

**Demolition of Historic Home at 250 N. Wilton Place (VTT-77081-SL and ENV-2017-3703-CE)  
Background, Analysis and Requested Motion for GWNC Land Use Committee**

**August 24, 2018**

Committee Members:

I write this Committee as a concerned neighbor, an attorney, and a member of the GWNC Board who is disturbed by the demolition of the historic structure at 250 N. Wilton Place. As you may know, to clear the site for the Small Lot Subdivision before this Committee, the applicant obtained a permit to demolish the 1916 structure which had been determined in a 2007 survey to be a Contributor to the North Wilton Place Historic District.

The Department of Building and Safety (LADBS) issued the demolition permit without the required approval from the Office of Historic Resources. After demolition, LADBS determined the demolition permit was issued in error. To legalize demolition of the historic structure based on an illegally issued demolition permit, the applicant will need to obtain Planning Department approval including analysis of environmental impacts under the California Environmental Quality Act (CEQA) before proceeding with any use of the site.

While many neighbors are understandably perplexed how LADBS could have issued the permit, I am primarily concerned with what appears to be bad-faith conduct and misrepresentations made by the applicant to LADBS.

***Regardless of any mis-steps by LADBS, the applicant is culpable for this outcome. Had he provided truthful information to LADBS, the historic home would remain standing today.***

This letter articulates why I believe the applicant has made demonstrably false statements to LADBS and the Planning Department, and engaged in improper CEQA project permit-splitting (also referred to as piecemealing, segmentation or similar terms). I do not raise such serious allegations lightly, and I respectfully invite the applicant's attorney, Steve Kaplan, Esq., to correct any misconceptions I may have represented to this Committee.

Respectfully submitted,

Greg Wittmann  
Area 12 Representative  
310 S. St. Andrews Pl. #208  
814-323-3892  
Greg.t.wittmann@gmail.com

### Relevant Chronology

- On January 27, 2017, arborist Lisa Smith transmitted a tree investigation to Mr. Roni Efron.
  - This investigation stated: “The owner is preparing to demolish the existing residence and re-develop the lot with a small lot subdivision. [...] The proposed small lot subdivision will include the demolition of the existing structures and the construction of new single family homes.”
- On March 17, 2017, Mr. Efron signed a declaration for the demolition permit certifying that the proposed demolition is not part of a larger development at the demolition site.
  - Mr. Efron certified that “no discretionary permits required for the project, including [...] map approvals.”
- On March 21, 2017, LADBS issued the demolition permit.
- On May 25, 2017, time-stamped plans from Amit Patel Design Inc. were prepared and attached to a grading report indicating the five-lot subdivision.
- On June 30, 2017, Fred Maidenberg and Roni Efron signed a CEQA declaration stating:
  - I, being duly sworn, state that the statements and information, including plans and other attachments, contained in this Environmental Assessment Form are in all respects true and correct to the best of my knowledge. I hereby certify that I have fully informed the City of the nature of the Project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger Project in violation of CEQA.
- On September 19, the Vesting Tentative Tract Map was filed with Planning.

### Evidence of False Statement to LADBS

In the March 17, 2016 CEQA declaration, the applicant represented to LADBS that the demolition permit was not part of a larger project requiring a map approval. However, ***two months before signing this declaration***, the applicant had hired a consulting arborist to investigate the site. The report, later filed with the Planning Department in conjunction with the tentative tract map, explicitly states that the applicant intends to demolish the existing structure and build a small lot subdivision.

Why was the applicant hiring consultants for a small lot subdivision project in January 2016, then sign an declaration certifying that he was not proposing a subdivision project in March 2016? The answer is clear: to avoid CEQA analysis of the demolition of the home. This is the textbook definition of improper permit-splitting.

### False Statements to LADBS Led to Illegal Demolition Independent of LADBS Error

The applicant signed the CEQA declaration and checked the “no” box indicating that no discretionary approval, such as a map approval, was required for the larger project. Had the applicant answered truthfully and checked the “yes” box, ***the demolition permit would not have been issued*** and the applicant would have been referred to the Planning Department for CEQA review. Through CEQA review, the Planning Department would have identified the structure as an historic resource protected by CEQA and likely required an Environmental Impact Report to study alternatives to demolition.

## Requested Motion Regarding Demolition of Historic Structure at 250 N. Wilton Place

---

*Whereas, after careful consideration of the circumstances leading to the demolition of the historic home at 250 N. Wilton Place, the Greater Wilshire Neighborhood Council finds credible evidence that the applicant, Mr. Roni Efron, knowingly made false statements to the Department of Building and Safety to improperly obtain a demolition permit;*

*Whereas, regardless of any error by the Department of Building and Safety, the applicant's false statements circumvented proper environmental review by the Planning Department which would have prevented issuance of a demolition permit without CEQA review; and*

*Whereas, demolitions of historic structures conducted in bad faith are a gross breach of community standards, threaten the integrity of historic structures and districts across the City, and warrant severe punitive measures to deter such conduct in the future;*

*Therefore, the Greater Wilshire Neighborhood Council recommends:*

- 1. That the Department of City Planning require an Environmental Impact Report disclosing and analyzing the impacts of demolishing an historic resource, and analyze an alternative considering development of a structure of comparable height, scale, massing and design as the demolished structure; and*
  - 2. That Councilmember Ryu present a motion to City Council instructing the City Attorney to investigate possible criminal violation of LAMC 91.106.4.4.2 by the applicant, owner or other parties in knowingly making false material statements to the Department of Building and Safety.*
-



## The Tree Resource

Lisa Smith, Registered Consulting Arborist #464

January 25, 2017

Roni Efron, Crownwell Construction, Inc.  
526 North Larchmont Blvd., Suite 201  
Los Angeles, CA 90004

Re: 250 N. Wilton Pl, Los Angeles, CA 90004

Dear Mr. Efron,

This letter is in regards to the property at 250 N. Wilton Pl, Los Angeles, CA. I reviewed the site as an ISA Certified Arborist to evaluate the trees on site for native protected species prior to the proposed construction.

This property is located in the Greater Wilshire area of Los Angeles and is currently developed with a single family residence. **The owner is preparing to demolish the existing residence and re-develop the lot with a small lot subdivision.**

**<-- OOPS!**

### PROTECTED TREES, URBAN FORESTRY DIVISION

This property is under the jurisdiction of the City of Los Angeles and guided by the Native Tree Protection Ordinance No. 177,404. **Protected Trees** are defined by this ordinance as Oaks (*Quercus* sp) indigenous to California but excluding the scrub oak (*Quercus dumosa*); Southern California Black Walnut (*Juglans californica* var. *californica*); Western Sycamore (*Platanus racemosa*) and California Bay Laurel (*Umbellularia californica*) trees with a diameter at breast height (DBH) of four inches (4") or greater

**There are NO trees on this property that would be considered protected within the City of Los Angeles Native Tree Protection Ordinance.**

### NON-PROTECTED SIGNIFICANT TREES, DEPARTMENT OF CITY PLANNING

The Department of City Planning requires the identification of the location, size, type and condition of all existing trees on the site with a DBH of 8 inches (8") or greater. These trees will be identified as **Non-Protected Significant Trees.**

**Dated before applicant signed CEQA declaration (March 2017) declaring he was not proposing a subdivision.**

**If he answered truthfully that he was proposing a subdivision, demolition permit would not have been issued.**

There are two (2) Non-Protected Significant Trees on site. Both trees will be impacted by construction and are recommended for removal and mitigation to the satisfaction of the City of Los Angeles Department of City Planning.

**TABLE 1. SUMMARY OF FIELD INVENTORY**

Tree #	Location	Species	Status	DBH (")	Height (')	Condition	Retain or Remove
1	Front setback	Mexican Fan Palm <i>Washingtonia robusta</i>	Non-Protected	14	50	Fair	Remove
2	Side of house	Mexican Fan Palm <i>Washingtonia robusta</i>	Non-Protected	14	40	Fair	Remove

**SPECIFIC RECOMMENDATIONS**

The proposed small lot subdivision will include the demolition of the existing structures and the construction of new single family homes. The two (2) Non-Protected Significant Trees on site will not tolerate the construction activities or impacts from the new construction footprint. These trees are recommended for removal and mitigation at a one-to-one (1:1) ratio, minimum 24" box size, to the satisfaction of the City of Los Angeles. **<-- OOPS AGAIN!**

Should you have any questions, please feel contact me at (310) 663-2290.

Respectfully submitted,



**Lisa Smith**

Lisa Smith – The Tree Resource  
 Registered Consulting Arborist #464  
 ISA Certified Arborist #WE3782  
 ISA Tree Risk Assessor Qualified  
 Member of American Society of Consulting Arborist





City of Los Angeles - Department of Building and Safety
Attachment to Application for Demolition Permit:
Notice and Owner's Declaration Related to CEQA
and Project Scope

I. Notice to Owner

If you are applying for a demolition permit to facilitate the construction or development of the project site, you may be referred to the Planning Department for further assistance.

The California Environmental Quality Act (CEQA) directs public agencies to assess and disclose the environmental effects of the projects it approves. In determining whether a proposed project is subject to CEQA, the City is required to consider all of the parts and phases of the project and may not limit its review to the specific permits or approvals sought. (Public Resources Code Section 21065) Failure by a project applicant to disclose future construction or development activities on the project site may result in a violation of CEQA. If the City determines that an application or approval is part of a larger undisclosed project, the City may revoke and/or stay any approvals until a full and complete CEQA analysis of the whole project is reviewed and an appropriate CEQA clearance is adopted or certified.

Please contact the Planning Department if you have additional questions after reviewing this notice.

II. Owner's Project Information

Based upon the above-stated rule, is the proposed demolition part of a larger development project at the demolition site, and if so, will the larger project require any discretionary approvals from the City? (Select "Yes" or "No," and follow the related instructions)

Yes \_\_\_ A CEQA clearance from the Planning Department will be required prior to the issuance of the demolition permit for the proposed project. Return this form to a Department of Building and Safety Plan Check Engineer at the time of plan check.

No [X] Sign and notarize the signature at the bottom of the form and return the notarized form to a Department of Building and Safety Plan Check Engineer at the time of plan check.

III. Owner's Declaration

I own the property located at 250 N. WILTON PL. LA. I have read the above "Notice to Owner." I understand that a "project," as defined by CEQA, is the whole of the proposed activity and is not limited to the demolition subject to this application. I further understand that CEQA prohibits treatment of each separate approval as a separate project for purposes of evaluating environmental impacts. I acknowledge and understand that should the City determine that the demolition proposed is part of a larger project requiring any discretionary permits, the City may revoke and/or stay any approvals (including certificates of occupancy) until a full and complete CEQA analysis is prepared and clearance is adopted or certified.

I certify that (i) the demolition authorized by this permit is not to facilitate the construction or development of a larger project at the project site, or (ii) the demolition is part of a larger project and, after using all reasonable efforts, including consulting with the City Planning Department, I have determined there are no discretionary permits required for the project, including but not limited to haul route permits, permits to remove protected trees, historic resource review, or any discretionary zoning or map approvals.

Date 3-17-17 Name of the Owner (Print) Roni EFRON

Signature [Handwritten Signature]

(See page 2 of 2 For Notary Acknowledgment)

Demonstrably false - they hired consultants January 2017 to prepare reports for a subdivision. Sign anything to get rid of that pesky historic home!

10660405201731244

**Applicant and owner signed an affidavit stating they fully informed the City of the project and have not segmented the project. Demolition is not disclosed in project scope.**

**APPLICANT/CONSULTANT'S AFFIDAVIT**

**OWNER MUST SIGN AND BE NOTARIZED,**

**IF THERE IS AN AGENT, THE AGENT MUST ALSO SIGN AND BE NOTARIZED**

PROPERTY OWNER	CONSULTANT/AGENT
I, (print name) <u>Fred Maidenberg</u>	I, (print name) <u>Roni Efron</u>
Signature <u>[Signature]</u>	Signature <u>[Signature]</u>

being duly sworn, state that the statements and information, including plans and other attachments, contained in this Environmental Assessment Form are in all respects true and correct to the best of my knowledge and belief. I hereby certify that I have fully informed the City of the nature of the Project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger Project in violation of CEQA. I understand that should the City determine that the Project is part of a larger Project for purposes of CEQA; the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.

**Space Below for Notary's Use**

**California All-Purpose Acknowledgement**

**Civil Code Section 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of LOS ANGELES

On JUNE 30, 2017 before me, LISA PILLSBURY LORD, NOTARY PUBLIC  
(Insert Name of Notary Public and Title)

personally appeared FRED MAIDENBERG AND RONI EFRON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature

(Seal)

