



Application:

# APPEAL APPLICATION

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

## 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: CPC20153423GPA-ZC-CU-CUB-ZV CBOA:20153424MND

Project Address: 10306-10440 N. Sepulveda Blvd. 15342-15354 W. San Jose St.

Final Date to Appeal: 4-25-16

- Type of Appeal:
- Appeal by Applicant
  - Appeal by a person, other than the applicant, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

## 2. APPELLANT INFORMATION

Appellant's name (print): Linda Kloss Romney

Company: \_\_\_\_\_

Mailing Address: 17828 Tribune St., Granada Hills, CA. 91344

City: Granada Hills State: CA. Zip: 91344

Telephone: (818) 363-3528 E-mail: \_\_\_\_\_

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self
- Other: Trustee Marie F. Kloss Trust, Owner 15252 Devonshire St., Mission Hills, CA. 91345

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

## 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Linda Kloss Romney- Trustee

Company: \_\_\_\_\_

Mailing Address: 17828 Tribune St.

City: Granada Hills. State: CA. Zip: 91344

Telephone: (818) 363-3528 E-mail: \_\_\_\_\_

Office: Van Nuys  
**Applicant Copy**  
 Application Invoice No: 29353

City of Los Angeles  
 Department of City Planning



LA Department of Building and Safety  
 VN TONI 201080677 4/25/2016 2:16:02 PM

**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord your application, regardless of whether or not you obtain the services.

This filing fee is required by Chapter 1, Article 9.

PLAN & LAND USE \$106.80  
 Sub Total: \$106.80

Receipt #: 0201312900

Applicant: MARIE F. KLOSS TRUST - ROMENY, LINDA KLOSS ( B:818-363 352 )  
 Representative:  
 Project Address: 10306 N SEPULVEDA BLVD, 91345

**NOTES: APPEAL BY AN AGGRIEVED PARTY**

CPC-2015-3423-GPA-ZC-CU-CUB-ZV-MS-C-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>OSS Surcharge (2%)</b>	<b>\$1.78</b>
<b>Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (5%)</b>	<b>\$4.45</b>
<b>Grand Total</b>	<b>\$106.80</b>
<b>Total Invoice</b>	<b>\$106.80</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$106.80</b>

LA Department of Building and Safety  
 VN TONI 201080677 4/25/2016 2:16:02 PM

PLAN & LAND USE \$106.80  
 Sub Total: \$106.80

Receipt #: 0201312900

Council District: 7  
 Plan Area: Mission Hills - Panorama City - North Hills  
 Processed by AGUSTIN, HERMINIGILDO on 04/25/2016

Signature:

1 MARIE F. KLOSS TRUST  
LINDA ROMNEY, TRUSTEE  
2 PROPERTY MANAGER  
[15252 Devonshire St.  
3 Mission Hills, CA. 91345]  
17828 W. Tribune Street  
4 Granada Hills, CA. 91344  
(818) 363-3528  
5  
6  
7  
8

9 APPEAL FROM CITY OF LOS ANGELES PLANNING COMMISSION  
10

11 Case: CPC20153423GPAZCCUCUBZV  
12  
13

14 This Appeal is based upon prejudicial abuse of discretion. The Planning Commission  
15 has not proceeded in a manner required by law, the order of decision is not supported by the  
16 findings and the findings are not supported by the evidence which constitutes an abuse of  
17 discretion by the city of Los Angeles.  
18

19 Opposition to the scheduling of the first hearing on this matter January 5, 2016, during the  
20 Governor's declared disaster, natural Gas leak at Porter Ranch and surrounding areas including,  
21 but not limited to Granada Hills and North Mission Hills. Therefore, greatly reducing the  
22 number of stakeholders within the 500-foot radius from filing opposition and attending the  
23 hearing. Thus, depriving the property owners of due process.

24 Objection, to location, and time of this hearing, the property is located in North Valley,  
25 Obviously the property owners within the 500-foot radius are also located in North Valley, the  
26 location in downtown Los Angeles, and the 8:30 A.M. early hearing time needlessly restricts and  
discourages participation by the property owners wanting to addend said hearing.

27 Since 1979, from my own personal experience, I have been the property manager of the  
28

1 residential rental house located at 15252 Devonshire Street, Mission Hills. Further, I have been  
2 an active member for years with Zoning and Land Use for Mission Hills Neighborhood Council.

3 For the past approximate five years, subject project 10306-10440 Sepulveda Blvd.,  
4 owned by Arturo Sneider, Prime/CRDF Mission Hills LLC the shopping center has intentionally  
5 deteriorated through increased leases and loss of long time tenants such as Empire Hardware.  
6 I have personal knowledge of the owner of Empire Hardware and over two hundred stakeholders  
7 at the Mission Hills Neighborhood Council begging Arturo Sneider to permit Empire Hardware  
8 to remain, with reduced square footage, as a community desired/supported business. In  
9 addition, the community supported the Mission Hills bowling alley, Millie's family restaurant,  
10 and the Neighborhood Mission Hills Post Office. The shopping center and his agents and  
11 employees have a policy and practice of working against the community and have not protected  
12 the public peace, health and safety. Attached to objections were pictures evidencing the rear  
13 parking lot where there is continual dumping, open trash bins, homeless congregation, drug  
14 injection needles, graffiti, garage sales, and parties with food cooked on the premises. Over the  
15 past five years, I have personally met on site with Primestor property managers: Vanessa  
16 Freeney, Marie Galindo-Ramirez, and Vanessa Delgato unsuccessfully attempting to have them  
17 correct their mismanagement of the shopping center. I have also personally met on site,  
18 members of councilman Fuentes staff, over the years, nothing has been accomplished. Due to  
19 the lack of fencing Devonshire Street, every piece of paper, cardboard, etc... from the shopping  
20 center ends up in the rental property front lawn. Everyday, the time to collect and dispose of  
21 papers and trash caused by Primestor's neglect has cost the owner of the Devonshire property  
22 lost income and unnecessary expense in the thousands of dollars. Now, the owner of the  
23 shopping center who created the problem seeks to be rewarded for his neglect with amendment  
24 to the Community Plan to re-designate the parcels located along West San Jose Street from low  
25 residential to Commercial land use. Therefore, the existing residential homes would be  
26 needlessly encroached with Commercial land use. Historically, the single-family residential  
27 zone is considered the most exclusionary zone deserving of the most protection from other uses.

28

1 Zoning is the comprehensive division of the city into different use zones. It is rooted in the  
2 premise that everything has its place, e.g. commercial uses should be separated residential uses.  
3 Use zoning is also called Euclidean zoning and it takes its name from a judicial decision,  
4 Village of Euclid v. Ambler Realty Co. (1926) 272 US, 365 which upheld the validity of use  
5 zoning.

6 “Intensive Zoning” refers to zones that permit heavy industry or a large variety of activities.

7 “Upzoning” refers to rezoning that will permit a greater intensity and number of allowable uses,  
8 for example, when agricultural or residential areas are rezoned to commercial Juergensmeyer  
9 and Roberts, Land Use Planning and Control Law, West Group-hornbook Series (1998) p. 82-83.

10 The City has on substantiated their decision by making findings based on relevant facts  
11 and evidence to support the discretionary decision for Intensive Zoning or Upzoning of the  
12 northern three (3) parcels located along San Jose from Low Residential land uses to Community  
13 Commercial land uses that encourages the development of professional offices, hotel, cultural  
14 and entertainment facilities, in addition to neighborhood-oriented offices. The project is  
15 inconsistent with the General and Specific, Community Plans, and the Q-Conditions not  
16 preserving the unique residential character, scale, and safety of the Community. The  
17 Commercial shopping center is adjacent on three sides by residential homes, only Sepulveda  
18 Blvd. is Commercial. Adding 27,939 sq. ft. of commercial space to the existing 131,500 sq. ft.  
19 shopping center will NOT conserve the nearby existing stable residential neighborhood.

20 Variances may not be granted unless certain Charter/Municipal /Code findings are made  
21 to support the deviation, City Charter Section 562 and Los Angeles Municipal Code Sec. 12.27.

22 The following findings have not been made:

- 23 (I) that the strict application of the provisions of the zoning ordinance would  
24 result in practical difficulties or unnecessary hardships inconsistent with the  
25 general purposes and intent of the zoning regulations;  
26 (ii) that there are special circumstances applicable to the subject property such as  
27 size, shape, topography, location or surrounding that do not generally apply  
28 to other property in the same zone and vicinity;

27 Compare proposed development to Shopping Center directly across Sepulveda Blvd., West  
28 corner of Sepulveda and Devonshire St., with anchor Von’s grocery store, location and

1 surrounding in the same zone and vicinity. There wasn't zone changes from R1-1, R1P-1 and P-  
2 1 to C2-1, Community Plan changes from low residential to Commercial land use. Conditional  
3 Use Permits to permit 24-hour operation, daily with is inconsistent and not compatible with the  
4 predominant density, intensity, height, and use of other property in the vicinity. The proposed  
5 development is not consistent with the purpose and intent of the general and specific plan.

6 Variances, however may not be granted unless certain Charter/Municipal Code findings  
7 are made to support the deviation. City Charter Section 562 and Los Angeles Municipal Code  
8 Section 12.27. Variances are often sought when the size, shape, tomograph, location or  
9 surrounding of the subject property creates a hardship for a property owner in that it is  
10 impossible or impracticable for the property owner to develop the property in the same way that  
11 surrounding property owners in the same zone have developed their property. In this instance,  
12 any hardship of the property owner is self imposed and evidentiary proof has not been submitted  
13 by the property owner to meet the required findings of fact for the requested Variances.

14 The proposed project does not meet the following findings of facts for Variances:

- 15 (iii) that the variance is necessary for the preservation and endowment of a  
16 substantial property right or use generally possessed by other property in the  
17 same zone and vicinity but which, because of special circumstances and  
18 practical difficulties or unnecessary hardship, is denied to the property in  
19 question;
- 18 (iv) that the granting of the variance will not be materially detrimental to the  
19 public welfare, or injurious to the property or improvements in the same zone  
20 or vicinity in which the property is located; and
- 19 (v) that the granting of the variance will not adversely affect any element of the  
20 general plan.

21 A variance cannot be granted by the City because the circumstances do not comport with  
22 the criteria, above. Further, a variance cannot be granted by the City as a special privilege or  
23 allow a uses that are inconsistent with nearby properties, as this project proposes. In addition,  
24 the proposed project does not meet the following findings facts for a Conditional Use Permit:

- 25 (I) the proposed use is desirable to the public convenience, or welfare;
- 26 (ii) the proposed use is proper in relation to adjacent uses, or the development  
27 of the community;
- 27 (iii) the proposed use will not be materially detrimental to the character of  
28 development in the immediate neighborhood; and
- 28 (iv) the proposed use will be in harmony with the various elements and objectives  
of the general plan.

1 The decision makers have not made further finding required by subsections U, V, W, and  
2 X of section 12.24 of the LAMC.

3 The proposed project violated Section 12.32-C of the Municipal Code, the zone change is  
4 is NOT in conformance with the public necessity, convenience, general welfare, and good  
5 zoning practices. The decision is not supported by findings and the findings are not supported  
6 by the evidence.

7 The project will NOT enhance the built environment in the surrounding neighborhood or  
8 perform a function or provide a service essential or beneficial to the community, city or region.  
9 The decision is not supported by findings and the findings are not supported by the evidence.

10 The project's location, size, height, operations and other significant features will NOT  
11 be compatible with the will adversely affect or further degrade adjacent properties, the  
12 surrounding neighborhood, or the public health, welfare, and safety. The decision is not  
13 supported by findings and the findings are not supported by the evidence.

14 The project does NOT conform with the purpose, intent and provisions of the General  
15 Plan, the Community Plan, and the Specific Plan. The project is NOT compatible and in  
16 harmony with existing uses and development, not compatible with adjacent development.

17 The project adversely affects the welfare of the pertinent community which is surrounded  
18 on three sides by low density residential housing. Our residential property, and the community  
19 residential property scale and community character will be needlessly adversely affected. The  
20 decision is not supported by findings and the findings are not supported by the evidence.

21 The proposed use will detrimentally affect nearby residentially zoned community. The  
22 subject property has had 177 crimes and arrests compared to citywide average of 163. Further,  
23 there has been no finding of facts as to the high sale establishments of narcotics within the  
24 jurisdiction of the project compared to the city average.

25 Ingress to and egress from the project with adversely affect the residential property on  
26 Devonshire Street, the property at 15252 Devonshire Street will be further impacted by large  
27 truck deliveries on Devonshire, which previously did not occur. The decision is not supported  
28 by findings of fact, not supported by the evidence.

4-22-16

Sinde Romney  
Trustee