

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: 2A 2013 - 1085 (CDP)(2AA)(MEL)

PROJECT ADDRESS: 758 Sunset Ave Venice CA 90291

FINAL DATE TO APPEAL: 12/24/14

- TYPE OF APPEAL:
1. Appeal by Applicant
 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: SERAFIN Guzman

- Are you filing for yourself or on behalf of another party, organization or company?

Self Other: _____

Address: 768 Sunset Ave
Venice CA Zip: 90291

Telephone: (323) 867-2705 E-mail: lverne guzman 45 @ gmail . com

- Are you filing to support the original applicant's position?

Yes No

REPRESENTATIVE INFORMATION

Name: lverne Guzman

Address: 766 Sunset Ave
Venice CA Zip: 90291

Telephone: (323) 867-2705 E-mail: lverne guzman 45 @ gmail . com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/ REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire
- Part

Your justification/reason must state:

- The reasons 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

ADDITIONAL INFORMATION/ REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc..) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
 --CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: *Seraphine Guzman* Date: 12/23/2014

Planning Staff Use Only

Amount	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

Determination Authority Notified

Original Receipt and BTC Receipt (if original applicant)

We, Serafin Guzman, Maria A. Guzman, and Ivonne Guzman, do hereby seek relief and appeal the approval of the Mitigated Negative Declaration ENV-2013-1084MND-REC2 as the environmental clearance, and the approval of Parcel Map AA-2013-1086PML-SL and ZA2013-1085(CDP)(ZAA)(MEL) COASTAL DEVELOPMENT PERMIT, ZONING ADMINISTRATORS ADJUSTMENT for 758 Sunset Avenue, Venice CA 90291. As follows:

1) We ask that you DENY this project in its entirety due to the irreparable harm this would cause me and my family as the property owners to the East. The misleading disclosures, non-compliance with current regulations, incorrect use of the obsolete Directors Interpretation and inconsistencies in the findings of fact by the Advisory Agency in relation to the **California Coastal Act, including Chapter 3 of the California Coastal Act of 1976, the Venice Coastal Land Use Plan, and The Venice Coastal Zone Specific Plan** warrant a denial of this application.

2) We ask for that you DENY this application and **request that any future applications for this parcel be accompanied with a full CEQA report inclusive of shadow studies and, air-quality studies, cumulative impact reports and a report on the ability to prepare an unprejudiced Certified Local Coastal Program. Venice is in a Crisis and stands to lose, its protected community character,** preserve this special Community which is a Resource Value known throughout the World and recognized by the California Coastal Act of 1976 as a special Community.

3) I have personally been harmed by the applicant due to the misrepresentation of material facts on the FHA Loan application which resulted in defrauding the Federal Government. **The applicant purchased the said property by providing false statements on an application for an owner occupied loan (FHA) Federal Housing Administration. The loan obtained are reserved for owner occupied buyers.**

The applicant lives in a home in Palos Verdes, a more affluent area than Venice, he has never lived in the property as required by law. **This fraudulent and deceitful act of obtaining a loan for which they did not qualify provided an unfair advantage to other interested buyers and denied fair competition. Had the applicant been honest he would have applied for a non-owner occupied loan. Misrepresenting the facts on the application allowed the purchaser to come in with a lower down payment.** Soon after acquisition, the ownership of the property was transferred to a Limited Liability Corporation (LLC) in the State of California.

4) In addition, the applicant has not been neighborly as a landlord and owner. **The property has been rented in a fraternity like environment with different sets of tenants who have continuously disrupted the right of quiet enjoyment to the immediate neighbors. All the plants and flowers that the previous owner so lovingly cared for to have now dried out and died.**

Strict enforcement of the rule of law is required.

Do not grant variances or permits for a project that does not comply with the Venice Specific Plan or mass, scale and character with the immediate neighborhood. Currently, on Sunset between Lincoln and 7th Ave. there are no homes with the primary entrance to the alley, balconies to the neighbors yards, or tandem parking that encroaches on the required side yard. This lot is substandard and cannot sustain the variations from the Venice Specific Plan, LAMC General Plan and has not complied with LAMC 12.28

5) **Deny** this project as it defrauds the Venice Community much like the acquisition

example above. This project as designed does not qualify for a Building or Coastal Development permit. The project is inconsistent with the **California Coastal Act, including Chapter 3 of the California Coastal Act of 1976, the Venice Coastal Land Use Plan, and The Venice Coastal Zone Specific Plan** and this project will ruin a walkable street that has ----one stories, -----two stories, and no SLSO's.

AA-2013-1086-PMLA-SL

Approved Variations:

Page 8 Objection 1

(1) "Two uncovered parking spaces in the required 5-foot side yard setback"

SEC. **12.28** . ADJUSTMENTS AND SLIGHT MODIFICATIONS.

4. **Findings for Approval of Adjustments. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** The Zoning Administrator shall not grant an application for an adjustment unless he or she finds:

(a) that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations;

(b) that in light of the project as a whole, including any mitigation measures imposed, **the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood,** or the public health, welfare, and safety; and

(c) that the project is in **substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

Objection: *The adjustment does not qualify as an adjustment or slight modification as it does not provide the required 6 parking spaces. The Venice Specific Plan reads: "Single Family Dwellings on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley require three spaces; the third space may be uncovered. The additional encroachment of the two uncovered parking in the required five foot setback degrades my property by allowing increased density and lack of adequate parking."*

Page 8. Objection 2

(2) A minimum 20-foot common access strip all the way to the public street for access and frontage purposes for Parcel B is waived.

Per The Department of Building and Safety, Zoning Division the developer must provide and maintain a 20 ft. common access strip all the way to the public street for access and frontage for purposes for Parcel B.

The purpose of a 20 ft access is to ensure safety entrance of emergency vehicles and apparatus such as a Fire Truck. Lot B has no access other than the Alley for this purpose and will cause residents and public harm.

Page 8. Objection 3

(3) Per the Director of Planning's Interpretation of Small Lot Subdivisions within the Venice Coastal Zone Specific Plan, the existing lot may be subdivided into two small lots. DIR-2014-2824DI, is the current and most recent directors interpretation.

The project was reviewed utilizing (D.I. 2406) which was found to be unlawful and thus requires to be reviewed under the most current interpretation.

Page 9. Objection 4 item I.

(4) **Small lot Matrix.** The project shall Comply with the setbacks as indicated in the table below.

SETBACK INFORMATION				
Parcel	Front Yard	East Side	West Side	Rear Yard
A	15 feet	5 feet	5 feet	5 feet
B	0 feet	5 feet	5 feet	5 feet

The "0" setback on the second unit does not conform to the community character and blocks sunlight and air to my property. The adjustments requested are not consistent with the intention of the Venice Specific Plan.

Page 9 Objection 5 Item 14.

(5) That prior to the issuance of the building permit or recordation of the final map, a copy of the approved Case No. ZA-2013-1085-CDP-MEL-ZAA shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. ZA-2013-1085-CDP-MEL-ZAA is **not** approved, the sub divider shall submit a parcel map modification. A Coastal Development Permit is required for any Parcel Map and thus requires notice and hearing.

Per the California Coastal Act, a Coastal Development Permit is required for any Parcel Map and thus requires notice and hearing and may not continue without the full Coastal Development Permit.

This condition denies the constitutional right of Notice and Hearing and is unlawful and violates the Venice Specific Plan, the Certified Land Use Plan and the California Coastal Act.

Page 10 Objection 6 Item 15

(6) That the sub-divider shall record and execute a Covenant and Agreement to Comply with the Venice Coastal Zone Specific Plan and the Coastal Transportation Corridor Specific Plan prior to the issuance of a building permit grading permit and the recordation of the final tract map.

The proposed development does not comply with the Venice Coastal Zone Specific Plan, this fact prohibits the execution of said Covenant and Agreement to Comply with the Venice Coastal Zone Specific Plan.

Page 16 Objection 7 FINDINGS OF FACT (CEQA)

(7) The Environmental Review Section of the Planning Department issued Mitigated Negative Declaration No. ENV-2013-1084-MND-REC2 on December 5, 2013. The Department found that potential negative impacts could occur from the projects implementation due to:

- Aesthetics (landscaping);
- Air Quality (construction);
- Biology (tree removal);
- Geology (Seismic, construction);
- Hazardous Materials (asbestos);
- Noise (constructions);
- Public Services (schools);
- Recreation (parks);
- Hydrology/water Quality;
- Liquefaction;
- Utilities (solid waste);

The Deputy Advisory Agency certifies that Mitigated Negative Declaration No. ENV-ZO13-1084-MND-REC2 reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 18 and 19 of the Parcel Map's approval.

Other identified potential impacts not mitigated by these conditions are subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Storm water Ordinance, etc.) which are specifically intended to mitigate such impacts on all projects.

The approved Mitigated Negative Declaration is for the three units and is factually incorrect the development consists of two units, not three and cannot be adopted for this project.

The Deputy Advisory Agency certifies that the Mitigated Negative Declaration No. ENV-2013-1084-MND-REC2 reflects the *independent judgment* signed by City Planning Associate Joey Vasquez. Page 6 of 22 certifies conformance to the Community Plan of Venice, the Project does not conform with the Venice Specific Plan as it is requiring adjustments.

Additionally on page 8 checked is the following:

"I find that although the proposed project **could** have a significant effect on the environment, there will **not** be a significant effect in this case because revisions on the project have been made or agreed to by the project proponent. In order to make this determination a full EIR must be provided. It further goes on to check aesthetics, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology

and water quality, noise, public services, recreation, utilities and service systems as Environmental Factors Potentially Affected. Due to the large number of projects currently **(a minimum of 85 projects in 2014 for Oakwood alone)** under construction in the Venice Coastal Zone this warrant a cumulative analysis to all of the above and thus requires a full Environmental Impact Report including shadowing analysis and air to the adjacent neighbors." As voted by the Venice Community at the Venice Neighborhood Council meeting by motion.

Page 16 - 17 (a)-(g) OBJECTION 8

FINDINGS OF FACT (SUBDIVISION MAP ACT)

(8) In connection with the approval of Parcel Map No. AA-2013-1086-PMLA-SL, the Advisory Agency of the City of Los Angeles, pursuant to Section 66474 of the State of California Government Code (the Subdivision Map Act), the Advisory Agency of the City of Los Angeles makes the prescribed findings as follows:

PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Venice Community Plan designates the subject property for Low Medium II Residential density with corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The 0.11 net acre property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The proposed revised map is consistent with the land use and development regulations of the Specific Plan. Therefore, as conditioned, the proposed revised parcel map is consistent with the intent and purpose of the applicable General and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The proposed map is not consistent with the Specific Plan as it requires variations. Per Venice Neighborhood Council approved motion dated March 12, 2014, paragraph three: "Further, we request that no variance, exceptions or adjustments be accepted on completely new developments"

FURTHERMORE, the massive cumulative burden on the infrastructure does not support this development and requires that a full cumulative impact analysis.

DECEMBER 9, 2014

PLEASE INCLUDE THE OBJECTIONS ABOVE IN THEIR ENTIRETY TO OBJECTION TO CASE NO. ZA 2013-1085(CDP)(ZAA)(MEL)

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby DISMISS:

- (1)" a Zoning Administrators Adjustment to allow parking to encroach 5 feet into the required 5-foot side yard, inasmuch as the parking is unenclosed, makes the request unnecessary;

The Venice Specific Plan and The Venice Local Coastal Program Land use plan requires 3 parking spaces per unit. The proposed development is proposing only two parking spaces per unit. Two of the parking spaces are tandem and on one of the lot while both the covered parking spaces are on a single lot.

This does not follow the requirements per lot of two covered and one uncovered parking space per unit. The proposed twofold adjustment therefore makes this allowance inconsistent with the intent of Section Code 12.28 of the Los Angeles Municipal Code.

- (2) a Zoning Administrators Adjustment to allow balconies to extend one-foot into the required side yard, as prohibited by Section 12.22-C,20(d) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable - provision of the Code, and Privacy Rights prohibit
- (3) a Zoning Administrators Adjustment to allow architectural features to extend 1-foot 8 inches into the required side yard in lieu of 10 inches permitted by Section 12.22-C,20(b) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code.

The side yard features will adversely affect my ability to private enjoyment, I have a swimming pool in my back yard to which the balconies and the features will be facing.

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

a Zoning Administrators Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone;

and ,

I disagree with the hearing testimony of the Applicants representative, adjustment findings, additional mandatory findings and ask you to uphold the California Coastal Act and the Venice Specific Plan in it's entirety including the sections below.

1. Coastal Act Sec 30253 (E) This type of development maximizes adverse impacts, instead of minimizing them and the city planning is doing nothing to protect the unique characteristics of the Venice Coastal Zone.
2. Coastal Act Sec 30624.7 Development has adverse effect both individually and cumulatively, because it is not consistent with the unique community character.
3. Coastal Act Sec 30116 (E) & (F) Venice Coastal Zone community is a sensitive coastal resource area with special communities and neighborhoods which are significant as a visitor destination and also provide existing coastal housing and recreational opportunities for low and moderate income persons.
4. Coastal Act Sec 30212 (2) & (3) New developments with demolitions are exceeding floor area, height and bulk of the former structures by more than 10% along with changing the intensity by more than 10%.

In Conclusion:

Overwhelming opposition to this project has been documented by the Venice community. A petition with over 600 signatures was circulated and forwarded to the Los Angeles City Planning department, California Coastal Commission and the Venice

Neighborhood Council. The major concern with small lot subdivisions for Venice residents are:

- 1. Results in materially less light, ventilation and air circulation between adjoining dwellings and neighbors due to mass and scale.**
- 2. Impacts shade AND sunlight for people AND VEGETATION.**
- 3. Invades privacy when balconies and windows overlook the neighboring private yards.**
- 4. Reducing the setbacks increases massing and therefore interferes with light and air circulation.**
- 5. Increased noise--due to more people living on the lot and more cars, more noisy sounds of living.**
- 6. The height of the proposed project would cast a shadow on my existing backyard and swimming pool.**

Wherefore, this project is not consistent with the Venice Coastal Zone Specific Plan including mass, scale, and the unique community character of the adjacent block.

Wherefore, this project would have a detrimental cumulative effect to the resource value of our community that is visited by local, national, and international tourists and disrupt the walkability and aesthetics of the immediate neighborhood.

Wherefore, the demolition of 100 year old homes to be replaced by box-designs that will only serve a very small segment of the demographic in Los Angeles while displacing and losing much needed and protected affordable housing **is not consistent with the requirements of the Venice Coastal Zone Specific Plan or the California Coastal Act.**

