



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: DIR 1992-818-RV-PA1

Project Address: 900 W. MARTIN LUTHER KING BLVD. JR. LOS ANGELES, CA 90037

Final Date to Appeal:

2. APPELLANT

- Appellant identity: Representative, Applicant, Property Owner, Operator of the Use/Site

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

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

- Representative, Applicant, Owner, Operator, Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: ANAT ESCHER

Company/Organization:

Mailing Address: 900 W. MARTIN LUTHER KING BLVD. JR.

City: LOS ANGELES State: CA Zip: 90037

Telephone: (323) 428-5012 E-mail: anatescher@yahoo.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): ANAT ESCHER

Company:

Mailing Address: 900 W. MARTIN LUTHER KING BLVD. JR.

City: LOS ANGELES State: CA Zip: 90037

Telephone: (323) 428-5012 E-mail: anatescher@yahoo.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? [X] Entire [] Part

b. Are specific conditions of approval being appealed? [X] Yes [] No

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

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

- [X] The reason for the appeal [X] How you are aggrieved by the decision
[X] Specifically the points at issue [X] 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: [Handwritten Signature]

Date: 5/18/20

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: 89-	Reviewed & Accepted by (DSC Planner): J. CHAN	Date: 6/10/20
Receipt No: 0108178653	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Appeal Findings

Re: DIR-1992-818-RV-PA1

Reasoning to the APPEAL:

Hello, my name is Anat Escher, I am the owner of Banditos Tacos & Tequila bar. The reason I am appealing this ZA's determination because he erred on his decision in revoking my ability to sell alcohol at my business.

The complaint states that we may jeopardize and adversely affect public health, peace and safety among people working or residing in the surrounding area - which is absolutely false. I 100% deny and refute these allegations, and as proof of that, I have letters of support from the owners of the buildings (not the renters) adjacent to my bar, 2 of whom i share a wall with. The other two are within 50 ft of me - you would think that they would be the ones to complain if any.

Unfortunately, the city and VICE are trying to create a story that we are a problem and nuisance to the area - which I completely and vehemently disagree with.

If you read their reasoning, there are a lot of false statements - a lot of observations from outside the establishment, a lot of he said she said with no proven facts, and statements saying that I was unwilling or unable to implement changes - which you can see isn't true based on the numerous emails and meetings back and forth I have with VICE trying to fix the issue. With that being said,

The problem that triggered this whole situation between me, Vice, and the city are the students that attend USC who come into my place with their fake IDs.

WE DO NOT LET THEM IN THE BAR ANY MORE

On top of that, we have endless signatures of support from our neighbors who frequent the establishment, customers who come several times a week, as well as my employees who love their job, some of whom have worked for me for many years.

We created jobs, are paying taxes, and are contributing to the neighborhood in a positive way.

Also, I was given an opportunity to comply with conditions given the Administrator which I have done so. Attached are the permits

Los Angeles Department of Building and Safety

Certificate Information: 900 W MARTIN LUTHER KING, JR BLVD 90037

Application / Permit	20014-10000-00804
Plan Check / Job No.	B20LA03511
Group	Building
Type	Bldg-Addition
Sub-Type	Commercial
Primary Use	(17) Restaurant
Work Description	ONE STORY KITCHEN ADDITION (28FT * 10.5FT, 12FT * 10FT, 414SQFT) TO EXISTING RESTAURANT ((URM), "COMPLY WITH DEPARTMENT ORDER effective date 10/30/2019. PERMIT WILL EXPIRE 30 DAYS FROM ISSUANCE DATE". I All permits shall be for the same time period limitation. CEIS Case Number is 866327.
Permit Issued	No
Current Status	Reviewed by Supervisor on 4/8/2020

Permit Application Status History

Submitted	2/24/2020	APPLICANT
Assigned to Plan Check Engineer	3/20/2020	TSE MING HUANG
Disabled Access Plans Picked Up	3/31/2020	APPLICANT
Corrections Issued	4/2/2020	TSE MING HUANG
Reviewed by Supervisor	4/8/2020	STANLEY RAAP
Building Plans Picked Up	4/20/2020	APPLICANT

Permit Application Clearance Information

Green Code	Not Cleared	3/13/2020	DONALD CRICLOW
"D" conditions	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
Community Plan Implem. Overlay	Not Cleared	4/6/2020	TSE MING HUANG
DAS Clearance	Not Cleared	4/6/2020	TSE MING HUANG
Encroachment in public way	Not Cleared	4/6/2020	TSE MING HUANG
Eng Process Fee Ord 176,300	Not Cleared	4/6/2020	TSE MING HUANG
Fire Marshall Fire Life Safety	Not Cleared	4/6/2020	TSE MING HUANG
Food establishment approval	Not Cleared	4/6/2020	TSE MING HUANG
Frnt yard landscape/Water mgmt	Not Cleared	4/6/2020	TSE MING HUANG
Highway dedication	Not Cleared	4/6/2020	TSE MING HUANG
Low Impact Development	Not Cleared	4/6/2020	TSE MING HUANG
Miscellaneous	Not Cleared	4/6/2020	TSE MING HUANG
Miscellaneous	Not Cleared	4/6/2020	TSE MING HUANG
Prkng lot landscape/Water mgmt	Not Cleared	4/6/2020	TSE MING HUANG
Redevelopment Project Area	Not Cleared	4/6/2020	TSE MING HUANG
Roof/Waste drainage to street	Not Cleared	4/6/2020	TSE MING HUANG
Sewer availability	Not Cleared	4/6/2020	TSE MING HUANG
Specific Plan	Not Cleared	4/6/2020	TSE MING HUANG

ZA Case

Not Cleared

4/6/2020

TSE MING HUANG

ZI

Not Cleared

4/6/2020

TSE MING HUANG

Contact Information

No Data Available.

Inspector Information

No Data Available.

Pending Inspections

No Data Available.

Inspection Request History

No Data Available.