ENV-2020-6829-EAF CPC-2020-6828-GPA-ZC-HD-SPR-MCUP.

<sup>11</sup> See 4/12/22 Letter of Determination VTTM No. 83288 ("LOD"), available at <https://planning.lacity.org/pdiscaseinfo/document/MjA3MTc0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>; See 4/12/22 Letter of Determination CPC-2020-6828-GPA-ZC-HD-SPR-MCUP ("LOD"), available at <https://planning.lacity.org/pdiscaseinfo/document/MjA3MTg0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>

<sup>12</sup> Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.  
L5691-007acp

District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles. Individual members of CREED LA and its member organizations include John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

## I. REASONS FOR APPEAL

CREED LA appeals all actions taken by the CPC at the January 27, 2022 hearing, and described in the LOD, related to CREED LA's appeal of the Advisory Agency decision regarding the Project. The reasons for this appeal are set forth in the attached comments and exhibits, including CREED LA's MND comment letter dated October 13, 2021, and the expert comments of air quality and hazards expert James Clark, Ph.D, CREED LA's December 29, 2021 appeal, and January 24, 2022 comments to the CPC. Reasons for the appeal include violations of CEQA, State and local land use codes, and of the Subdivision Map Act. We incorporate by reference all comments included in Exhibits 1-3. A brief summary of issues is below. CREED LA reserves the right to supplement this appeal at later hearings and proceedings on the Project.<sup>13</sup> CREED LA respectfully requests that the City Council consider all of our comments on the Project in their entirety in responding to this appeal.

### A. An EIR is Required Because there is Substantial Evidence Supporting a Fair Argument that the Project Will Have Significant, Unmitigated Adverse Environmental Impacts

A negative declaration is improper, and an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may

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<sup>13</sup> Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.  
L5691-007acp

have a significant environmental impact.<sup>14</sup> “[S]ignificant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment.”<sup>15</sup> An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.”<sup>16</sup> Substantial evidence, for purposes of the fair argument standard, includes “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.”<sup>17</sup>

CREED LA’s attached MND Comments, including the comments of its experts, presented direct and substantial evidence to the City raising a fair argument that the Project will have significant impacts on air quality, GHG emissions, land use, noise, and hazardous materials that are not fully disclosed or mitigated by the MND. An EIR must be prepared to fully disclose and analyze these impacts and mitigate these significant impacts to less than significant levels.

**B. The CPC’s Action in Upholding the Advisory Agency’s CEQA Findings Was an Abuse of Discretion Because the Findings Were Premature and Unsupported**

The LODs includes CEQA findings which state that the Advisory Agency considered and adopted the MND, and that the Agency found that its findings reflected the independent judgment of the lead agency and determined that the Project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level, as described in the MND.<sup>18</sup> However, as explained in CREED LA’s original appeal, the Advisory Agency’s CEQA findings and purported “adoption” of the MND were premature, because the City had not yet considered or responded to comments filed on the MND, failed to require an EIR for the Project, and the majority of the Project’s entitlements had not been considered or approved by the CPC or City Council at the time the Advisory Agency’s findings were made.

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<sup>14</sup> PRC § 21151; 14 CCR § 15064(f); *Citizens for Responsible Equitable Env’tl Dev. v. City of Chula Vista* (“CREED”) (2011) 197 Cal.App.4th 327, 330-31; *Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319 (“CBE v. SCAQMD”).

<sup>15</sup> PRC § 21068; 14 CCR § 15382; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.

<sup>16</sup> *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.

<sup>17</sup> PRC § 21080(e)(1) (emphasis added); *CREED*, 197 Cal.App.4th at 331.

<sup>18</sup> LOD, p. 12.

It is well-settled that certification or adoption of a CEQA document cannot be issued before a project has been approved.<sup>19</sup> This is consistent with CEQA's requirement that a CEQA document consider the "whole of an action."<sup>20</sup> This includes all phases of a project that are reasonably foreseeable.<sup>21</sup> As the courts have held, "[t]he purpose of CEQA is to inform the public of plans, so that the public can help guide decision makers about environmental choices. It is not the purpose of CEQA to foment prophylactic litigation."<sup>22</sup>

The Advisory Agency was an interim decision maker for the Project with authority only to approve the VTTM. It is not the decision maker for the Project's other entitlements. Nor did the Advisory Agency consider the public comments submitted on the MND, or prepare responses to those comments, as required by CEQA. The Advisory Agency therefore lacked the capacity to adopt the MND for the Project as a whole, and the agency's findings should not have been upheld by the CPC.

In approving the VTTM and adopting the MND, the Advisory Agency also relied on a patently inadequate CEQA document which did not adequately analyze and mitigate the Project's environmental and public health impacts, and failed to require staff to prepare an EIR, as required by CEQA. These determinations were erroneously upheld by the CPC. The City Council should vacate the CPC's decision to deny CREED LA's appeal and uphold the Advisory Agency's premature and unsupported CEQA findings.

### **C. The CPC's Decision to Uphold the Advisory Agency's Subdivision Map Act Unsupported Findings Was an Abuse of Discretion**

As discussed in CREED LA's MND Comments, there is substantial evidence supporting a fair argument that the Project is likely to have, potentially significant impacts on air quality, GHG emissions, land use, noise, and hazardous materials

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<sup>19</sup> See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/MacArthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.

<sup>20</sup> 14 CCR § 15378; *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1297.

<sup>21</sup> *Id.*

<sup>22</sup> *Endangered Habitats League, Inc. v. State Water Resources Control Bd.* (1997) 63 Cal.App.4th 227, 242

that are not fully disclosed or mitigated by the MND. An EIR is required for the Project. As a result of these unmitigated impacts, the Advisory Agency lacked substantial evidence to support the Map Act's required factual findings to approve the VTTM, which require the Advisory Agency to find that a proposed subdivision is consistent with the general plan/specific plan, and does not have any detrimental environmental or public health effects.<sup>23</sup>

The purpose of the Map Act is to regulate and control design and improvement of subdivisions with proper consideration for their relation to adjoining areas, to require subdividers to install streets and other improvements, to prevent fraud and exploitation, and to protect both the public and purchasers of subdivided lands.<sup>24</sup> Before approving a tentative map, the Map Act requires the agency's legislative body to make findings that the proposed subdivision map, together with the provisions for its design and improvement, is consistent with the general plan and any specific plan.<sup>25</sup> The Map Act also requires the agency's legislative body to deny a proposed subdivision map in any of the following circumstances:

- (a) the proposed map is ***not consistent with applicable general and specific plans*** as specified in Section 65451.
- (b) the design or improvement of the proposed subdivision is ***not consistent with applicable general and specific plans***.
- (c) the site is not physically suitable for the type of development.
- (d) the site is not physically suitable for the proposed density of development.
- (e) the ***design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat***.
- (f) the ***design of the subdivision or type of improvements is likely to cause serious public health problems***.
- (g) the ***design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision***. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This

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<sup>23</sup> Gov Code §§66473.5, 66474.

<sup>24</sup> *Pratt v. Adams* (1964) 229 Cal.App.2d 602.

<sup>25</sup> Gov Code § 66473.5.  
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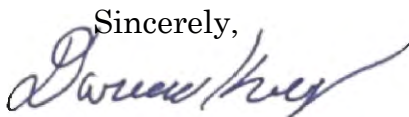
subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.<sup>26</sup>

CREED LA and its experts provided substantial evidence demonstrating that the Project is likely to have significant, unmitigated impacts in several of these areas. The Advisory Agency failed to consider CREED LA's evidence before approving the VTTM, and failed to require an EIR for the Project which fully discloses and mitigates the Project's significant impacts. The Advisory Agency's findings that none of the conditions requiring denial of the VTTM under the Map Act existed were therefore not supported with substantial evidence, and should not have been upheld by the CPC.

The City Council should vacate the CPC's decision to deny CREED LA's appeal of the Advisory Agency's VTTM approval pursuant to, at a minimum, Government Code Sections 66473.5 and 66474(a), (b), and (f).

## II. CONCLUSION

CREED LA respectfully requests that the City Council set a hearing on this appeal concurrently with the City Council's hearing on the remainder of the Project's entitlements. At the hearing, CREED LA respectfully requests that the City Council vacate the CPC's denial of CREED LA's appeal of the Advisory Agency's approval of the VTTM, CEQA findings, Map Act findings, and all other actions taken by the CPC as described in the LOD. The City Council should also direct City staff to prepare an EIR for the Project.

Sincerely,  
  
Darien K. Key

Attachment

DKK:acp

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<sup>26</sup> Gov. Code § 66474 (emphasis added).  
L5691-007acp





**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-83288-1A;ENV-2020-6829-MND;CPC2020-6828-GPA-ZC-HD-SPR-MCUP

Project Address: 635 - 657 Mesquit Street; 1585 East Jesse Street; 632 - 648 Santa Fe Avenue

Final Date to Appeal: 04/22/2022

**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  
Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA)

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: CREED LA c/o Darien Key

Company/Organization: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco    State: CA    Zip: 94080

Telephone: (650) 589-1660    E-mail: dkey@adamsbroadwell.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?  
 Self     Other: CREED LA

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

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Darien Key

Company: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco State: CA Zip: 94080

Telephone: (650) 589-1660 E-mail: dkey@adamsbroadwell.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: All conditions approved by the City Planning Commission

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: 04-21-2022

**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)