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- **“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.
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SECONDARY SUBMISSIONS

MOUNT WASHINGTON HOMEOWNERS ALLIANCE



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East Los Angeles Planning Commission

200 N. Spring Street

Los Angeles, CA 90012

July 6, 2020

RE: DIR-2018-1190-SPP, ENV-2018-1191-CE, Lot 28 Along Killarney Avenue

Dear Commissioners:

The Mount Washington Homeowners Alliance (“MWH”) strongly urges this Commission to either:

1. Grant the appeal of Phot Luisiri and send this case back to the Planning Department for reconsideration on the ground that the Director and Zoning Administrator abused their discretion and failed to proceed in accordance with law. The City’s acceptance for processing the Project application for a street address legally inconsistent with the Covenant and Settlement Agreement that resolved the litigation of Gary Roy v. Phot Luisiri et al. (BC 422522), and inconsistent with the City’s own address approval criteria, would place the City in breach of the Covenant that the subject property has no legal right of access (including even a pedestrian gate) to Private Randall Court. Until the Project application is corrected to a proper street address that is consistent to its only legal access along Killarney Avenue, the City has no right to consider the Project application complete, process it, or even worse, issue a legal document purporting to approve a project street address inherently inconsistent with the Covenant. The ill-conceived Director’s Determination, using “1538 Randall Court” as the Project’s street address, creates a cloud on the title of the private landowners whose can enforce the Covenant by once again demanding their title companies sue or defend against the City for this unlawful determination. Until this fatal deficiency is corrected in City records to be consistent with the City’s payment of \$5,000 to settle the prior litigation and bind itself to the Covenant, the Commission must not perpetuate prior errors the City made in allowing the subject lot to have a Randall Court street address in the first place.

2. Or, on the condition that the Applicant agrees to any and all necessary time extension for her to apply to the City Street Bureau to process a change of address for the subject property, continue the hearing in this case until such time as the Applicant has processed the necessary paperwork with the Street Bureau to REMOVE the unlawful 1538 Randall Court address from all affected City data bases including ZIMAS, and INSERT the properly assigned Killarney Avenue street address. Once the City’s official records are shown to have been corrected, at a continued hearing date, the East Los Angeles Planning Commission can issue a revised Letter of Determination that approves the Project only for its legal street address located at XXXX Killarney Avenue, and striking from the public record any suggestion that the owner of the subject lot has any right to trespass on the private property of the Randall Court private owners by virtue of the erroneously assigned 1538 Randall Court street address.

ANALYSIS OF ISSUES

1. The Department of City Planning Appeal Report is wrong that the subject site is a “Through Lot” that is legally permitted two street addresses; issuing a new decision with an address inconsistent with the Covenant attached to the Staff Report places a new cloud on the title entitling the landowners, through their title companies, to sue the City for messing up their title a second time.

In the Background section on page A-1, the City’s Planners state: “The lot is a Through Lot and fronts Killarney Avenue, which is considered a Substandard Hillside Limited Street with an improved 30-foot right-of-way width and a 21-foot roadway width; **the lot also fronts Randall Court, which is an alley created through a reciprocal easement.**” (Emphasis added.)

The staff seems to rely on its claim of a Through Lot as an “argument” that the street address of “1538 Randall Court” is a legally proper street address. It is not. The staff’s factual claims are not supported in law or fact.

Los Angeles Municipal Code has the following definitions in Section 12.03:

“LOT. A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter **and fronting for a distance of at least 20 feet upon a street as defined here**, or upon a private street as defined in [Article 8](#) of this chapter. The width of an access-strip portion of a lot shall **not be less than 20 feet at any point.**” (Emphasis added.)

“LOT, THROUGH. A lot having a frontage on two parallel or approximately parallel **streets . . .**” (Emphasis added.)

“STREET. Any **public thoroughfare other than an alley or walk**, except that in those cases where a subdivision has been recorded containing lots **which about only** on an alley or walk, said alley or walk may be considered to be a street.” (Emphasis added.)

Based upon the municipal code, in no way does the subject property meet the definition of a Through Lot, and Randall Court is not a City street, alley or public thoroughfare. The original tract map shows the subject property, Lot 28, as fronting Killarney Avenue on the south, and a backyard lot line for lots to the north (the private lots where Private Randall Court is constructed). No public alley was created when the lots were recorded in tract maps.

But City staff nonetheless state that the subject property “fronts Randall Court, which is an alley created through a reciprocal easement.” Even if Randall Court was an alley (which it is not because alleys are “public thoroughfares”), the City’s definition of “Street” excludes an alley from the definition of “street.” Thus, the subject property would not qualify as a Through Lot even under the Planning Director’s incorrect characterization of Randall Court as a public “alley”.

The City staff avoids in its report referring to Randall Court as a *privately* created street/alley, but that is what it is. It has never been a public thoroughfare. In the 1940s, the owners of the lots uphill of the subject property decided to enter into a PRIVATE reciprocal easement across the rear 20 feet of their backyards in order to create a private roadway on the crest of the hill. They then built their houses to “front” this private roadway instead of constructing access to the street they actually front on the subdivision map: Burnell. At the time, and to this day, Burnell Avenue is a narrow unimproved dirt road that has never been developed as a usable public street. Burnell is located over the crest of the hill and down the hill on the other side of the crest.

The Planning staff has disrespected Mr. Luisiri and this Commission by failing to disclose to you or acknowledge in any way the relevant history of litigation and dispute over the subject lot's previous owner trying to force his way into access for development along the south side of Private Randall Court.

The litigation was complex and costly. Several different title companies entered the Gary Roy v. Phot Luisiri litigation to defend all the landowners along the private reciprocal easement. As Mr. Luisiri points out, hundreds of thousands of dollars of attorney's fees were incurred by the title companies to defend against Mr. Roy's meritless claims to a legal right of access to Private Randall Court.¹

However, this Commission need not get involved in having to understand all the right of access arguments and prior litigation because in settlement of that litigation, Mr. Roy granted a Covenant *for the benefit of the City of Los Angeles and all the landowners along Private Randall Court at the time of the settlement*. The City and all settling parties agreed to the accuracy this binding statement of the facts found on page 2 last two paragraphs of the Covenant and Agreement recorded in the County's records:

"WHEREAS, on April 13, 1948 a certain Easement Deed recorded in Book 26909, Page 420 of the official records of the County Recorder of Los Angeles County, creating a reciprocal easement for an alley [private] over portions of Lots 421 through 429 of said Tract 3867 and a portion of Lot 49 of said Tract 7367 for the benefit of Lots 421 through 429 of Tract 3867 and Lots 40 and 49 of Tract 7367. **Lot 28 [the subject lot in this case before the Commission] of said Tract 4417 is not one of the lots described in the Easement Deed entitled to use the easement.**

WHEREAS, in 1965, the City of Los Angeles conditionally approved an application for Private Street Map 456 to create a private street over the southerly twenty feet of Lots 421 through 427 of said Tract 3867 for the benefit of Lots 25 through 28 of said Tract 4417, which conditional approval required, among other things, that the owners of Lots 421 through 427 of said Tract 3867 record an agreement to the effect that they will join in any future proposed dedication of Private Street 456 as a public street or alley and in 1965, R.L. Stephens, who did not own the land, recorded an agreement which purports to agree to join in any future proposed dedication of Private Street 456 as a public street or alley. On or about 1981, the deputy director of the City's planning department mistakenly concluded that all of the conditions for approval for Private Street 456 had been complied with, and in or about 1989, the City discovered that Stephens did not own Lots 421 through 427 of said Tract 3867 at the time the application was made or at the time the agreement was recorded and upon discovery of this fact, **the approval for Private Street 456 was revoked.**" (Emphasis added.)

Thus, the facts agreed upon by the City, the landowners, and Mr. Roy establish that a private roadway or alley was established under the 1948 reciprocal easement to benefit certain lots, but not Lot 28 at issue in this case. And, although there was an effort to establish a Private Street under the City's municipal code, the fraud of R.L. Stephens ended that effort with a revocation of the Private Street 456 proceedings.

When Mr. Roy and his attorney were educated in arbitration that none of his theories of having a right of public access to Private Randall Court were viable, he agreed to settle the case for some money, including \$5,000 of taxpayer money spent by the City of Los Angeles to help end the litigation. At the time of settlement, the Land Use section of the City Attorney's office did not process an address change consistent

¹ In addition, in a campaign of intimidation and suppression of free speech of the community, Mr. Roy sued everyone in sight including the MWAH, making baseless allegations of racial discrimination under the state's public accommodation law. MWAH and all defendants immediately filed an anti-SLAPP motion to dismiss this second lawsuit showing Mr. Roy would not prevail on the merits, which dismissal was granted. MWAH and others were granted judgment for over \$106,000 in attorney's fees from Mr. Roy, and recovered most of these fees in a lien on Mr. Roy's later sale of the subject property.

with the Covenant that Mr. Roy executed for the City's benefit. This was unfortunate because for the last 10 years, ZIMAS and other City databases continued to assign the legally improper street address of 1538 Randall Court to Lot 28.

The prior litigation by Mr. Roy was triggered by other errors of the City. When the City's assigned Zoning Administrator, Albert Landini, issued a Specific Plan Compliance Determination in 2009 approving Mr. Roy's house plans adjacent to the back lot lines of the Private Randall Court homes on Lot 28, but without ANY demonstrated right of access, litigation inevitably followed. Landini's decision is too long to attach to this letter, but Commission members can view it at:

<https://planning.lacity.org/pdiscaseinfo/search/encoded/MTczMDU50> for ZA-2008-2262-ZAD-SPP-1A associated with the subject property. (MWHHA requests the Clerk add this document based upon this precise internet link citation.) In this decision, Landini reproduced without critique, various theories Mr. Roy espoused why he had a right of access to Private Randall Court. One of those theories dutifully reproduced by Landini was Roy had a right of access **because the City's ZIMAS system had an assigned street address for 1538 Randall Court.**

It was Landini's issuance of a Letter of Determination, using the 1538 Randall Court address merely because it is in ZIMAS, that immediately drew land use appeals by some of the landowners, and supported by the MWHHA. Just prior to the Commission's July 2009 hearing, Mr. Roy served his discrimination lawsuit against everyone whose name was associated with the appeal. The landowners and MWHHA were not intimidated and appeared at the hearing. This Commission granted the appeal (See attached decision.)

It is often said that: "He or she who fails to learn history, is doomed to repeat it." That is what the Planning Director, acting through planners Debbie Lawrence, Nicole Sanchez, and Dylan Lawrence, who signed a new decision, perpetuating the same cloud on the title of adjoining landowners by failing to require the applicant to fix the street address error in City records BEFORE being allowed to process this application.

Now we have another published and "official" City Planning decision utilizing the same incorrect (and literally unlawful street address). If this decision is left standing without correction now, when everyone is educated about the imperative to finally correct the City's records, the City risks kicking the can down the road and inviting new litigation from the adjoining landowner title companies whose rights are impaired. The City should never have taken this new official action **directly contrary to the facts and agreement it entered into to settle the Gary Roy lawsuit.** It is as if the City Planners flushed the taxpayer's \$5,000 settlement down the toilet to trigger a whole new round of lawsuits.

And the presence of the 1538 Randall Court street address in ZIMAS and other City databases is clearly unlawful. The City's definition of LOT quoted above requires that a lot have at least 20 feet of frontage access to a street. As agreed to by the City in prior litigation, Randall Court is a private roadway/alley, and it never became a lawful Private Street under the municipal code. Lot 28, since it is not a participating lot in the 1948 reciprocal easement, cannot be construed "to front a public street" or enjoy a private right of access to Private Randall Court.

The staff report hides all these facts from the Commission and public. The staff asserts that the owner has been "encouraged" to change the address during the NON-PUBLIC building permit process. Given the likelihood that a Building and Safety Department reviewer cannot be expected to take in all of this information, the Commission should take the prudent course. That would be to either grant the appeal and send the case back to require an amended application form and revised design plans with the corrected address, based upon a corrected ZIMAS address assigned by Street Services, or continue this hearing with the applicant's consent until such time as the address change is processed and entered into City databases, and the Commission could issue an amended Determination Letter with a street address that does not place a cloud on the title of adjoining landowners.

2. The Staff Report contains no substantial evidence showing the project requires only 915 cubic yards of excavation and export; given the cliff-like condition of Lot 28, it appears the applicant has

underestimated the grading required; a haul route hearing and the rigorous grading standards of the Baseline Hillside Ordinance likely apply.

To test the credibility of the applicant's claim that only 915 cubic yards of soil will be excavated and exported, MWA examined the plans attached to the Staff Report. From simply looking at the original slope of the lot shown on pages 4, 5 and 6 of the Plans attached to the Staff Report, major portions of the hillside must be excavated for the garage, the basement, the first floor, second floor and backyard with a retaining wall. Plain common sense demands that the applicant be required to submit actual cubic yard calculations based upon the topographical steep slope of the lot.

There is also some evidence of possible concealment of the actual grading amount. On page 1 of the Plans, the grading amounts have been modified as shown with the traditional "bubble" circle surrounding the modifications to the original plans.

The Letter of Determination fails to attach any calculations of grading estimates to support the 915 cubic yard figure. Therefore, the City has failed to demonstrate with objective evidence that the Project does not require a haul route (for 1,000 cubic yards). Additionally, the Baseline Hillside Ordinance, on a Limited Substandard Hillside Street, only permits 750 cubic yards of grading. The City's Determination fails to analyze the grading limits of the Baseline Hillside Ordinance and the plans establish that a variance is required to approve this massive amount of grading in violation of the Baseline Hillside Ordinance. This is a blatant failure to enforce the laws of the City by the City Planners charged with a duty to disclose and analyze the City's applicable laws – all of them.

3. The Staff Report fails to acknowledge or discuss the existence of and applicability of the Baseline Hillside Ordinance to calculate the applicable maximum Floor Area Ratio; Section 2 of the Specific Plan requires City Planners to apply the more restrictive Baseline Hillside Ordinance on steeply sloped lots like the subject property in this case if the calculation results in a more restrictive Floor Area Ratio.

Under the Baseline Hillside Ordinance, when a lot is steep, the authorized Floor Area of the building is restricted – usually more than under the Specific Plan. Because Section 2 of the Mount Washington/Glassell Park Specific Plan specifies that Floor Area Ratio shall be determined by the Specific Plan or the City's Municipal Code **whichever is more restrictive**, the City has failed to proceed in accordance with law to determine the slope contours of this property, and determine the allowable Floor Area Ratio under the Baseline Hillside Ordinance. Having failed to perform the analysis required by law, the City has failed to conform its conduct with the City's municipal code.

4. A Categorical Exemption cannot apply when the City relies upon the project conditions recommended by the applicant's geology expert; those are not "regulatory compliance measures" imposed by law; the City is imposing project conditions through the grading report which is inconsistent with use of a categorical exemption.

In accordance with its recently developed pattern and practice to evade proper review under the California Environmental Quality Act ("CEQA"), the City started referring to the City's approval letter of an applicant's geology firm's report as a regulatory compliance measure. On the subterfuge that the City's exercise of discretion to use the applicant's recommended construction measures and precautions, or to edit, delete or add requirements, is a ministerial application of a law, is a misrepresentation by the City.

Prior to this recent change in CEQA compliance, the City conducted a mitigated negative declaration process, and the construction measures adopted by the City with the exercise of discretion were set forth as construction mitigation measures in the initial study/MND circulated for public comment. CEQA imposes a mandatory duty upon the City to incorporate the approved mitigation measure in a soils report approval letter into the mitigation monitoring program in order to prove to the public that such measures are legally

enforceable. For decades, that is precisely what the City did – and it did so routinely because it is required to lawfully comply with CEQA’s mandates.

However, in the last few years, the entire City Hall land use process has been infected with little regard for compliance with certain land use and environmental laws the City Council member’s campaign contributors regard as inconvenient to their greed and profit. Instead, City planners have been pressured to rush projects through the approval process, and the “sleight-of-hand” of claiming a discretionary geotechnical report approval is a regulatory control measure is just one glaring example of the City’s open defiance of state law mandates on its environmental review process.

Under the City’s new “approach” the City asserts in the Determination Letter that the measures recommended by the applicant’s expert, as adopted or modified by the City’s discretion, are “Regulatory Control Measures.” This contention is false. A regulatory control measure is a law, regulation, or enforceable policy applied without discretion, and may only be used in a negative declaration or mitigated negative declaration if the City can demonstrate with objective study and substantial evidence that application of a particular regulatory measure will in fact, in this particular project, reduce the potential the potential environmental impact beneath the level of significance. The City’s change to claiming the approval of the soils and geology report is a regulatory compliance measure amounts to the City hiding mitigation measure in the incorrect processing of a notice of exemption – and even worse, the City endangers hillside lives by failing to make those approval letter measures legally enforceable against the developer. This pattern and practice violates CEQA in these ways.

5. The City’s boilerplate Regulatory Control Measures document is inconsistent because the City has failed to demonstrate that all of the risks and significant impacts of steep hillside construction will be mitigated beneath the level of significance for each potential significant impact of the project; accordingly the Regulatory Control Measures, none of which the City explains is or is not applicable to THIS PROJECT, is inconsistent with use of a Notice of Exemption, and therefore a failure to comply with CEQA’s mandatory process.

The City’s recent pattern and practice of trying to use a laundry list of regulatory control measures that “might” or “could” apply to the Project, in the discretion of the City, during the building permit process, is inherently inconsistent with either a Notice of Exemption or a Mitigated Negative Declaration. A project qualifies for a Categorical Exemption if there it fits the requirements of a particular category and there is no evidence that the project has unique characteristics that make use of an exemption inappropriate. The Project’s lot is literally a bedrock cliff at the street. It slopes very steeply uphill. In order to avoid this extraordinary construction challenge, the Director’s Determination fails to mention the Baseline Hillside Ordinance as applicable to the project and restricting the amounts of grading without application for a variance. The City made environmental findings when the Baseline Hillside Ordinance was adopted that excessive grading above certain levels were significant environmental impacts. The Director may not “whistle past the graveyard” by evading disclosure of the land use inconsistency with the Baseline Hillside Ordinance. No City official has the authority to approve a project that violates a law applicable to the project, yet completely ignored in the operative Determination Letter.

Sincerely,

Nicole Thomas, President

Nicole Thomas
President, MWHHA



EAST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: JUL 07 2009

Case No. ZA-2008-2262-ZAD-SPP-1A
CEQA: ENV-2008-2263-MND

Address: 1538 North Randall Court
Council Districts: 1 and 14
Plan Area: Northeast Los Angeles
D.M. 148.5A217 / 148.5A219
Legal Description: Lot 28, Tract 4417

Applicant: Gary Roy
Representative: Roger Arquinez, Design Control, Inc.

Appellant: Phot Luisiri, Daniel Marlos, and Mount Washington Homeowners Alliance
Representative: Daniel Wright

At the meeting on June 10, 2009, the following action was taken by the East Los Angeles Area Planning Commission:

1. **Corrected** the project description to now read as follows:

...a new single-family dwelling 37 feet in height, having an area of ~~3,370~~ 2,975 square feet (including a 400 square-foot garage, 300 square feet of covered decks, and in addition 395 square feet of uncovered balconies, not to be included in the total floor area)...

2. **Granted** the appeal.

3. **Overturned** the action of the Zoning Administrator's decision (January 30, 2009 decision), and *denied* the request **1)** pursuant to Los Angeles Municipal Code Section 12.24-X,21, for the construction, use and maintenance of a new (corrected project description) single-family dwelling, 37 feet in height, having an area of ~~3,370~~ 2,975 square feet (including a 400 square-foot garage, 300 square feet of covered decks, and in addition 395 square feet of uncovered balconies not to be included in the total floor area) on a substandard hillside street with an improved frontage of 15 feet in lieu of 20 feet, Section 12.21-A, 17 (e)(3), on an access route not improved to a minimum width of 20 feet in a hillside area, and on a substandard Hillside Limited Street improved to a width of less than 20-feet; and **2)** pursuant to Los Angeles Municipal Code Section 11.5.7.C, a request for a Project Permit Compliance with the Mount Washington/Glassell Park Specific Plan, on an approximately 6,938 square-foot lot in the R1-1 Zone.

4. **Adopted** new Findings (attached).

5. **Did Not Adopt** Mitigated Negative Declaration ENV-2008-2263-MND.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

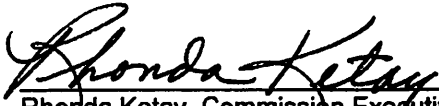
This action was taken by the following vote:

Moved: Marquez
Seconded: Garcia
Ayes: Marquez, Garcia, Lowe
Absent: Angula, Lopez

Vote: 3 - 0

Effective Date:
Effective upon the mailing of this report

Appeal Status:
Not further appealable to City Council


Rhonda Ketay, Commission Executive Assistant
East Los Angeles Area Planning Commission

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to the California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Findings

cc: Al Landini

FINDINGS

Substandard Hillside Streets

In order for relief to be granted from requirements permitting the construction of buildings on Substandard Hillside Streets, all findings mandated in Section 12.24-X,21 of the Municipal Code must be made in the affirmative. The following finding was made by the East Los Angeles Area Planning Commission:

- Approval of the subject use is not in conformity with the public necessity, convenience, general welfare and good zoning practice and will not be in substantial conformance with the various elements and objectives of the General Plan, because, based on the public testimony, there is a clear, substantial, and as yet unresolved dispute between the applicant and neighboring property owners as to right(s) of access from the subject property to Randall Court a Private Street, and that it is not within the purview of the Commission to resolve that dispute. This dispute and the access issue(s) need to be resolved prior to any action(s) being taken regarding house design and site development for the subject property, and it is noted here that there is an alternative access to the subject site from a public street (Killarney).

Project Permit

In granting a Project Permit Compliance pursuant to Ordinance No. 168,707 it must be determined that the subject project substantially complies with applicable regulations, standards and provisions of the Mount Washington/Glassell Park Specific Plan.

- The East Los Angeles Area Planning Commission acted to grant the appeal denying the Project Permit Compliance with the Mount Washington/Glassell Park Specific Plan report as issued by the Community Planning Bureau and approved by the Zoning Administrator in that without access to Randall Court being permitted, any housing project taking access from Killarney Avenue would be substantially changed from that which was considered under the Project Permit Compliance report considered herein and that Section 6: One-Family Standards, e. Public Health and Safety – Grading would substantially change from the 3 cubic yards of graded material proposed under the subject project to some unknown amount based on possible future plans.

Environmental

- The East Los Angeles Area Planning Commission acted to not adopt Mitigated Negative Declaration No. ENV 2008-2263-MND (Article V – City CEQA Guidelines) finding that said document did not adequately address issues associated with cumulative construction impacts and the impacts that the staging of construction equipment would have on immediate neighbors and surrounding properties, haul route impacts on immediate and surrounding neighborhoods, through narrow streets winding through the area, involving such streets as Killborne, Killarney, Burnell and Randall Court.

Google Maps · 1600 Killarney Ave

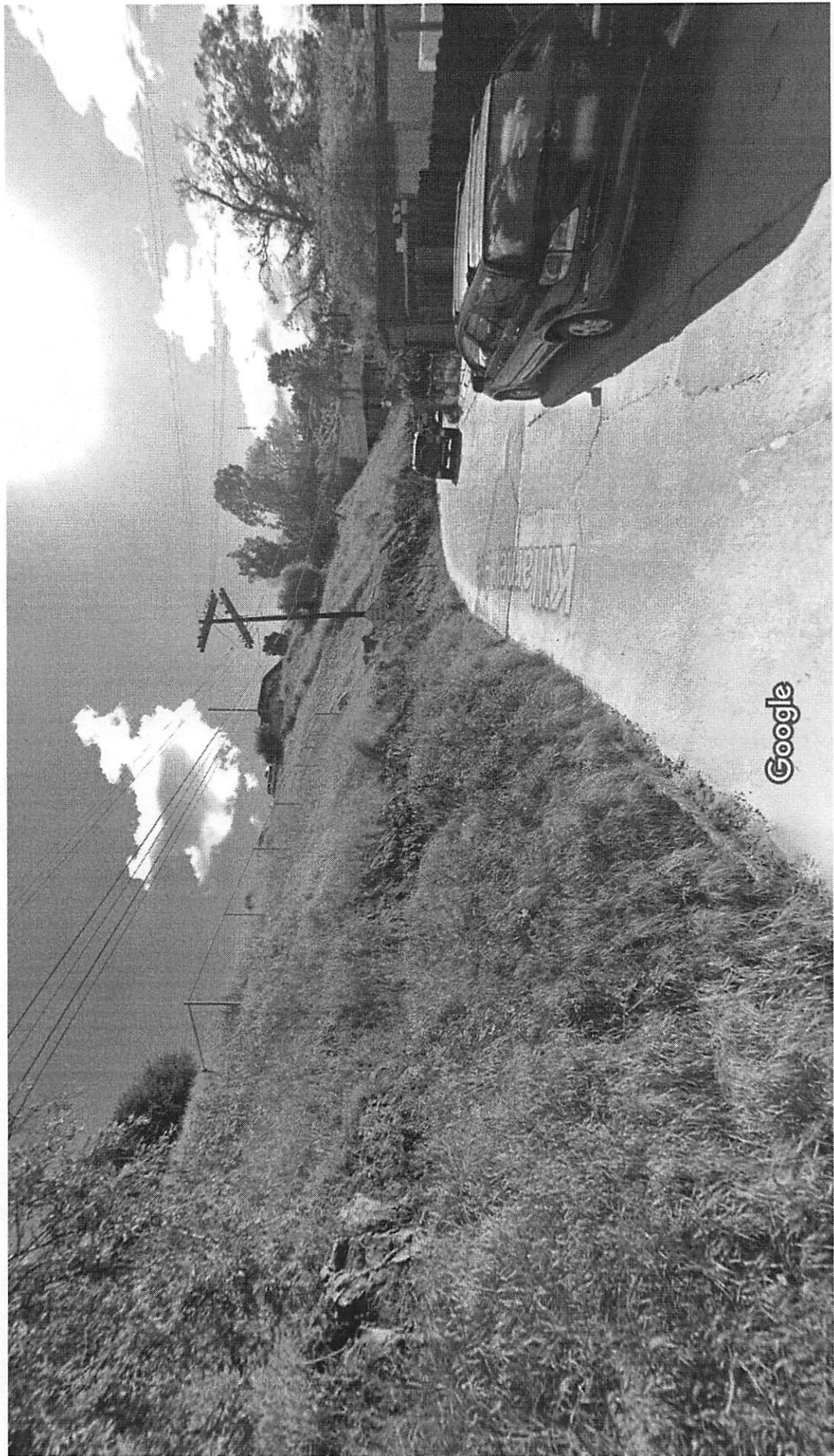


Image capture: Mar 2019 © 2020 Google

RANDALL STREET COLLECTIVE
1545 N. Hobart Blvd., Apt. 107
Los Angeles, California 90027

November 12, 2014

**CERTIFIED MAIL-
RETURN RECEIPT REQUESTED**

Kim Rodgers Westhoff, Deputy City Attorney
City of Los Angeles
200 North Main Street
Room 701 – City Hall East
Los Angeles, California 90012

Re: *Roy v. Luisiri, etc., et al.*
LASC Case No.: **BC 422 522**
Sale of Real Property Listed as 1538 Randall Court, Los Angeles

Dear Ms. Westhoff:

As you will recall, you represented the City of Los Angeles named in the above-referenced lawsuit, along with the undersigned residents and owners of Randall Court, a privately-owned street in Los Angeles. The City and the residents were victorious in preventing the previous owner of the lot, Mr. Roy, from gaining access to and from his property via Randall Court. Enclosed you will find a copy of the Covenant and Agreement Affecting Real Property, confirming that no ingress or egress can be gained to or from the property from Randall Court.

The vacant lot which was the subject of that lawsuit, with the purported address of 1538 Randall Court, has now been listed for sale. Enclosed you will find a copy of the letter we sent this date to the listing agent for that property. Also enclosed you will find a list of the permit applications made to the City for the 1538 Randall Court property, for your information.

In an effort to avoid the City's and residents' time and cost of re-litigating the issues decided in the above-referenced lawsuit, we ask that you immediately notify the Los Angeles Department of Building and Safety that no permits shall be issued to this property granting access to the lot from Randall Court, in accordance with the Court's findings in the case. We also ask that you take whatever steps necessary to assure that the City and the residents/owners of Randall Court are not exposed to any future legal action concerning ingress or egress to 1538 Randall Court from Randall Court.

Thank you for your assistance in this matter.

Sincerely,

RANDALL STREET COLLECTIVE, by:

Jessica Kamm
Donna Tubbs

Luca Brower
Dennis Vittetow

Todd Lowe
Phot Luisiri

Archie Gips

Anthony Cahill

James White

John Kim

Enclosures



MICHAEL N. FEUER
CITY ATTORNEY

November 21, 2014

Phot Luisiri
Randall Street Collective
1545 N. Hobart Blvd. #107
Los Angeles, CA 90027

Re: Community Letter re: *Roy v. Luisiri, et al.*, LASC No. BC422522
Sale of Real Property at 1538 Randall Court, Los Angeles

Dear Phot Luisiri:

We received your letter, dated November 12, 2014, in regard to the listed sale of 1538 Randall Court and have forwarded your request with supporting documents to the Department of Building and Safety.

Should you have any questions or concerns, I can be reached by telephone at (213) 978-8228 or by e-mail at monica.castillo@lacity.org.

Sincerely,

MONICA D. CASTILLO
Deputy City Attorney

MDC:mrc