

ADMINISTRATIVE APPEAL

LOS ANGELES CITY COUNCIL AND RELATED REVIEWING AGENCIES

In the Matter of:

VENICE AUXILIARY PUMPING PLANT (“VAPP”)

**Case No. CPC-2024-2010-GPA-ZC-CU-SPP, CEQA:SCH No.2015111038
VAPP,EIR Project**

Concerning the Proposed:

- General Plan Amendment
 - Zone Change
 - Conditional Use Permit
 - Venice Land Use Plan Amendment
 - Related Environmental Determinations
-

APPELLANT:

Kenya Lee

Adjacent Resident, Aggrieved Party, and Community Stakeholder

On behalf of affected surrounding residents and stakeholders

Submitted To:

- Los Angeles City Council
- Los Angeles Department of City Planning
- All Relevant Reviewing Agencies

Date Submitted: May 26,2026

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I. INTRODUCTION

TO THE LOS ANGELES CITY COUNCIL, AND ALL RELEVANT REVIEWING AGENCIES:

Appellant Kenya Lee hereby appeals the May 7, 2026 determination of the Los Angeles City Planning Commission (“CPC”) concerning the proposed Venice Auxiliary Pumping Plant (“VAPP”) project located adjacent to residential properties near Hurricane Street, Esplanade West, and the Ballona Lagoon in Venice, California.

As an immediately adjacent resident directly impacted by the proposed project, Appellant respectfully submits that the CPC failed to impose adequate, enforceable, and site-specific

conditions necessary to protect neighboring residential properties, public health, environmental safety, residential habitability, quiet enjoyment, and environmentally sensitive coastal resources.

The project approval improperly prioritizes regional infrastructure objectives while minimizing or disregarding the extraordinary burdens imposed upon residents located immediately adjacent to the proposed industrial-scale wastewater infrastructure facility.

The proposed amendment to the certified Venice Land Use Plan and associated zoning modifications further constitute an impermissible form of spot zoning inconsistent with established California land use law principles and the broader public purposes underlying the Venice Coastal planning framework.

This appeal further asserts that the requested land use amendments and zoning modifications constitute a legally deficient and incompatible transformation of certified residential coastal land use into public utility infrastructure without sufficient environmental review, enforceable mitigation, or lawful compatibility findings.

II. STATEMENT OF FINDINGS PRESENTED

Whether the CPC improperly approved land use amendments constituting unlawful spot zoning and whether the requested redesignation constitutes an unlawful departure from the certified Venice Land Use Plan and established Coastal Act protections;

V. FAILURE TO PROVIDE ADEQUATE RESIDENTIAL BUFFERING AND LAND USE COMPATIBILITY

VI. FAILURE TO IMPOSE ENFORCEABLE CONSTRUCTION DAMAGE PROTECTIONS

VII. FAILURE TO PROTECT RESIDENTIAL HABITABILITY AND QUIET ENJOYMENT

VIII. INADEQUATE METHANE AND ENVIRONMENTAL SAFETY PROTECTIONS

IX. INADEQUATE EMERGENCY RESPONSE AND RELOCATION PROTECTIONS

X. IMPROPER SPOT ZONING AND UNLAWFUL LAND USE RECLASSIFICATION

XI. INCONSISTENCY WITH THE CERTIFIED VENICE LAND USE PLAN AND COASTAL POLICIES

XII. DISPROPORTIONATE INFRASTRUCTURE SCALE AND RESIDENTIAL IMPACTS

XIII. INADEQUATE CEQA REVIEW AND FAILURE TO PREPARE SUFFICIENT ENVIRONMENTAL ANALYSIS

III. FACTUAL BACKGROUND

The VAPP project proposes the redevelopment and expansion of wastewater infrastructure facilities adjacent to residential properties located near Hurricane Street and Esplanade West within the Venice dual permit jurisdiction coastal zone area.

The proposed project includes requests for:

- General Plan Amendments;
- Zone Changes;
- Venice Certified Land Use Plan Amendments;
- Conditional Use approvals;
- Construction staging areas;
- Utility infrastructure expansion;
- Parking-related modifications; and
- Related environmental determinations.

The proposed approvals would convert long-standing residentially designated land into Public Facility use immediately adjacent to occupied residential homes.

Throughout the entitlement and environmental review process, adjacent residents and community stakeholders repeatedly raised substantial concerns regarding:

- Residential compatibility;
- Construction vibration;
- Noise impacts;
- Methane risks;
- Emergency access;
- Environmental justice concerns;
- Residential buffering deficiencies;
- Structural integrity impacts;
- Coastal consistency concerns;
- ESHA impacts;
- Parking displacement;
- Construction scheduling;
- Property protections; and
- Long-term operational impacts.

The administrative record reflects repeated requests by community members for meaningful mitigation measures, enforceable protections, redesign alternatives, and good-faith engagement.

Despite these concerns, the CPC approved the requested entitlements while deferring multiple critical protections to future studies, consultant recommendations, discretionary implementation, non-specific mitigation measures, and unenforceable future determinations.

IV. INCORPORATION OF PRIOR SUBMISSIONS

Appellant hereby incorporates by reference all prior correspondence, objections, expert submissions, attorney communications, hearing testimony, public comments, environmental objections, mitigation requests, and supporting materials previously submitted regarding the VAPP project by the undersigned, legal counsel, adjacent residents, community stakeholders, and participating organizations.

All attached exhibits and referenced submissions are incorporated herein as though fully set forth in this appeal.

V. FAILURE TO PROVIDE ADEQUATE RESIDENTIAL BUFFERING AND LAND USE COMPATIBILITY

The approved project converts residentially designated land into Public Facility zoning immediately adjacent to occupied residential homes without requiring meaningful physical separation, transition protections, or buffering mechanisms.

Although the City repeatedly characterizes the facility as critical emergency wastewater infrastructure, the approval imposes no mandatory:

- sound attenuation wall;
- vibration isolation system;
- landscaped screening barrier;
- residential transition zone;
- expanded setbacks;
- visual shielding;
- indoor air filtration protections;
- construction exclusion buffer; or
- enforceable operational separation measures; and
- off-site work accommodations for residents directly impacted by construction activities.

The absence of meaningful buffering between industrial wastewater infrastructure and immediately adjacent residential occupancy is fundamentally inconsistent with the intent, protections, and neighborhood preservation principles embedded within the certified Venice Land Use Plan, Venice Coastal policies, and accepted compatible land use planning standards.

The administrative record itself contradicts the City’s compatibility findings.

The Venice Neighborhood Council specifically identified the failure to require meaningful residential buffering protections and acknowledged that the mitigation standards imposed were more appropriate for highway-adjacent infrastructure than residential neighborhoods, including:

“Meeting established Public Benefit standards including a 10’ landscaped, irrigated buffer along all property lines.”

The record further acknowledges that the standards applied to the project are more appropriate for highway-adjacent infrastructure than residential streets.

The City’s unsupported finding that the project is “compatible with adjacent land uses” is contradicted by the project’s direct adjacency to occupied residences without meaningful separation protections.

VI. FAILURE TO IMPOSE ENFORCEABLE CONSTRUCTION DAMAGE PROTECTIONS

Condition No. 19 merely states:

19. The applicant shall provide an allowance for mitigation of inadvertent damage caused during construction.

This condition is impermissibly vague, legally deficient, and unenforceable.

Per the attached CPC transcript: Sean Silva from CD11 stated:

“Ms. Lee... property's proximity to the project brings about unique potential ramifications.”

The CPC failed to establish:

- what constitutes compensable damage;
- mandatory reimbursement timelines;
- independent evaluation procedures;

- habitability protections;
- loss-of-use protections;
- relocation rights;
- structural crack thresholds;
- foundation displacement standards; or
- legally binding compensation mechanisms.

Per the attached CPC hearing transcript: Statements from: LA Sanitation representative Christine Heinrich-Josties stated during the CPC hearing:

“If some more substantial damage were to occur... that's something that we could consider.

AND:

“there isn't a specific amount now”

AND:

“I'm not sure if it's mandatory that we establish this allowance.”

The project includes substantial grading, excavation, soil export, pile-driving activity, vibration-producing construction, and prolonged heavy equipment operations immediately adjacent to occupied residences.

Sited in the **EIR** the administrative record expressly acknowledges “ground-borne vibration which could result in residential building damage.”

Despite these acknowledged impacts, the CPC failed to require:

- pre-construction structural surveys;
- real-time vibration monitoring;
- independent engineering inspections;
- automatic work stoppage thresholds;
- foundation monitoring systems;
- third-party structural review; or
- mandatory repair obligations enforceable by affected residents.

Per the CPC hearing transcript: Commission President Lawshe stated:

“I would probably like to add a requirement that there be a mandatory fund for mitigation for the neighborhood.”

The transcript further reflects admissions by project representatives that:

- no mandatory compensation fund had been finalized;
- no specific compensation amount had been established; and

- structural protections remained discretionary.

These omissions expose adjacent residents to substantial risk of structural damage, interference with residential occupancy, economic harm, and loss of use without meaningful or enforceable recourse.

VII. FAILURE TO PROTECT RESIDENTIAL HABITABILITY AND QUIET ENJOYMENT

The findings repeatedly emphasize regional wastewater operations and citywide infrastructure benefits while failing to adequately analyze direct impacts upon surrounding and immediately adjacent and surrounding residential occupants.

The approval fails to adequately address:

- sleep disturbance;
- chronic construction noise;
- vibration impacts;
- emotional distress;
- child safety concerns;
- residential habitability;
- diminished quiet enjoyment;
- loss of outdoor residential use;
- property devaluation;
- long-term industrial adjacency impacts; and
- off-site work accommodations for directly impacted neighboring residents.

The administrative record (EIR report) acknowledges “construction noise that exceeds LA CEQA Thresholds guidelines.”

The project’s extraordinary proximity to occupied residences creates foreseeable nuisance conditions under California Civil Code §3479 and raises substantial concerns regarding inverse condemnation, interference with residential quiet enjoyment, and impairment of residential habitability rights.

VIII. INADEQUATE METHANE AND ENVIRONMENTAL SAFETY PROTECTIONS

Condition No. 17 in the CPC report conditions merely references informational reporting concerning methane monitoring levels associated with the project site.

17. The project shall provide an informational webpage for the benefit of the neighbors and community members. The information webpage shall include, but not limited to, reporting on weekly methane levels, emergency response plan and street closures.

This condition is wholly inadequate for a project involving excavation activities, underground utility infrastructure, contaminated soils, methane exposure concerns, and work adjacent to a formerly active oil field environment.

The CPC failed to require:

- continuous methane monitoring;
- independent air quality oversight;
- residential indoor air testing;
- emergency exposure thresholds;
- evacuation procedures;
- direct resident notification systems;
- enforceable public health response protocols; or
- mandatory independent environmental review.

The administrative record expressly references “potentially significant methane gas release” concerns.

During the hearing process, community members specifically requested:

- 24-hour active methane monitoring;
- public transparency;
- website-accessible monitoring data; and
- automatic shutdown protocols.

As reflected in the CPC hearing transcript, Commissioner Saitman specifically asked:

“What is the emergency response plan for mitigating measures for neighbors who might be impacted by methane?”

The response from LA Sanitation Project Lead Christine Heinrich Josties:

“There will have to be one.”

Nevertheless, project representatives acknowledged that only passive methane systems were being considered because stronger systems were “not required.”

The hearing transcript further reflects that: per Christine Josites, LA Sanitation Project Lead

- no finalized methane monitoring cost existed;
- no guaranteed active monitoring system existed; and
- future consultants “might not recommend anything.”

Per the CPC hearing transcript Speaker 10 - Commissioner Phyllis Klein

- *Yes, Commissioner Klein, for the record. I wanted to commend Steve Bradbury and the Hurricane Street community for their letter, and I wanted staff to address some of their suggestions, which to me seem infinitely reasonable to occur, some of which you have mentioned. But I wanted to know what would be the cost of an ongoing methane detection system at the property? I know that it doesn't exist, but we're due for some seismic event, and I would prefer that there not be a circumstance where this becomes an emergency. So what would be the cost and why can't that be provided?*
- *01:03:19 Speaker 3 – Christine Heinrich-Josties LA Sanitation Project Lead*
- *So regarding the cost, I don't have a hard number for that. Unfortunately, I don't even have a ballpark number. So that's something I need to, you know, get information on and follow up about. And as I mentioned before, you know, it's going to be the whatever mitigations we do and act will be dependent on what the environmental consultant finds upon the soil exploration. So if they find, no detectable methane in those areas, they might not recommend anything. But if they find detectable methane that exceeds a certain level, that could be a cause of concern, then they might recommend, you know, monitoring or more widespread monitoring, and we would enact that. But unfortunately, I have no cost impact. So, you know, the only thing I can reiterate as the applicant is that we're going to enact what we need to based on the results of that environmental.*

Weekly informational reporting does not constitute meaningful environmental protection for residents living immediately adjacent to excavation and infrastructure activities within a sensitive coastal residential area.

IX. INADEQUATE EMERGENCY RESPONSE AND RELOCATION PROTECTIONS

Condition No. 18 merely requires preparation of an emergency response plan without establishing mandatory implementation standards, resident notification obligations, or enforceable relocation protections.

18. The applicant shall provide an emergency response plan and provide such plan to property owners and occupants within 100 feet of the subject site (excluding public rights-of-way).

The condition fails to establish:

- mandatory temporary relocation rights;
- emergency housing accommodations;
- sewage spill response obligations;
- relocation compensation standards;
- indoor contamination response protocols;
- medically vulnerable resident protections;
- child safety procedures;
- emergency evacuation assistance; or
- enforceable residential protection measures.

The administrative record identifies concerns regarding inadequate emergency access during construction activities.

Further, the hearing transcript reflects that when commissioners requested clarification regarding emergency response protocols, project representatives responded only that “there will have to be one,” confirming that no finalized emergency response system had yet been established.

Per the CPC hearing transcript: Commission President Lawshe stated:

“I would probably like to add a requirement that there be a mandatory fund for mitigation for the neighborhood.”

Given the project’s acknowledged wastewater, excavation, and infrastructure risks, these omissions are unreasonable, inadequate, and inconsistent with public safety obligations owed to immediately adjacent residential occupants.

X. IMPROPER SPOT ZONING AND UNLAWFUL LAND USE RECLASSIFICATION

The proposed amendment to the certified Venice Land Use Plan and associated zoning modifications constitute an impermissible form of spot zoning inconsistent with established California land use law principles, the broader public purposes underlying the Venice Coastal zone planning framework, and core Coastal Act consistency requirements.

The subject parcels have long existed within a residential land use designation intended to preserve neighborhood-serving residential character within the Coastal Zone.

The City now seeks to isolate and redesignate these parcels solely to accommodate a high-intensity public utility use fundamentally inconsistent with the surrounding residential context.

This selective redesignation benefits a singular infrastructure objective at the direct expense of adjacent residential occupants and established community planning protections.

California courts have consistently recognized that spot zoning occurs where:

- a small parcel is singled out for treatment inconsistent with surrounding uses;
- the rezoning conflicts with the broader planning framework; and
- the action primarily benefits a specific project or use rather than coherent community-wide planning objectives.

The Venice Neighborhood Council formally opposed the requested General Plan Amendment and Zone Change unless substantial compatibility and mitigation concerns were materially addressed.

Here, the requested redesignation undermines the integrity of the certified Venice Land Use Plan by converting residentially planned coastal land into industrial-scale wastewater infrastructure absent meaningful compatibility protections or comprehensive neighborhood planning analysis.

The City's attempt to redefine residentially designated coastal land for utility infrastructure purposes immediately adjacent to occupied homes constitutes arbitrary parcel-specific rezoning inconsistent with accepted land use planning principles.

XI. INCONSISTENCY WITH THE CERTIFIED VENICE LAND USE PLAN AND COASTAL ACT POLICIES

The project approval fundamentally alters longstanding residential land use protections by redesignating residential land to Public Facility use while weakening previously established coastal and residential compatibility standards.

The CPC specifically amended policies to newly permit public facilities adjacent to the canals, Ballona Lagoon, environmentally sensitive coastal areas, and surrounding residential properties.

However, the City failed to adequately demonstrate:

- the project is compatible with immediate residential occupancy;
- the project protects neighborhood character;
- residential impacts are minimized;
- environmentally sensitive coastal conditions are protected; or
- sufficient mitigation exists for directly affected surrounding adjacent residents.

The administrative record repeatedly references concerns regarding:

- ESHA protections;
- dredging impacts;
- heavy equipment use;
- habitat degradation;
- coastal access constraints; and
- cumulative environmental impacts.

These unresolved concerns directly undermine the City’s findings regarding consistency with the certified Venice Land Use Plan and Coastal protections.

XII. DISPROPORTIONATE INFRASTRUCTURE SCALE AND RESIDENTIAL IMPACTS

The proposed VAPP represents an unusually large-scale and intensive infrastructure deployment within immediate residential adjacency compared to similarly situated utility infrastructure throughout Los Angeles.

Unlike many municipal utility facilities that are buffered from residential occupancy through industrial zoning transitions, substantial setbacks, landscaped screening, or separation corridors, the proposed project places expanded wastewater infrastructure directly adjacent to occupied homes within a sensitive coastal residential environment.

Examples of municipal utility and wastewater infrastructure facilities throughout Los Angeles that are commonly separated from residential occupancy through industrial zoning transitions, substantial setbacks, landscaped screening, or infrastructure corridors include:

- The Hyperion Water Reclamation Plant facility in Playa del Rey, which operates within a large-scale industrial utility campus separated from surrounding residential areas through extensive buffering, operational setbacks, and infrastructure corridors.
- The Donald C. Tillman Water Reclamation Plant facility, which is substantially buffered from adjacent residential occupancy through industrial zoning separation, landscaped perimeter treatments, and roadway infrastructure.
- Wastewater and sanitation infrastructure facilities operated near the Terminal Island Water Reclamation Plant area, where heavy utility uses are generally concentrated within industrialized port and infrastructure zones rather than immediately adjacent to occupied residential homes.
- Pumping and treatment infrastructure associated with the Los Angeles-Glendale Water Reclamation Plant corridor, where utility infrastructure is generally separated from sensitive residential receptors through transitional land uses, setbacks, fencing, and operational buffers.

The disproportionate scale, operational intensity, and construction footprint of the proposed facility materially exceed what residents reasonably expect within a residentially designated coastal neighborhood.

The administrative record reflects repeated community requests for redesign modifications necessary to achieve compatibility with the surrounding residential neighborhood.

1. Triggers for Mitigation Allowance Access

To prevent displacement and economic harm, mitigation funds should be accessible at clearly defined stages, including:

- Upon commencement of **site preparation or subsurface activities**, including grading, excavation, trenching, pile driving, or underground utility installation.
- During construction phases that **materially interfere with safe or practical residential occupancy**, including excessive vibration, sustained noise, restricted access, or safety-related advisories.

2. Defined Economic Impacts

To ensure predictability and fairness:

- Compensable impacts should include **documented loss of rental or household income** resulting from construction-related displacement or loss of use, whether or not physical damage has occurred.
- Income replacement may be calculated based on the **average monthly income from the twelve (12) months preceding construction.**

3. Temporary Rehousing Assistance

Where construction conditions make continued occupancy unsafe or impractical:

- Temporary rehousing should be provided for the duration of such conditions.
- Assistance should include **comparable housing, moving and storage costs, utility reconnection, and a guaranteed right of return.**

Per the CPC transcript: Robin Rudisill stated:

We therefore urge the commission to condition approval on:

“Requiring public works to finally agree to good faith, results-oriented conditions to address the remaining community concerns on residential building protection and health and safety.”

But throughout the hearing, the City repeatedly answered concerns with:

- *future studies,*
- *future consultants,*
- *future plans,*
- *future protocols,*
- *future coordination.*

The City failed to adequately analyze whether:

- less impactful siting alternatives;
- expanded setbacks;
- alternative facility configurations;
- enhanced buffering; or
- modified operational approaches

could substantially reduce adverse neighborhood impacts.

This failure is particularly significant given the acknowledged environmental sensitivity and residential character of the Venice coastal area.

XIII. INADEQUATE CEQA REVIEW AND FAILURE TO PREPARE SUFFICIENT ENVIRONMENTAL ANALYSIS

The City improperly relies upon prior environmental review documents and addenda while failing to adequately evaluate the current site-specific impacts associated with placing industrial-scale wastewater infrastructure immediately adjacent to occupied residential homes.

The environmental review inadequately analyzes:

- cumulative construction impacts;
- vibration impacts upon adjacent structures;
- long-term operational impacts;
- residential habitability impacts;
- environmental justice concerns;
- displacement pressure;
- cumulative industrialization effects;
- mental health impacts associated with prolonged construction exposure; and
- site-specific impacts to immediately adjacent residential occupants.

The administrative record reflects repeated community concerns that despite numerous meetings and mitigation proposals, “nothing changed” regarding core project impacts and protections.

The City repeatedly deferred critical mitigation obligations to:

- future consultants;
- future studies;
- future plans;
- discretionary implementation;
- future monitoring determinations; and
- undefined protocols.

Such deferred mitigation is inconsistent with CEQA’s requirement that mitigation measures be enforceable, specific, measurable, and capable of implementation.

Substantial evidence supports a fair argument that the project may cause significant impacts requiring additional environmental review under CEQA.

XIV. MATERIAL CONTRADICTIONS WITHIN THE ADMINISTRATIVE RECORD

As detailed below the administrative record demonstrates repeated contradictions between:

- community-requested protections;
- acknowledged impacts;
- commissioner concerns;
- project admissions;
- unresolved mitigation deficiencies; and
- the ultimate findings adopted by the CPC.

These contradictions further demonstrate that substantial concerns raised during the public hearing process were acknowledged yet materially minimized within the final project findings and conditions of approval.

A. Methane Monitoring

Community members requested:

- 24-hour active methane monitoring;
- public reporting access;
- emergency thresholds; and
- automatic shutdown protections.

However, project representatives acknowledged that:

- only passive systems were under consideration;
- no finalized active monitoring system existed; and
- stronger protections were not being required.

B. Structural Damage Protections

The Environmental Impact Report acknowledges that vibration impacts could damage residential structures.

Nevertheless:

- no mandatory compensation mechanism was finalized;
- no automatic repair protocol was imposed;
- no enforceable relocation protections existed; and

- compensation discussions remained discretionary.

C. Emergency Planning

Commissioners specifically requested clarification regarding emergency response procedures for neighboring residents.

Project representatives acknowledged only that emergency plans “would have to be” developed, demonstrating that such protections had not yet been finalized despite project advancement.

D. Residential Compatibility

The Venice Neighborhood Council repeatedly requested:

- redesign modifications;
- buffering protections;
- compatibility standards; and
- operational changes.

Despite these requests, the City proceeded with approvals while failing to materially address the majority of community concerns.

E. Environmental Review Deficiencies

The record reflects repeated community concerns that:

- mitigation proposals were ignored;
- environmental risks were minimized;
- residential impacts were inadequately analyzed; and
- community engagement failed to materially alter the project.

These contradictions undermine the adequacy of the CPC’s findings and further demonstrate unresolved deficiencies within the approval process.

XV. REQUESTED RELIEF

Accordingly, Appellant respectfully requests that the City Council:

1. Reverse the approval of the Conditional Use Permit, General Plan Amendment, Zone Change, Venice Land Use Plan Amendment, and related entitlements;
2. Require preparation of a subsequent or supplemental Environmental Impact Report fully analyzing current residential and environmental impacts;

3. Remand the matter back to the CPC with instructions to impose legally enforceable residential protections;
 4. Require independent structural inspections before, during, and after construction at applicant expense;
 5. Require real-time vibration monitoring with enforceable stoppage thresholds;
 6. Require mandatory temporary relocation accommodations during demolition, excavation, pile driving, and high-vibration construction activities;
 7. Require mandatory compensation procedures for structural damage, habitability interference, and loss of use;
 8. Require continuous methane and air quality monitoring with direct resident notification systems;
 9. Require mandatory sound barriers, visual buffering, and enhanced landscape screening adjacent to residences;
 10. Require construction-hour restrictions and noise limitations specific to surrounding residential occupancy;
 11. Require a binding emergency response and residential protection protocol; and
 12. Deny the requested land use amendments unless and until lawful compatibility findings and adequate environmental protections can be demonstrated.
-

XVI. CONCLUSION

The CPC approval fails to adequately balance public infrastructure objectives with the rights, safety, habitability, environmental protections, and property interests of immediately adjacent residents and surrounding coastal community members.

The proposed approvals create substantial legal, environmental, and land use concerns that warrant reversal, remand, and comprehensive additional review.

Respectfully submitted,

Kenya Lee
Adjacent Resident, Aggrieved Party, and Community Stakeholder
On behalf of affected surrounding residents and community stakeholders

Date: May 26, 2026

