

## GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

Material which does not comply with the submission rules is not distributed to the Commission.

### ENABLE BOOKMARS ONLINE:

\*\*If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.


# INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

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If you have any questions, please contact the Commission Office at (213) 978-1300.

## 52 and 60 Market Hearing Continuance

External



Inbox x



**Jesi Harris**

1:32 PM (3 hours ago)



to me, Luis, Brian ▾

Hi, Alma,

I am the representative for the projects at today's West LA Area Planning Commission (APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV).

We will be requesting a continuance until the APCW meeting on June 4th at the hearing today because we were just made aware that we'll need to add a Zoning Administrator's Adjustment to accommodate a reduced egress passageway.

We would like for the continuance to be announced at today's meeting so that interested parties are aware of the change although they will also be noticed as part of the process for the new hearing.

Please let me know if you have any questions before today's meeting.

Best regards,

Jesi Harris

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**Jesi Harris**

*Sr Project Manager + Partner*

M: 704 777 7332

Objection to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV on May 7, 2025

External



Inbox x

**Margaret Molloy**

to me, Vince, Luis, Juliet ▾

📎 4:23 PM (20 minutes ago)



Please share with commissioners

Hello Commissioners,

Please consider these brief but important comments in opposition to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV on May 7, 2025.

Please confirm receipt.

Appreciatively,

Margaret Molloy



## Re 5/7/25 - Objection to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV on May 7, 2025

1 message

**Margaret Molloy** <mmmolloy@earthlink.net>

Tue, May 27, 2025 at 3:56 PM

To: Planning APC West LA <apcwestla@lacity.org>

Cc: Luis Lopez <luis.c.lopez@lacity.org>, Juliet Oh <juliet.oh@lacity.org>, Vince Bertoni <vince.bertoni@lacity.org>, Jon Wolff <jonwolffusa@aol.com>, Lydia Ponce <venicelydia@gmail.com>

Hello APC,

APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV were scheduled for hearing(s) on May 7, 2025. I submitted the email below dated May 7, 2025, with the attachment titled, "Objection to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV" submitted on behalf of myself, and Jon Wolff and Lydia Ponce, cc'd here. The applicant continued both hearing(s). On May 8 APC sent the confirmation email below stating that our objection email would "be made available for the commissioners' review." Today, I see that the "Day of Hearing Submissions" file for May 7 shows the cover email only, but not the pdf titled, "Objection to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV."

The City and the Commission has a duty to comply with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, including "Day of Hearing Submissions." Our cover email with the a timely "2-page" day of submission attachment titled, "Objection to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV" must be preserved in the public record fro this case.

As such, please post "attachment titled, "Objection to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV" to the public file for Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV on May 7, 2025. Please send us a confirmation link when that is completed.

Please all parties confirm receipt of this email.

Appreciatively,

Margaret Molloy

<https://planning.lacity.gov/dcpapi2/meetings/document/addtldoc/69273>

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On May 8, 2025, at 7:04 AM, Planning APC West LA <[apcwestla@lacity.org](mailto:apcwestla@lacity.org)> wrote:

Good morning Ms. Molloy,

Thank you for your submission, it will be made available for the commissioners' review.

On Wed, May 7, 2025 at 4:23 PM Margaret Molloy <[mmmolloy@earthlink.net](mailto:mmmolloy@earthlink.net)> wrote:

**Please share with commissioners**

Hello Commissioners,

Please consider these brief but important comments in opposition to Agenda Items #5, APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and #6, APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV on May 7, 2025.

Please confirm receipt.

Appreciatively,

Margaret Molloy

Jon Wolff

Lydia Ponce

3 attachments

52 and 60 Market Hearing Continuance

Jesi Harris

1 min · Last Seen

Hi, Wang,

I am the representative for the project at today's Plnd LP Area Planning Commission (APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV).

We will be requesting a continuance until the APCW meeting on June 10th at the hearing today because we were just made aware that we need to add a zoning administrator's equipment to accommodate a technical agency presentation.

We would like for the continuance time announced at today's meeting as that requested, as we are aware of the change, although they will also be notified as part of the process for the new hearing.

Please let me know if you have any questions before today's meeting.

Best regards,

Jesi Harris

City Project Manager / Planner

401 Via Vista Blvd

**APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV at 52 Market & APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV at 60 Market\_Jesi Harris Continuance Email.jpg**  
164K



**APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV at 52 Market & APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV at 60 Market\_Objection Email.jpg**  
377K



**Objection to 5. APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV at 52 Market (APN 4226008006) and 6. APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV at 60 Market (APN 4226008007).pdf**  
174K

Subject: Objection to agenda items #5 and #6 at WLAAPC on May 7, 2025

Hello Commissioners,

We object to agenda items #5 and #6 for the reasons stated below but not limited to these reasons. These two properties have the same owner. (#5) APCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV and (#6) APCW-2024-5238-SPPE-SPPC-CDP-CUB-WDI-ZV are identical planning entitlement requests for a unified project that spans both properties but are presented as two separate planning applications. This is unacceptable. Per Representative Brian Silveira (below), “LADBS Zoning told us that, because the density on each lot is legal-non-conforming (meaning we couldn't build 4 units on each lot under the current density limitation for the CM zone), that we could not create a "new" lot with 8 units because that would be tantamount to creating an illegal density.” Today, hearing officer Luis Lopez wrote, “It is currently anticipated that the APC will hear both items at the same time to minimize redundancy.” **#5 and #6 are a unified project.** Additionally, the Applicant seeks to add a new restaurant with a full line of alcohol to an existing “legal-non-conforming” 100% residential use.

**MELLO ACT:** LA Housing Department (LAHD) records for 4226008006 at 52 Market shows 4 RSO units with no exemptions, with the last SCEP inspection on 9/15/2022.

<https://housingapp.lacity.org/ReportViolation/Pages/PublicPropertyActivityReport?APN=&CaseType=2&CaseNo=817271>

LAHD records for 4226008007 at 60 Market shows 4 RSO units with no exemptions, with the last SCEP inspection on 9/15/2022.

<https://housingapp.lacity.org/ReportViolation/Pages/PublicPropertyActivityReport?APN=&CaseType=2&CaseNo=817275>

**State law supersedes local ordinances and zoning.** The Mello Act specifically prohibits the conversion of a “residential structure” to other uses, except in very narrow exceptions that do not apply here. The proposed mixed-use structures here violate the Mello Act. On 10/19/2021 California Coastal Commission (CCC) Staff Comments on City of Los Angeles Draft Mello Act Ordinance (CF 15-0129-S1) state, “Furthermore, the Mello Act states that the conversion or demolition of any residential *structure* for purposes of a nonresidential use is not authorized, unless residential use is no longer feasible in that location. The mixed-use development policy outlined above is therefore not consistent with the Mello Act, since it expands the definition of “residential structure” beyond the intent of the Mello Act. Commission staff is aware of several recent developments, especially in Venice, that have already incorporated draft language of this Ordinance to justify approval of the demolition or conversion of residential properties for purposes of mixed-use properties along commercial corridors. In addition, developers have illegally converted an entire residential structure to commercial, non-residential use, with no consequence.” This project cannot be approved.

**IMPROPER BIFURCATION VIOLATES COASTAL ACT § 30105.5:** "Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Approval would set precedent and irreparably harm the development of a certified Venice Local Coastal Program (LCP). This project cannot be approved.

**HARDSHIP:** In the “Conclusion” paragraph in the Letter(s) of Determination (LOD) for #5 and #6, Planning staff writes, “In staff’s review of the project, subject site, and surrounding area, there are exceptional circumstances applicable to the subject property that do not generally apply to other properties within the Specific Plan area.” Mello prohibits conversion of an existing “legal-non-conforming” 100% residential *structure* to a mixed-use project, and a “legal-non-conforming” use is lost with a conversion and intensification of use that is proposed here. There are not “exceptional circumstances.”

**YOU CANNOT APPROVE THIS PROJECT:** The proposed project(s) violate the zoning code, Coastal Act, and Mello Act, and would set a precedent and irreparably prejudice the development of a certified Venice Local Coastal Program.

Appreciatively, Margaret Molloy, Jon Wolff, Lydia Ponce

**From:** Brian Silveira <[brian@bsilveira.associates](mailto:brian@bsilveira.associates)>

**Subject:** 52 & 60 Market Street

**Date:** February 19, 2025 at 11:01:03 AM PST



To: "mmmolloy@earthlink.net" <mmmolloy@earthlink.net>

Hi Margaret,

I hope this is the correct email address. I found it linked to an email from back in 2023.

### **Original CEXs**

We filed two CEXs (one for each building) in October of 2023. Those CEXs are linked [HERE](#) for 52 Market and [HERE](#) for 60 Market. You can also link to them via ZIMAS and PDIS, which I'm sure you already know.

**Those CEX's, along with the original permits referenced in the CEX's, were filed to push the existing units out to a zero setback, attach an arcade, and redesignate the dwelling units (2 in each building) to AIRs. This was basically the same project as we're currently proposing but without the small commercial spaces at grade.**

**The applicants** did the project as a CEX because, as they stated at the hearing, their goal is to do value-add and they typically stay clear of anything that would involve a Coastal Development Permit.

But a couple of things changed that led us to the current project:

- First, **The Venice Unit would not issue us a clearance on our permit because it was their opinion that the 5-foot residential setback in the North Venice sub area applied to our project.** despite the fact that we were located in an Industrial LUP area;
- Second, the project became AB 2097 eligible in May of 2024  
Since there was no value-add project without a full CDP-SPE and we no longer had a parking requirement, **we came up with the idea of going for the cafes**, which is something the applicant (and the neighbors) had wanted anyway but which was not possible without AB 2097.

### **Two Seperate CDP Cases**

The two buildings are owned together, but the lots are not tied. **Because the lots are not tied, DCP instructed us to file two separate CDP's.**

This resulted in the applicant paying double the filing fees and double the notification fees, which was more than \$50k additional. The applicants were not happy. **I personally think it's silly that we did two completely separate hearings,** but DCP wanted to make sure they were following all Brown Act procedures.

We looked into tying the lots prior to filing the original CEX's. **LADBS Zoning told us that, because the density on each lot is legal-non-conforming (meaning we couldn't build 4 units on each lot under the current density limitation for the CM zone), that we could not create a "new" lot with 8 units because that would be tantamount to creating an illegal density.**

### **Appropriateness of AIRs**

**LADBS zoning has confirmed that an AIR is a dwelling unit by definition**, so there is no conflict with Mello or HCA. I believe this is spelled out pretty clearly in the zoning code, **but I understand you may have a different opinion.**

This block of Market Street has, for most of its history, been commercial/industrial. **We simply felt that AIR would be a more appropriate way to market the units since this block is not really viewed by most as being a residential block,** and because so many people are working from home these days anyway.

Please let me know if you have any other questions or concerns. I'm also happy to meet with you in-person or on zoom to talk through everything.

Thanks,

**Brian Silveira**  
Founder + Principal  
M: 310.753.1090

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**From:** Luis Lopez <luis.c.lopez@lacity.org>

"It is currently anticipated that the APC will hear both items at the same time to minimize redundancy.



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## # WLAPCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV

3 messages

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**Ingrid Mueller** <ingridinvenice@gmail.com>  
To: Planning APC West LA <apcwestla@lacity.org>  
Cc: Margaret Molloy <mmmolloy@earthlink.net>

Mon, May 19, 2025 at 1:27 PM

Ladies and Gentlemen,

I agree with Legal Oppositions submitted by Margaret Molloy at your last hearing for this 50 - 60 Market Street proposal.

After 38 years of (very) Affordable Housing advocacy in our beloved Venice, it pains to know locals continue loophole attempts to remove existing RSO homes.

Also, this block off OFW needs no more CUBs:

\*walk-ups to the W at OFW serve alcohol;

\*the fancy restaurant abutting these two quadruplets seems to struggle...but on weekends;

\*across the street, Snapchat properties have been For Lease for years...

And about LA' Ordinances & Zoning laws:

\*our CA State Laws Rule here.

IMsubmitting public comment by 5/21/25, although this proposal has not been agendized for your next meeting..."to be re-heard at unknown date"

Sincerely, indeed,

{at 81, digitally impaired, happily}

Ingrid Mueller

Tenant, Landmark Lincoln Place

since 1988

---

**Planning APC West LA** <apcwestla@lacity.org>  
To: Ingrid Mueller <ingridinvenice@gmail.com>  
Cc: Margaret Molloy <mmmolloy@earthlink.net>, Ari Briski <ari.briski@lacity.org>

Mon, May 19, 2025 at 1:58 PM

Hello Ms. Mueller,

We are in receipt of your initial submission, and it will be made available for the commissioner's review.

Thank you,

[Quoted text hidden]

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**Ingrid Mueller** <ingridinvenice@gmail.com>  
To: Planning APC West LA <apcwestla@lacity.org>

Mon, May 19, 2025 at 2:14 PM

Thanks for the feedback!

[Quoted text hidden]



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## # WLAPCW-2024-5236-SPPE-SPPC-CDP-CUB-WDI-ZV

1 message

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**Ingrid Mueller** <ingridinvenice@gmail.com>  
To: Planning APC West LA <apcwestla@lacity.org>  
Cc: Margaret Molloy <mmmolloy@earthlink.net>

Mon, May 19, 2025 at 1:27 PM

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{at 81, digitally impaired, happily}

Ingrid Mueller

Tenant, Landmark Lincoln Place

since 1988

# **SECONDARY SUBMISSIONS**

# **DAY OF HEARING SUBMISSIONS**

PLEASE SHARE WITH COMMISSIONERS

From: Brian Silveira <[brian@bsilveira.associates](mailto:brian@bsilveira.associates)>

Subject: **52 & 60 Market Street** Date: February 19, 2025

**Two Separate CDP Cases**

The two buildings are owned together, but the lots are not tied. **Because the lots are not tied, DCP instructed us to file two separate CDP's.**

This resulted in the applicant paying double the filing fees and double the notification fees, which was more than \$50k additional. The applicants were not happy. **I personally think it's silly that we did two completely separate hearings**, but DCP wanted to make sure they were following all Brown Act procedures.

We looked into tying the lots prior to filing the original CEX's. **LADBS Zoning told us that, because the density on each lot is legal-non-conforming (meaning we couldn't build 4 units on each lot under the current density limitation for the CM zone), that we could not create a "new" lot with 8 units because that would be tantamount to creating an illegal density.**

HELLO COMMISSIONERS,

The City of Los Angeles's Department of City Planning cannot ignore or supersede state laws including but not limited to the Subdivision Map Act, Mello Act, Coastal Act, and well as the LAMC and zoning laws.

**Lot Tie Required**

Regarding a lot tie, Morehart v. County of Santa Barbara establishes that the SMA is the only way to achieve a lot tie. Ownership of contiguous lots by the same owner does not provide any privilege for a unified project, such as proposed here.

**Morehart v. County of Santa Barbara (1994) 7 Cal.4th 725 , 29 Cal.Rptr.2d 804; 872 P.2d 14**

The Subdivision Map Act (Gov. Code, § 66410 et seq.) provides that contiguous parcels of land are not automatically merged by virtue of being held by the same owner. Such parcels "may be merged by local agencies only in accordance with the authority and procedures prescribed by this article" ( id., §§ 66451.10-66451.21], which "provide[s] the sole and exclusive authority for local agency initiated merger of contiguous parcels." ( Id., § 66451.10, subd. (b); all section references are to the Government Code unless otherwise indicated.)

**A Unified Project is Prohibited by SMA - A Combined Density Project is Prohibited by LADBS**

Silveira stated, "LADBS Zoning told us that, because the density on each lot is legal-non-conforming (meaning we couldn't build 4 units on each lot under the current density limitation for the CM zone), that we could not create a **"new" lot with 8 units because that would be tantamount to creating an illegal density.** "

Both planning (SMA) and LADBS inherently prohibit this project for the reasons stated here.

**Mello Act**

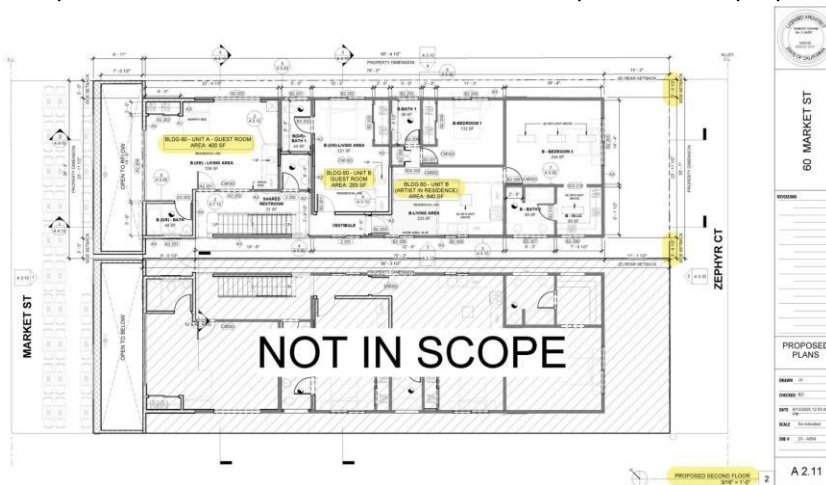
**The conversion of two 100% residential structures is prohibited by the Mello Act.**

The legislature approved the Mello Act in 1982, The City has failed to approve a permanent Mello Ordinance. See Venice Town Council v City of Los Angeles.

On 10/19/2021 California Coastal Commission (CCC) Staff Comments on City of Los Angeles Draft Mello Act Ordinance (CF 15-0129-S1) state, "Furthermore, the Mello Act states that the conversion or demolition of any residential **structure** for purposes of a nonresidential use **is not authorized, unless residential use is no longer feasible in that location. The mixed-use development policy outlined above is therefore not consistent with the Mello Act, since it expands the definition of "residential structure" beyond the intent of the Mello Act.** Commission staff is aware of several recent developments, especially in Venice, that have already incorporated draft language of this Ordinance to justify approval of the demolition or conversion of residential properties for purposes of mixed-use properties along commercial corridors. In addition, developers have illegally converted an entire residential structure to commercial, non-residential use, with no consequence." This project cannot be approved.

### PASSAGEWAY

The passageway is shared between these two residential buildings. **It is 3 feet only on each side and is now proposed as a shared facility for the entire restaurant and residential project.** It is the ONLY access to trash receptacle for the entire restaurant that encompasses both properties. That is entirely infeasible for residents.



### Artists in Residence

AIRs are commercial uses, regardless of what Planning says.

### ABC LICENSE

ABC looks at noise, nuisance, traffic, parking, and quality of life issues. No-one could approve this project under all of these circumstances - no-one would have a healthy residential life in the residential units at this property under these conditions.

### Collonade

The originally proposed CEXs did not include a commercial component but did include a collonade facade.

### Conclusion

You cannot approve this project because it violates the Subdivision Map Act and Mello Act.