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October 8, 2018

Los Angeles City Council
200 North Spring Street
Los Angeles, California 90012

Re: AGENDA ITEM 7 FOR OCTOBER 10 CITY COUNCIL MEETING
ADDENDUM LETTER REGARDING APPEAL OF THE JULY 30, 2018 LETTER
OF DETERMINATION FROM THE CENTRAL LOS ANGELES AREA
PLANNING COMMISSION
Case Number: VTT-76054-SL-1A
Project site: 836-838 Poinsettia Place

Dear Honorable Council members:

Pursuant to the Los Angeles Municipal Code ("LAMC" or "Code"), Lucille Saunders and the La Brea Willoughby Coalition ("Appellants") appealed to the Los Angeles City Council the June 30, 2018 determination of the Central Los Angeles Area Planning Commission ("CAPC"), sustaining the Deputy Advisory Agency's ("DAA") decision to approve a Vesting Tentative Tract Map for the subdivision of a parcel located at 836-838 Poinsettia Place into five small lots ("Proposed Project").

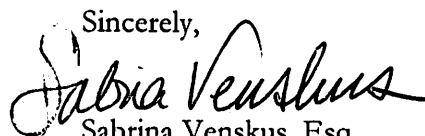
This letter supplements the administrative record in this case. At the September 25, 2018 PLUM Committee meeting, the Applicant's representative testified that there were two front yards on the block with setbacks of less than 15 feet from the public right of way along Poinsettia Avenue. This testimony is erroneous. Further, the Planning Staff's testimony at the CAPC hearing, possibly relying upon the applicant's misrepresentations, explained to the Commissioners that the existing conditions of the properties to the north of the project site, "have a variable front yard setback of 10 to 13 feet." (Transcript of July 24, 2018 Hearing on Appeal to CAPC). There is no evidence to back up this claim.

In contrast, the testimony of Lucille Saunders at the CAPC hearing, which explained that the prevailing setback along Poinsettia Avenue is 15 feet minimum, is consistent with hand

measurements taken on October 3, 2018. Attached to this letter is a declaration signed under penalty of perjury with an exhibit of the actual prevailing set back measurements for each lot in the 800 block of Poinsettia Avenue where the project is proposed. This exhibit demonstrates that each and every lot in the 800 block contain between 15 and 23 foot setbacks from the public right of way along Poinsettia Avenue.

The City staff has erroneously interpreted and applied the Planning and Zoning Code with respect to this proposed project. The Small Lot Subdivision Ordinance is located in the Zoning Code. The version of the SLSO in effect at the time the map application was deemed complete could be found at L.A.M.C., § 12.22.C.27(e). This section provides that that no front, side or rear yard shall be required *between lots within* an approved small lot subdivision, but requiring five foot set back where a lot abuts a lot not created pursuant to the SLSO.(emphasis added.) The SLSO is utterly silent as to the required setbacks along a public right of way. Therefore, the underlying R3 zoning requirements apply. Because the zoning code requires a minimum front yard setback of 15 feet from a public right of way in an R3 zone, the project is required to have a 15 foot setback for Lot 1, rather than a 10 foot setback as presently approved.

Thus, pursuant to the L.A.M.C., Appellants respectfully request that the City Council grant Appellant's appeal and overrule the CAPC's approval of 10 foot setback that is inconsistent with the underlying zoning classification relating to front yard setbacks along public right-of-ways (Poinsettia Place) and remand the case back to CAPC to make a determination, after a fair hearing, that: the front yard setback along Poinsettia Place must be in compliance with the zoning classifications under LAMC § 12.10C and that any deviation from this underlying zoning classification must be made in compliance with the L.A.M.C, Cal. Civ. Code Proc. § 1094.5, and *Topanga Ass'n for a Scenic Community v City & County of Los Angeles* (1974) 11 Cal.3d 506.

Sincerely,

Sabrina Venskus, Esq.
For Appellants

Enclosures: Declaration of Saunders; Exhibit A [table of front setback measurements]

DECLARATION OF LUCILLE SAUNDERS

I, Lucille Saunders, declare as follows:

1. I am over the age of eighteen, have personal knowledge of the facts stated herein and if called upon to testify, I could and would competently testify to the following.
2. On October 3, 2018, between 10:00 a.m. and 11:00 a.m., I used a Lufkin measuring wheel to measure the setbacks on each lot of the 800 block of North Poinsettia Place, Los Angeles, California 90046.
3. The procedure I followed to obtain the measurements was to reset the measuring wheel at each lot and start measuring from the street edge of the sidewalk. I then rolled the measuring wheel directly to the beginning of the first building on the lot.
4. I was accompanied by Ursula Ortiz, who recorded the measurements that I took. Ms. Ortiz recorded the measurement that I took from the streetside edge of the sidewalk to the closest edge of the first building on each lot.
5. A true and correct copy of the table I prepared setting forth the measurements for each lot is attached as Exhibit A.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 4th day of October 2018 in Los Angeles, California.


Lucille Saunders

EXHIBIT A

800 NORTH POINSETTIA FRONT YARD SETBACKS

Measured/witnessed by Lucille Saunders and Ursula Ortiz on "Lufkin Measuring Wheel"

#	ADDRESS	FEET-IN	REMARKS
1	802	19-8	
2	806-8	20	
3	812-14	20	
4	816-20	20-7	
5	822	19	Zipp bricked front yard
6	824	20	
7	832	20-2	
8	836	X	Demo'd
9	840-44	23	
10	850	15	Apartment built 1989
11	858	20-5	
23	859	22	
22	853	20-4	
21	849	20.1	Courts/2-lots
20	843	above	
19	839	20.5	
18	835	20-10	
17	829	20-9	2/lots
16	823	X	above tied lot
15	219	21	
14	815	20-5	
13	805	21	
12	801	22	