

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

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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.

SECONDARY SUBMISSIONS

DAY OF HEARING SUBMISSIONS



Planning APC West LA <apcwestla@lacity.org>

GENERAL PUBLIC COMMENT - PLEASE SHARE WITH COMMISSIONERS - MARCH 16, 2022

1 message

Margaret Molloy <mmmolloy@earthlink.net>
To: Planning APC West LA <apcwestla@lacity.org>

Wed, Mar 16, 2022 at 3:42 PM

PLEASE SHARE WITH COMMISSIONERS

Hello West Los Angeles Area Planning Commissioners,

On February 1, 2022, I submitted an email (below) with the Subject Line: "Documentation of a Conflict of Interest in Venice Neighborhood Council's Vote & Letter of Support for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at [1740 Penmar Avenue](#)". A hearing for the case was scheduled for February 16, 2022.

At the top of that email, I requested: "PLEASE SHARE WITH COMMISSIONERS - Public Correspondence for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL."

On February 7, 2022, I received a response from apcwestla@lacity.org, with the same subject line, that stated "Thank you, your Initial Submission has been received. "

I understood that my February 1, 2022, email would be shared with commissioners.

However, during the February 16th. hearing for that planning case, it was clear that commissioners had not seen this document. Commissioners, can you let me know why my email was not passed on to you as specifically requested at the top of the email?

Additionally, the February 16th. agenda shows Mike Newhouse as commission president. But Mr. Newhouse's resignation was announced at that start of that hearing.

Subsequent WLAPC agendas show: "Vacant, President".

Can you please let me know the date when Mr. Newhouse resigned from the WLAPC. I request a copy of his resignation letter.

Additionally, agendas show Mr. Williams as Commission Executive Assistant on January 5 and 19, Ms. Armstrong as Commission Executive Assistant on February 2, and Ms. Inawat as Commission Executive Assistant fro February 16, March 2, March 16 and today. There are no minutes posted for WLAPC meetings this year. Can you explain why this is the case?

I would appreciate your response as soon as possible.

Appreciatively,

Margaret Molloy

MARCH 16, 2022 - Alice Inawat, Commission Executive Assistant - apcwestla@lacity.org

MARCH 2, 2022 - Alice Inawat, Commission Executive Assistant - apcwestla@lacity.org

FEBRUARY 16, 2022 - Alice Inawat, Commission Executive Assistant - apcwestla@lacity.org

FEBRUARY 2, 2022 - Etta Armstrong, Commission Executive Assistant I - apcwestla@lacity.org

JANUARY 19, 2022 - James K. Williams, Commission Executive Assistant II - apcwestla@lacity.org

JANUARY 5, 2022 - James K. Williams, Commission Executive Assistant II - apcwestla@lacity.org

From: Planning APC West LA <apcwestla@lacity.org>
Subject: Re: Documentation of a Conflict of Interest in Venice Neighborhood Council's Vote & Letter of Support for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at [1740 Penmar Avenue](#)
Date: February 7, 2022 at 9:27:15 AM PST
To: Margaret Molloy <mmmolloy@earthlink.net>

Thank you, your Initial Submission has been received.

Begin forwarded message:

From: Margaret Molloy <mmmolloy@earthlink.net>
Subject: Documentation of a Conflict of Interest in Venice Neighborhood Council's Vote & Letter of Support for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at [1740 Penmar Avenue](#)
Date: February 1, 2022 at 9:26:28 PM PST
To: Planning APC West LA <apcwestla@lacity.org>

PLEASE SHARE WITH COMMISSIONERS

Public Correspondence for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL

Hello Commission President Mike Newhouse, and Commissioners,

I document below that the vote cast by then long-time Venice Neighborhood Council (VNC) vice-president George Francisco (June 2016 - June 2020) on ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at [1740 Penmar Avenue](#) involved a conflict of interest and needs to be rescinded. I addressed this issue to Empower LA, VNC, DONE and BONC also.

On December 8, 2020, Item 5 on the LUPC agenda, stated: "LUPC members to declare any conflicts of interest or ex-parte communications relating to items on this meeting's agenda." LUPC Chair Alix Gucovsky asked, as always, for ex parties and recusals. No one announced a recusal. But, LUPC members Mathew Royce, Daffodil Tyminski and Tim Bonfeld all recused abruptly without giving a reason for agenda #8C, ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL and left the Zoom meeting. Why the sudden departure when none had recused earlier? Further, Ms. Tyminski is a lawyer and former federal prosecutor.

On December 15, 2020, the VNC board meeting started at 7pm. The vote for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at [1740 Penmar Avenue](#) was at 1am. Mr. Francisco allowed just 30 seconds each for public comment. It is a further insult to the public that his vote was a conflict of interest. At that time, David Ewing submitted a complaint to VNC and Empower LA regarding the conduct of that meeting and that particular vote. That is a public record.

I submitted a timely conflict of interest complaint to Empower LA and VNC because of Mr. Francisco's business association with Jason Teague. The VNC's Land Use & Planning Committee (LUPC) supporting documents for ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL, that were online in December 2020 when LUPC and VNC heard this case but are no longer available through the VNC website, showed the property owner as Penmar Properties with Brittany Teague as the owner contact. Recent CPRA documents provided by the Department of City Planning (DCP) clearly show Jason Teague as owner and Brittany Teague as the contact person with DCP. The documents provided here establish that Mr. Francisco's vote was a conflict of interest. For this reason, the VNC letter of support must not be considered by the West Los Angeles Planning

Commission, and the reference to that support in the Department of City Planning's (DCP) Letter of Determination (LOD) also must not be considered by the commission. The Applicant's representative included the VNC Letter of Support in their Powerpoint presentation at WLAPC on December 1, 2021. For this reason, the West Los Angeles Planning Commissioner must rehear that appeal. The Applicant must be required to remove the VNC Letter of Support for these reasons.

The appeal and public testimony demonstrated that all of the surrounding neighbors oppose ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL.

As you all know, Venice is a three square mile-area residential coastal community. The VNC has many architects, developers, land use lawyers and land use consultants who serve on the board and LUPC. There are many instances where there is a conflict of interest or the appearance a conflict of interest in VNC votes on Venice land use matters. This is a fully documented conflict of interest vote.

All parties, please confirm receipt of this email. I would appreciate the requested action and your official response at your earliest convenience.

Appreciatively,

Margaret Molloy

DOCUMENTATION - George Francisco Conflict of Interest Vote on ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at VNC Vote Dec 15, 2021

George Francisco _VNC Vote Dec 15, 2021 _Conflict of Interest _submitted on March 27, 2021

VNC board minutes for December 15, 2020: ZA-2018-3779-ZAA and AA-2018-3776-PMLA-SL at 1740 Penmar Avenue.

#6.pdf includes the Powerpoint Presentation for West Los Angeles Planning Commission (WLAPC) presented by Applicant Representative Tony Russo on December 1, 2021. Slide 8 shows the official VNC Letter of Support. The VNC Letter of Support must not be considered by WLAPC commissioners due to a conflict of interest in that vote. The Applicant must be required to remove this exhibit for this reason.

City of Los Angeles Mail - Status of case AA-2018-3776-PMLA-SL_ 1740 Penmar.pdf'

1740 Penmar_Item 7 Exhibit C - SL Design Stds and Approved Plans.pdf - Revised 9/22/2021

#2 Applicant Information: Penmar Properties LLC; Brittany Teague - phone number & email contact information.

Attachment City Application-PMLA-Reduced Lot1740 Penmar Revision1.pdf

Project Team Information:

Applicant Name: Penmar Properties LLC;

Company/ Firm: c/o Jason Teague

Property owner of Record: Same as applicant

Attachment City Application-PMLA-Reduced yard setback 1740 Penmar Revision1.pdf

Project Team Information:

Applicant Name: Penmar Properties LLC;

Company/ Firm: c/o Jason Teague

Property owner of Record: Same as applicant

Attachment EAF-1740 Penmar.pdf

Property Owner: Jason Tague
Company: Penmar Properties

15 attachments

11D - 1740 Penmar Ave

Case: AA-2019-0376-PALA-SL ; ZA-2019-0379-ZAA
 Address: 1740 Penmar Ave
 Applicant: Penmar Properties
 LUPC Staff: Shap Stern
 Representative: Tony Russo
 Description: Demo of 1 SFD and a small lot subdivision of the existing 1 lot into 2 lots for the purpose of constructing 2 new SFDs. ZAA for reductions in the required yards (5' SYSB, 5' RYSB, 10' FYSB in lieu of 6'-4" SYSB, 15' RYSB, 15' FYSB)

MOTION: The Venice Neighborhood Council recommends denial of the project as presented because the applicant didn't justify the variance requests.

Recommended by LUPC 5-0-0 on 12/8/20

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 1264K

AG, GF (5, 3, 0)
 FAVOR: Ira Koslow, Hugh Harrison, Alex Neiman, Brian Averil, Alex Guzovsky, Jim Robb,
 OPPOSED: George Francisco, Melissa Diner, Tom McComas, James Muniz, Jaime Paige,
 Soledad Unsua, Bruno Hernandez, Sina Kostovetsky, Vicki Halliday, CC Clarence Carter,
 Approval of the project as presented

JM, VH (10, 6, 0)
 FAVOR: George Francisco, Melissa Diner, Tom McComas, James Muniz, Jaime Paige,
 Soledad Unsua, Bruno Hernandez, Sina Kostovetsky, Vicki Halliday, CC Clarence Carter,

OPPOSED: Ira Koslow, Hugh Harrison, Alex Neiman, Brian Averil, Alex Guzovsky, Jim Robb
 ABSTAIN

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 383K

Screen Shot 2022-01-17 at 12.04.24 AM.png
 371K














ENVIRONMENTAL ASSESSMENT FORM

THIS IS NOT FOR CITY PLANNING, IT IS FOR EAP ONLY

Environmental Case Number _____
 Planned Case Number _____
 Case Filed 1903 (Print Name) _____ Date Filed _____
 EAP Accepted by (Print Name) _____ Date Accepted _____

All items in this document are applicable to the singular or one of the plural forms of said items.

Project Address: 11405 Pioneer Avenue

Assessor's Parcel Number: 0544-000-001
 Major Street Address: Pioneer Avenue and Preston Way
 Community Plan Area: 247016 Council District: CD 11

APPLICANT (if not Property Owner)		PROPERTY OWNER	
Name: Sam Decker Information		Name: John Long	
Company:		Company: Pioneer Properties	
Address:		Address: 11415 Washington Blvd #104	
City:		City: Littleton	
State: _____ Zip Code: _____		State: CO Zip Code: 80120	
E-Mail: _____		E-Mail: johnlong@pioneer.com	

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316K



WLASNC Board FY 2020-2021

Jamie Keeton - Chair/ Organizational Rep.
Ron Migdal - Vice Chair/ At Large Rep.
Jay Handal - Treasurer/ Organizational Rep.
vacant- Secretary

Farzad Hassani - North West Rep.
Mollie Rudnick - North East Rep.
Arman Ghorbani - South East Rep.
vacant- South West Rep.
Galen Pindell - At Large Rep.
Ehsan Zahedani - At Large Rep.
Jean Shigematsu - At Large Rep.
Teri Temme - At Large Rep.
Pierre Tecon - At Large Rep.
Danilo Torro - Business Rep.
Diedre Greenway- Business Rep.
Jay Ross - Organizational Rep.



1645 Corinth Ave.
Los Angeles Calif. 90025
(310) 235-2070

E Mail: Info@WLANC.COM
www.WestLASawtelle.org

City Attorney
Planning Dept.

Re: Developers' financial interest / discretionary approvals

To the City,

At the Aug. 4, 2021, meeting of the West Los Angeles Sawtelle N.C., the Board of Directors voted 10-0-0, to requests that the City Council direct City Attorney Mike Feuer to provide a legal opinion as to whether or not the Planning Dept. and commissions have the legal right under State and City laws and ordinances to consider the financial interest of the developer when considering entitlements, and direct the Chair to submit Community Impact Statements.

Facts/Background:

1. WRAC Leadership Council approved at May meeting:
<https://westsidecouncils.com/motion/request-for-city-attorney-opinion-re-consideration-of-developers-financial-interest/>
2. LAMC Sec. 12.28.C.4(a) (Finding #1) requires a Finding that the project design must be "impractical or infeasible" unless the Adjustment is granted.
3. At the April 7, 2021, West LA Area Planning Commission, the Commissioners asked the Planning Dept. to clarify what "impractical or infeasible" project design means. The City Attorney at the hearing stated that the Findings are "silent" on this issue, and he concluded that considering financial impact on the developer is not prohibited –and thus allowed even though the Code does not explicitly state this.

Findings/Justifications:

1. Background: <https://westsidecouncils.com/wp-content/uploads/2021/05/Background-Information-Entitlements-Financial-Impact.pdf>
2. Does this also mean that other financial impacts like campaign contributions can be considered (even if they are reported to the Ethics Commission)?
3. One Commissioner stated that extra time and money to redesign plans and re-submit to plancheck is considered "project design." Most development professionals and planners disagree on this. Development and architecture professionals consider "design" to be engineered plans and graphics drafted and printed on paper. "Project design" is different from "project plancheck processing," which is what the Commissioner stated.
4. Conversely, the City would have specifically included "plancheck process processing" in the list of required Findings in LAMC Sec. 12.28.C.4, if they meant for the financial impact of additional re-design and plancheck processing to be considered, but they chose to exclude it.

5. Considering this exclusion to be the legal standard of "silent" is doubtful and questionable. It appears that in the context of variance applications, under California law financial impact is only considered if the applicant can clearly show that he/she was deprived of all economic benefit as a result of a unique hardship to the property in question, not because of a self-created hardship (e.g., a claim that the project doesn't "pencil out" for the developer unless the exception is granted).
6. In light of apparent confusion at the April 7th WLA APC hearing as to whether consideration of financial impact is allowed, the City Attorney should be directed to provide an opinion on whether or not the financial interest of the developer can legally be considered, including what is meant by financial impact, under what circumstances can financial impact be considered, and for what types of entitlement applications.

Ex parte communications: None disclosed by any committee members.

Disclosures and conflicts of interest: None disclosed by any committee members.

To government agencies: Only the Chair and designated Boardmembers may testify to public agencies on behalf of the West L.A. Sawtelle NC. The Board requests that the Council Office and private/non-profit entities do not testify or speculate on behalf of the NC.

/s/ Jamie L. Keeton

Jamie L. Keeton, Chair WLASNC

cc: Len Nguyen, Council District #11 (Len.Nguyen@LACity.org)