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From: **margaret molloy** <mmmolloy@earthlink.net>

Date: Tue, Nov 27, 2018 at 12:45 PM

Subject: Council File: 18-0882: PLEASE PLACE A COPY IN THE CASE FILE FOR Item 18-0882: CHC-2018-3235-HCM; ENV-2018-3236-CE .

To: <cityclerk@lacity.org>

PLEASE PLACE A COPY IN THE CASE FILE FOR Item 18-0882: CHC-2018-3235-HCM; Environmental: ENV-2018-3236-CE .

From: margaret molloy <mmmolloy@earthlink.net>

Subject: Re: Question re CHC-2018-3235-HCM - response Section 15308, Class 8, and 15331, Class 31

Date: November 27, 2018 at 9:42:27 AM PST

To: Ken Bernstein <ken.bernstein@lacity.org>, Councilmember Wesson <councilmember.wesson@lacity.org>, councilmember.cedillo@lacity.org, councilmember.krekorian@lacity.org, councilmember.blumenfield@lacity.org, councilmember.ryu@lacity.org, councilmember.koretz@lacity.org, councilmember.martinez@lacity.org, councilmember.fuentes@lacity.org, councilmember.harris-dawson@lacity.org, councilmember.price@lacity.org, councilmember.englander@lacity.org, councilmember.ofarrell@lacity.org, councilmember huizar <councilmember.huizar@lacity.org>, Council Member Buscaino <councilmember.buscaino@lacity.org>, "mayor.garcetti@lacity.org" Garcetti" <mayor.garcetti@lacity.org>, ted.bardacke@lacity.org, liz.crossen@lacity.org, Tricia Keane <tricia.keane@lacity.org>, Chad Molnar <chad.molnar@lacity.org>, City Attorney Mike Feuer <mike.n.feuer@lacity.org>, Will Pirkey <Will.Pirkey@lacity.org>

Cc: Lambert Giessinger <lambert.giessinger@lacity.org>, Melissa Jones <melissa.jones@lacity.org>, Krista Kline <krista.kline@lacity.org>, Laddie Williams <cwilli7269@gmail.com>, Jon Wolff <jonwolffusa@aol.com>

PLEASE READ THIS LETTER AND PLACE A COPY IN THE CASE FILE FOR Item 18-0882: CHC-2018-3235-HCM; Environmental: ENV-2018-3236-CE .

Hello Mr. Bernstein,

With respect, we challenged why you accepted Andrew Layman's Historical Cultural Monument application as submitted, with a description of the original and current uses for 1305 Ocean Front Walk that is not consistent with LADBS permits and the Certificate of Occupancy, while he selected "factual" on the application.

You wrote:

"The words used in a staff report regarding historic designation are our best effort to capture a description and historic overview of a property, to put it in its historic context and evaluate potential significance. They have no impact, intent, or legal force in establishing zoning, use, or permitted occupancy of a property."

And yet, we have seen correspondence between your office and Andrew Layman that appears to show that Ms. Jones asked Andy Layman to draft a letter about the Historical Cultural Monument application for "The Potter" to send to Andrew Wong, the City Attorney prosecuting (at that time) the Layman and Lambert lawsuits. That letter was not sent but the intention was clear.

If words in a HCM have no bearing, why not require the "legal description" on the Historical Cultural Monument application and let the applicant's argue "use" later? What is the benefit of not doing so?

We would appreciate an answer to this question, and the questions submitted to you yesterday.

It is very clear that the argument for nomination in CHC-2018-3235-HCM is an "extant example" of a 1920's apartment building. The staff report describes the building as symmetrical, four floors, and "On the interior, each floor features a double-loaded corridor leading to eight guest rooms."

The structure of this building with 32 residential units, eight on each floor, has not changed throughout the years.

OHR cannot approve a Historical Cultural Monument application using the CEQA Exemptions, Section 15308, Class 8, and 15331, Class 31, when that Historical Cultural Monument application was submitted with plans to change that structure, work that has not been done, and plans that are not approved.

As pointed out in previous emails, the OHR staff report describes a "interior and exterior remodel in 2016" that does not appear to have been permitted work. Per LADBS inspectors, no inspections were requested.

The applicant submitted plans with his HCM application that do not match the plans currently under review with the Planning Department for ZA-2015-629-CDP-ZV-ZAA-SPP-MEL.

Debbie Lawrence in the Department of Planning confirmed that the planning application and plans submitted with ZA-2015-629-CDP-ZV-ZAA-SPP-MEL show no modifications to the first and second floor. No plans were submitted with appeal ZA-2015-629-CDP-ZV-ZAA-SPP-MEL-1A, signed and submitted by Mr. Lambert for the same property on October 18, 2018.

The plans included in this CHM case show the conversion of a ground floor apartment into an office. They also show the division of a second floor apartment into two units.

Chuck Posner, Supervisor of Planning at the California Coastal Commission, confirmed that the CCC has issued no exemptions for this property to allow this conversion (below).

Historic permits show: Purpose of PRESENT building: Apartment House. Families: 32. Rooms: 32.

These historic documents show that all 32 units were residential units for "families."

OHR cannot allow an application for HCM to be processed that would allow the owner to alter the building "from" its "original construction" after HCM approval. These plans are NOT approved or stamped by ANY department. They have not been submitted to the Planning Department or the California Coastal Commission.

The original CHC-2018-3235-HCM application selected only Criteria 1.

Criteria 3 was added to the HCM, making the integrity of the building more important.

OHR cannot approve a Historical Cultural Monument application using the CEQA Exemptions - Section 15308, Class 8, and 15331, Class 31, when that Historical Cultural Monument application is submitted with plans to change that structure - work that has not taken place or been approved by DCP or the Coastal Commission.

Mr. Lambert is a serial violator of unpermitted conversion of Rent Stabilized apartment building in Venice into de facto hotels.

Please delay the vote for Item 18-0882, as allowed by Ordinance.

Please allow time for a thorough review of CHC-2018-3235-HCM, ZA-2015-629-CDP-ZV-ZAA-SPP-MEL, and other CPRA documents including some that will not be available until November 30.

Please confirm receipt of this email.

Appreciatively

margaret molloy

jon wolff

On Nov 26, 2018, at 6:30 PM, Ken Bernstein <ken.bernstein@lacity.org> wrote:

Margaret,

I've received your emails: I've been in meetings at City Hall most of the day and don't have access to the case file to be able to answer all of your questions. That said, as I've indicated to you previously, these questions related to use have no bearing on the issue that has been before the Cultural Heritage Commission and City Council, which is solely to determine whether the property

meets one or more criteria for designation under the Cultural Heritage Ordinance. Therefore, our office does not see any basis for requesting a continuance of the City Council's agenda item tomorrow.

Ken

From: Ken Bernstein <ken.bernstein@lacity.org>

Subject: Re: Important Question re CHC-2017-428-HCM & Council file: 18-0079

Date: March 15, 2018 at 7:02:57 PM PDT

To: margaret molloy <mmmolloy@earthlink.net>

Cc: Melissa Jones <melissa.jones@lacity.org>, Laddie Williams

<CWilli7269@aol.com>, Lambert Giessinger <lambert.giessinger@lacity.org>

Margaret,

The words used in a staff report regarding historic designation are our best effort to capture a description and historic overview of a property, to put it in its historic context and evaluate potential significance. They have no impact, intent, or legal force in establishing zoning, use, or permitted occupancy of a property.

Ken

On Apr 9, 2018, at 3:38 PM, Lambert Giessinger <lambert.giessinger@lacity.org> wrote:

The letter you reference is a draft letter that Melissa asked Andy Layman to write relative to his request for our office's support of the use of the California Historical Building Code for the property. Due to the pending litigation between Mr. Layman and the City, we did not prepare a letter based on the draft.

Subject: Re: Question re "The Potter"- CHC-2017-428-HCM

Date: April 9, 2018 at 6:12:51 PM PDT

To: margaret molloy <mmmolloy@earthlink.net>

Cc: Beatrice Pacheco <beatrice.pacheco@lacity.org>, Melissa Jones <melissa.jones@lacity.org>, Ken Bernstein <ken.bernstein@lacity.org>, Laddie Williams <CWilli7269@aol.com>

No, I was not the author of that text. It was drafted by Mr. Layman.

OHR cannot allow an application for HCM to be processed that would allow the owner to alter the building "from" its "original construction" after HCM approval. These plans are NOT approved or stamped by

ANY department. They have not been submitted to the Planning Department or the California Coastal Commission.

OHR cannot approve a Historical Cultural Monument application using the CEQA Exemptions, Section 15308, Class 8, and 15331, Class 31, when that Historical Cultural Monument application was submitted with plans to change that structure. That is work that has not been done OR approved.

The original application selected only Criteria 1.

Criteria 3 was added to the HCM, making preservation of the integrity of the building more important.

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Tricia Keane <tricia.keane@lacity.org>

Historical Vested Rights From the City of Venice and The Historic Building Code

1 message

Carl Lambert

To: Tricia Keane <tricia.keane@lacity.org>

Thu, Aug 3, 2017 at 9:54 PM

Tricia, it was great to talk to you today. Per your request here is some of the information on how the historic building code and other Municipal Code sections protect the historical use as short term rentals in Venice. Robert Chattel is a well know historical architect who represents the City of LA in Mills act applications. His conclusion is:

Our analysis concludes that the use as short term rentals is permitted under the CHBC.

We have more research and case law that backs our case that we have vested rights to rent short term under the historic building code no matter how long the use may have changed. Further, we have the City of Venice vested rights as short term tourist rentals which cannot be taken away by the City of LA after annexation in 1926.

I hope we can pursue the opportunity to create needed deed restricted affordable housing in Venice as we discussed. Please call with any questions.

Best,

Carl Lambert

----- Forwarded message -----

From: Carl Lambert

To: Carl Lambert

Cc:

Bcc:

Date: Fri, 2 Jun 2017 15:42:12 +0000

Subject: Historic building code use definitions.

Analysis

Overall, alterations that have occurred since construction have generally been compatible with the original design, materials, properties, and materials.

Alterations to the exterior include application of granite over brick on north, east, and south elevations and over-painted base brick on the west elevation. Before 1941, an aerial photograph indicates that the majority of commercialism on the south elevation was painted. A comparison of historic photographs from 1920 and 1941 suggest that the original Italianate cornice on the west elevation was altered before 1941. In the late 1960s, the City of Los Angeles adopted a proposed ordinance ordinance which stipulated that window casements were laterally inserted. Any lead to be removed. In 1980, according to building permits, the original window casements were altered. In 1991, exterior granite and masonry reinforcement were added. In 2001, a contemporary cornice was installed.

While materials, details, and textures have changed, the XX guestroom still fits in the original location and configuration.

Interior

The interior of the building features four floors, a partial basement, and a partial roof deck. The first through fourth floors feature a double-loaded corridor, with eight quarters in each No. One One One has a U-shaped stairwell that extends from the first floor to the roof, with landings at each floor. Stairs, glass-enclosed loading and unloading areas within the stairwell. Adjacent to the stairwell at the first floor is a door to a stair that leads to the center basement. East of the basement floor is an original metal staircase that accesses the first through fourth floors. Along the northern wall are 10 rectangular aluminum walkways. The quarters have separate rooms, painted walls, and glass lights. If any of the quarters does have identifying metal numbers. The quarters generally have a single room, kitchenette and bathroom, and some have a separate bathroom. All quarters have contemporary fixtures and furnishings.

1. 2019-2020 FICA creditable service period.

The greatest amount of creditable service (including military service) that (you) had in 2019 is:

- 0 months of creditable service, or less than 1 year of the entire date, or none at all
- 1 month to 11 months, or less than 1 year, or none at all
- 12 months or more, or 1 year, or none at all
- None and please indicate degree of participation in that area in column 2 below

4. General information to submit data

Year(s) (eg. 2010) <input checked="" type="checkbox"/> before <input type="checkbox"/> after	Treatment (eg. 2010)
Control group	Treatment/control ratio
Original file [Download this file]	Raw file [Download]
Is the dependent variable in its original state? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (dependent variable is <input type="checkbox"/> without panel structure)	

Based on available building permits and historical photographs, the subject property appears to have undergone **multiple alterations over the years**, that include the alteration of the pargeot and cornice in 1966, repair of fire damage in 1975, installation of security bars on the windows in 1986, the application of gunk-over brick on the exterior elevations in 1987 and 1988, the installation of a contemporary cornice in 2011, **and** **practical and exterior alterations 2015**.

Rectangular in plan, the subject property is of brick construction. The primary west-facing elevation has a symmetrical five-bay composition, a recessed recessed central entrance, and a contemporary canopy. Full-colored brick spans east around the recessed entrance, at the building corners, and around the fire escape stairs. The central entrance has a fire escape above and a marble stair and landing that features marble wainscoting, two pendant stone lanterns, and a single-leaf metal door. The north and south elevations consist of fifteen bays each and a contemporary planted mural dominates the north elevation. Fenestration consists of single and paired double-hung vinyl windows. On the interior, each floor features a double-loaded corridor leading to eight guestrooms, and there is an original metal elevator.

The subject property is an excellent example of an **apartment hotel** in Venice. Therefore, the subject property is eligible under Criteria 3, as an example exhibiting distinguishing characteristics of an architectural type specimen (the apartment hotel).

Context

Constructed in 1913 on Bowen Highway, the subject property is a pre-war example of the early development of Venice as a beachfront community. The subject property was constructed for tourists and continues to be an integral part of the tourism industry, through its operation as a beachfront hotel. As an excellent example of an apartment hotel, the subject property is eligible under Criteria 1 and 3, as an example of an apartment hotel. In association with the history of Venice, the development of beach tourism and recreation, and other examples of an apartment hotel, the subject property is eligible under Criteria 1 and 3 as an Individual Cultural Resource.

In the SurveyLA "Commercial Development, 1880s-1900s" dataset, an apartment house is defined as a floor-confined building, or more commonly a suite-of rooms, which includes facilities for dining and some form of food preparation. * It typically provided common spaces and

As stated by Columbia University professor, Swendson-Wright, in *Building the Dream: A Social History of Housing in Atlanta*, apartmenthouses were commonly interchangeably referred to as apartment houses, as they often provided guests with communal meals and facilities while offering guests the option to stay for a longer period (i.e. daily, weekly, monthly). This is recorded by the *Great Walk* (1888), which was identified in SurveyLA as an individual resource and listed, and used as an "Apartment" or "Garden" type.

In Virginia, apartment houses were constructed to accommodate tourists. Most urban examples were constructed between the 1870s and 1890s. Aside from the subject property, these include the *Phoenix House* (1878), *The Palace* (1878), *Water-Away* (1888), and *Alma Apartments* (1892). In addition, *Hotel Irving* (1880-1884) and *Hotel Lytle* (1880-1884) in Yorktown include multi-story (1878), *King George Hotel* (1878), and *Carlisle Hotel* (1884). Each of these properties contributed to tourist being a major tourist destination in the early 20th century.

15331. Historical Resource Restoration/Rehabilitation.

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

Discussion: This section establishes an exemption for projects involving the maintenance, rehabilitation, restoration, preservation, or reconstruction of historical resources, provided that the activity meets published federal standards for the treatment of historic properties. These federal standards describe means of preserving, rehabilitating, restoring, and reconstructing historic buildings without adversely affecting their historic significance. Use of this exemption, like all categorical exemptions, is limited by the factors described in section 15300.2 and is not to be used where the activity would cause a substantial adverse change in the significance of a historical resource.

15308. Actions by Regulatory Agencies for Protection of the Environment

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code; *International Longshoremen's and Warehousemen's Union v. Board of Supervisors*, (1981) 116 Cal. App. 3d 265.

Discussion: This section reflects the ruling in *International Longshoremen's and Warehousemen's Union v. Board of Supervisors*, (1981) 116 Cal. App. 3d 265. That decision ruled that the use of categorical exemption Class 8 was improper for a change in a county air pollution rule that allowed a doubling of the emissions of oxides of nitrogen. The court followed the ruling in *Wildlife Alive v. Chickering*, (1976) 18 Cal. 3d 190 that provided that where there is a reasonable possibility that a project or activity may have a significant effect on the environment, an exemption is improper.



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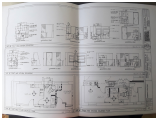
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THE WORK

The work is done in a series of steps, each of which is described in detail. The first step is to determine the requirements of the project. This is done by consulting with the client and the design team. The next step is to develop a preliminary design. This is done by creating a set of drawings that show the basic layout and dimensions of the project. The third step is to develop a detailed design. This is done by creating a set of drawings that show the exact specifications and details of the project. The fourth step is to manufacture the project. This is done by using the drawings to create the physical components of the project. The final step is to assemble the project. This is done by putting all the components together to create the final product.

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PLAN
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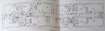
PLAN

1. The building is a large, multi-story structure with a complex floor plan. It features a central corridor system and numerous rooms of varying sizes. The drawing shows the layout of the building's interior spaces, including the placement of walls, doors, and structural elements. The plan is a technical sketch, likely a pencil or light ink drawing, showing the layout of the building's interior spaces.



2. The building is a large, multi-story structure with a complex floor plan. It features a central corridor system and numerous rooms of varying sizes. The drawing shows the layout of the building's interior spaces, including the placement of walls, doors, and structural elements. The plan is a technical sketch, likely a pencil or light ink drawing, showing the layout of the building's interior spaces.

3. The building is a large, multi-story structure with a complex floor plan. It features a central corridor system and numerous rooms of varying sizes. The drawing shows the layout of the building's interior spaces, including the placement of walls, doors, and structural elements. The plan is a technical sketch, likely a pencil or light ink drawing, showing the layout of the building's interior spaces.



1. Living Room
 2. Bedroom
 3. Bathroom
 4. Kitchen
 5. Dining Room

QUESTION
 1. What is the purpose of a floor plan?
 2. How do you determine the scale of a floor plan?
 3. What are the different types of floor plans?
 4. How do you read a floor plan?
 5. What are the key elements of a floor plan?

ANSWER
 1. A floor plan is a technical drawing that shows the layout of a building's interior spaces, including walls, doors, windows, and furniture. It is used to visualize the design and construction of a building.
 2. The scale of a floor plan is determined by the ratio of the dimensions on the drawing to the actual dimensions of the building. For example, a scale of 1:50 means that 1 unit on the drawing represents 50 units in reality.
 3. There are several types of floor plans, including:
 - **Site Plan:** Shows the building's location on a plot of land.
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