

**APPEAL JUSTIFICATION/REASON, 2656 SOUTH MAGNOLIA AVENUE; CASE DIR-2024-7640-BSA
PERMIT 23019-2000-0271**

**APPEAL OF SEPTEMBER 5, 2025 LETTER from Vincent P. Bertoni Director of Planning and
Jordann Turner AZA**

The decision letter violates LAMC, Chapter 1A Section 13B.10.2 . **(VIOLATION #1)**

No permit pertaining to the use of land or buildings shall be issued by any department, officer, or employee of this city, vested with such duty, unless the application for the permit has been approved by the Department of Building and Safety as to conformance of said use with the provisions of this chapter or Chapter I. (General Provisions and Zoning) of this code. Any permit or certificate of Occupancy issued in conflict with the provisions of this chapter or Chapter I. (General Provisions and Zoning) of this code shall be null and void.

In addition, the demolition permit issued violates the North University Park Specific Plan Ordinance, the City's Demolition Ordinance, the processing requirements of the ED1 Mayor's directive, the National Park Service Guidelines, splits the demolition permit from the larger project, and should not be deemed ministerial.

PERMIT IS VOID: Permit Issued in Error

Rescind permit.

"Sec. 22.2.09 Permits Issued in Error A. Notwithstanding any other provisions of this Code or any other ordinance of the City, no permit or license shall be issued in violation of any provisions of this Code or any other ordinance of the City. B. Any permit or license issued in violation of any provision of this Code or **any other ordinance of the City is void**. Any permit or license that purports to authorize any act prohibited by any other provision of this Code or any other ordinance of the City is void." The permit was issued (on 6/6/2024 and with a supplemental permit on 9/9/2024) in violation of numerous City Ordinances.

VIOLATION #2:

Permit is void because it was issued without a Certificate of Appropriateness as required by the North University Park Specific Plan. The City should require a Certificate of Appropriateness. This is not discretionary. The permit was improperly cleared by planning staff (Daniel Mata.)

"A Certificate of Appropriateness **shall** be required for the alteration of a Facade, construction, demolition, or removal of any building located within the Plan Area; the relocation of any building within or to the Plan Area or the conversion of any building within the Plan Area to a condominium."

For Permit #23019-20000-02741, there is no Certificate of Appropriateness, no Design Review Board review, and the clearance by OHR is in error. Permit 23019-30000-02777 was issued at the same time as Permit #23019-20000-02741 and is similarly flawed as there is no Certificate of Appropriateness as required by the Specific Plan.

Wherever this Specific Plan contains provisions which differ from, or conflict with, provisions contained elsewhere in Chapter I of the LAMC, the Specific Plan shall prevail and supersede the other applicable provisions.

The background provided in the decision **“The one-story duplex was demolished, and the lot cleared per the inspection on January 24, 2025”** omits the factual background of this case. The one-story duplex was demolished without a CofA or any permit. Receiving a clearance (Exhibit D) wherein Planning clearly erred does not justify LADBS wearing blinders to the facts.

CODE SECTION 22.2.09

VIOLATION #3

Before demolition permits can be issued for buildings older than forty-five years, the Demolition Notification Ordinance requires property owners to inform abutting neighbors and their Councilmember's office of any planned demolition activity and to post a public notice on the property. The building on site was demolished without notice while the developer was putting a second story on the 1905 craftsman building.

The demolition ordinance creates a thirty-day window for stakeholders to potentially negotiate preservation alternatives if a significant historic property is affected. The developer improperly demolished the existing 1905 craftsman building. The developer attempted to cure the action by asking for a supplemental permit on 12/2/2022 which was never issued. He continued to construct a two story building. Later, the developer then posted the newly constructed building for demolition, but the craftsman had been demolished.

In late 2014, Los Angeles City Council passed the Demolition Notification Ordinance to create greater transparency in the development process for unprotected historic buildings. The ordinance took effect in January 2015. The City Council voted to amend the ordinance in November 2017 to increase the notification requirements and provide greater clarity. The amended Demolition Notification Ordinance took effect on January 10, 2018. The demolition permit issued does not comply with the City demolition Ordinance.

It is impossible to give notice when the building has already been razed.

Consider of Section 91.106.4.1(10) of the Los Angeles Municipal Code

If a building is found to have been demolished illegally, the City can also impose penalties under its "scorched earth" policy, including monetary fines and a five-year construction moratorium on the site. The Department of Building and Safety in consultation with the City Attorney should undertake all measures available to the City under the Los Angeles Municipal Code and State law to enforce and invoking of Section 91.106.4.1(10) of the Los Angeles Municipal Code, otherwise known as the "Scorched Earth Ordinance."

B&S should Invoke Section 91.106.4.1(10) of the Los Angeles Municipal Code, otherwise known as the "Scorched Earth Ordinance," and initiate an investigation on the demolition of the 1905 craftsman building when there solely was an approval for construction of a second story on the existing 1905 craftsman building.

The building disappeared and 100% new construction commenced with no permit for this action. The approved permit 21014-10000-06416 preserved the 1905 craftsman and added a 2nd story addition to an existing duplex converting it to a 2 story 3-unit building.

The 2022 request for a Supplemental permit to 21014-10000-06416 to recheck the plans per new updated demolition plans for complete demolition of exterior walls and complete the PZA form per City Planning request was not issued. Demolition was never approved by the Board. It appears that there was an effort to cure the violation by a supplemental permit, but it was so outside of the scope of work approved and cleared by the DRB Planner that it could not reasonably be issued. Then in 2024, a demolition permit was issued because it related to a ED1 project.

VIOLATION #4

ED1 1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, **as long as such plans do not require any zoning change, variance, or General Plan amendment.** All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.

The 2022 ED1 version of the Mayor's directive eliminated ministerial approval of project plans that require any variance. This ED1 project includes variances from the North University Park Specific Plan, the South Community Plan and requirements of the National Park Service. The Specific Plan Board reviewed a four-story version of this project and found it not in compliance with the Specific Plan. Rather than continuing to work with the Specific Plan Board, the developer forum shopped and applied under ED1 to avoid the Specific Plan process.

Subsequent to the original ED1 directive, the Mayor revised the directive in July 2024 which would have made these issues moot. The project would not be eligible for ED1 and would have been processed as any other Specific Plan project. According to planning, there are only 11 projects within HPOZs in the City that are under ED1 approval and subject to a Letter of Compliance (LOC) that allows approval without an HPOZ or Specific Plan project approval process.¹ It should be noted that City Council under CF 24-0994 reversed an ED1 generated LOC for 3812 West Adams. For consistency and for social equity, the LOC here should be similarly reversed.

A demolition permit does not qualify for ED1 treatment.

VIOLATION #5 NATIONAL PARK SERVICE GUIDELINES

This is also within the North University Park National Register District in addition to the HPOZ. The context needs to be evaluated. The siting on the block face, adjacent single story national register buildings, the spatial relationships and the streetscape need to be considered.

¹¹ As reported at the November 19, 2024 University Park HPOZ Board meeting by OHR staff, there are only 11 projects within HPOZs that were subject to ED1 LOC approval

“Protecting the historic setting and context of a property, including the degree of open space and building density, must always be considered when planning new construction on an historic site. This entails identifying the formal or informal arrangements of buildings on the site, and whether they have a distinctive urban, suburban, or rural character. For example, a historic building traditionally surrounded by open space must not be crowded with dense development.”

The 1905 craftsman should not have been demolished. Issuing a demolition permit for a 1905 craftsman building that is part of the context of the North University Park National Register District is a violation of the National Park Service Guidelines.²

VIOLATION #6: DEMOLITION PERMIT IS PART OF A LARGER PROJECT

The permit, if it is part of a larger project, needs not to be piecemealed but to be considered in the light of the whole of a project. The record shows a specific Plan record of meetings wherein the Board advised that a four-story version of the project did not comply with the Plan. The Design Review Board met with the developer (June 14 and July 26, 2023) and informed him that the 4-story version of the proposed development did not conform to the specific plan. He was further advised by the Board If he proceeded with the four-story incompatible project this non-compliance with the specific plan would require an EIR would be required if he sought to build the 4-story edifice. The Board expressed hope that he would make revisions and return. The developer indicated that this was take it or leave it.

The developer never came back to the Board. The developer also withdrew an ADU request (6.29.2023). They are now attempting to get around the specific plan and the Boards expressed evaluation of a 4-story building by using ED1 to infill the site with a 5-6 story building (described as 5 story but here are turrets that give it a six-story appearance.)

In any event, the demolition permit is part of the developer’s intent to pursue a larger project. The record shows forum shopping wherein the 9/9/2024 developer seeks to get a project approved. The demo permit should not function as an enabler to find a path that contravenes normal procedure and process. This is not a simple case.

But what is simple is that there is no Certificate of Appropriateness as required by the North University Park Specific Plan. Permit #23019-20000-02741 should not have been issued without any Certificate of Appropriateness and given a later after the fact clearance on 9/9/2024 which shows how improper and in error the issuance was .³

FACTS DO MATTER

The Determination Letter ignores some facts and cites others. In an attempt to justify the permit, the decision maker “cherry picks” the facts. It, for example, uses the fact that “the property owner submitted a signed and notarized CEQA form (Exhibit E) declaring that the project would not require

² See <https://www.nps.gov/>, “New Construction within the Boundaries of Historic Properties”

³ **NO FEE DEPARTMENT ERROR** Supplemental permit for permit number 23019-10000-02741 to capture Planning Department clearance..

any discretionary approvals from the City which would trigger a CEQA review” is yet another reliance on flawed information. This reliance on misinformation has led to error. Any policy that allows the issuance of such a permit in contradiction of the long factual history is error. It makes no sense that LADBS protocols would allow non-permitted demolition in 2022, in 2024 issue a permit for a demolition of a 1905 craftsman that no longer exists, issue a supplemental permit to “capture additional clearance from the DCP” and in 2025 have “verifications in progress” to build. We do not oppose an infill project here but it should be based on the facts. It should adhere to the North University Park Specific Plan, the City’s Demolition Ordinance, the “scorched earth” provisions of the Code, the processing requirements of the ED1 Mayor’s directive, and the National Park Service Guidelines,

CODE SECTION 98-0601 (a) 1.2.3.

(a) Department Authority.

1. The Department shall have the authority to revoke any permit, slight modification, determination granted or made in reliance on a false statement or misrepresentation as to a material fact.

2. The Department shall have the authority to revoke any permit, slight modification, or determination whenever such action was granted in error or in violation of other provisions of this Code and conditions are such that the action should not have been allowed. (Amended by Ord. No. 185,587, Eff. 7/16/18.)

(b) Board Authority. The Board shall have the authority to revoke any slight modification, or determination granted or made by the Board in reliance on a false statement or misrepresentation as to a material fact. The Board shall also have the authority to revoke any slight modification, determination granted or made by the Board whenever such action was granted in error or in violation of other provisions of the Code and conditions are such that the action should not have been allowed.



WEST ADAMS HERITAGE ASSOCIATION: 2656 SOUTH MAGNOLIA AVENUE; DBS-240087-DCP

The West Adams Heritage Association is an aggrieved party as a non-profit organization dedicated to building on the historic past to preserve and enhance our future. WAHA has for over four decades engaged in comment and analysis of land use and planning decisions affecting West Adams and Los Angeles. WAHA participated in the creation of both the Specific Plan and the North University Park National Register District and adherence to the goals of both the Specific Plan and the National Register District are of prime importance to its members. WAHA members regularly attend Specific Plan and HPOZ Board meetings. The actions regarding 2656 S. Magnolia Avenue (DBS-240087-DCP) are significant and cause harm to WAHA and its goals. WAHA supports affordable housing and historic housing for which preservation is an important tool. WAHA is an aggrieved party in the actions taken at 2656 S. Magnolia Avenue.

