#### **GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE**

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that "compliance" means that the submission complies with deadline, delivery method (hard copy and/or electronic) <u>AND</u> the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <u>http://planning.lacity.org</u>, by selecting "Commissions & Hearings" and selecting the specific Commission.

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.

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If you have any questions, please contact the Commission Office at (213) 978-1300.

# SECONDARY SUBMISSIONS



#### **Department of City Planning**

City Hall, 200 N. Spring Street, Room 763, Los Angeles, CA 90012

April 20, 2020

- TO: City Planning Commission
- FROM: More Song, Planning Assistant Department of City Planning, Expedited Processing Section

## TECHNICAL MODIFICATION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2019-6269-CU-F-ACI; 18600-18618 WEST LANARK STREET

The following are proposed revisions to the Conditions of Approval, to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of April 23, 2020, related to Item No. 10 on the meeting agenda. The proposed modifications regard

#### Project Permitting

Condition No. 11.g. currently reads as follows:

11.g. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.

The Department of City Planning recommends that Condition No. 11.g., as currently written, be modified with the following <u>underlined</u> and <del>strikethrough</del> language to clarify that the requirement shall be for prior to project clearance, and not project approval:

11.g. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval clearance from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.

#### Hours of Operation

Condition Nos. 16.a., 16.b., and 17.d currently read as follows:

16.a. Hours of operation shall be limited to 7:00 a.m. to 6:15 p.m., Monday through Friday, for the regular academic school year.

- 16.b. Hours for classroom instruction shall be limited to 9:00 a.m. to 3:15 p.m., Monday through Friday, for the regular academic school year.
- 17.d. Staff monitors in orange vests or other distinctive attire shall be on duty every school day from 8:30 a.m. to 9:00 a.m. and from 15 minutes prior to the end of the last class period to 15 minutes after the end of the last class period, and at all school special events to direct traffic and aid with passenger loading and unloading. A minimum of four monitors shall be present during the regular school day, as follows:

The Department of City Planning recommends that Condition Nos. 16.a., 16.b., and 17.d., as currently written, be modified with the following <u>underlined</u> and <del>strikethrough</del> language to clarify the proposed hours of operation, as outlined in Exhibit B, School Schedule:

- 16.a. Hours of operation shall be limited to 7:00 a.m. to 6:15 p.m., Monday through Friday, for the regular academic school year<u>, except as otherwise permitted below</u>.
- 16.b. Hours for classroom instruction shall be limited to 9:00 8:30 a.m. to 3:15 p.m., Monday through Friday, for the regular academic school year.
- 17.d. Staff monitors in orange vests or other distinctive attire shall be on duty every school day from 8:30 8:00 a.m. to 9:00 8:30 a.m. and from 15 minutes prior to the end of the last class period to 15 minutes after the end of the last class period, and at all school special events to direct traffic and aid with passenger loading and unloading. A minimum of four monitors shall be present during the regular school day, as follows:

#### Special Events

Condition No. 18 currently reads as follows:

18. School Calendar/Special Events, Parking, and Neighborhood Outreach and Notice. The number of special events shall be in substantial conformance with and shall not exceed the number specified in Exhibit "B". School administrative board meetings and parent/teacher meetings are excluded from the definition of "Special Events".

The Department of City Planning recommends that Condition No. 18, as currently written, be modified with the following <u>underlined</u> and <del>strikethrough</del> language to minimize potential misunderstandings regarding what constitutes a special event:

18. School Calendar/Special Events, Parking, and Neighborhood Outreach and Notice. The number of special events shall be in substantial conformance with and shall not exceed the number specified in Exhibit "B". School administrative board meetings, and parent/teacher meetings, and other similar customary school activities are excluded from the definition of "Special Events". ITEM NO. 10 CPC-2019-6269-CU-F-ACI PAGE 3

#### <u>Noise</u>

Condition No. 19.c. currently reads as follows:

19.c. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site.

The Department of City Planning recommends that Condition No. 19.c., as currently written, be modified with the following <u>underlined</u> and <del>strikethrough</del> language to minimize potential misunderstandings regarding what constitutes a special event:

19.c. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site such that potential noise sources are oriented away from neighboring properties. All equipment shall be in compliance with the requirements of the LAMC.

#### <u>Trash</u>

Condition No. 21. currently reads as follows:

21. **Trash**. Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

The Department of City Planning recommends that Condition No. 21, as currently written, be modified with the following <u>underlined</u> and <del>strikethrough</del> language to better reflect the plans in Exhibit A:

21. **Trash**. Trash receptacles shall be stored within a fully enclosed portion of the building <u>structure</u> at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

All of the revisions herein do not affect the requested entitlements and do not substantially alter the project as depicted in the plans in Exhibit A; rather, they are technical clarifications to better reflect the proposed operations and regulatory requirements.

Item No. 11



#### **Department of City Planning**

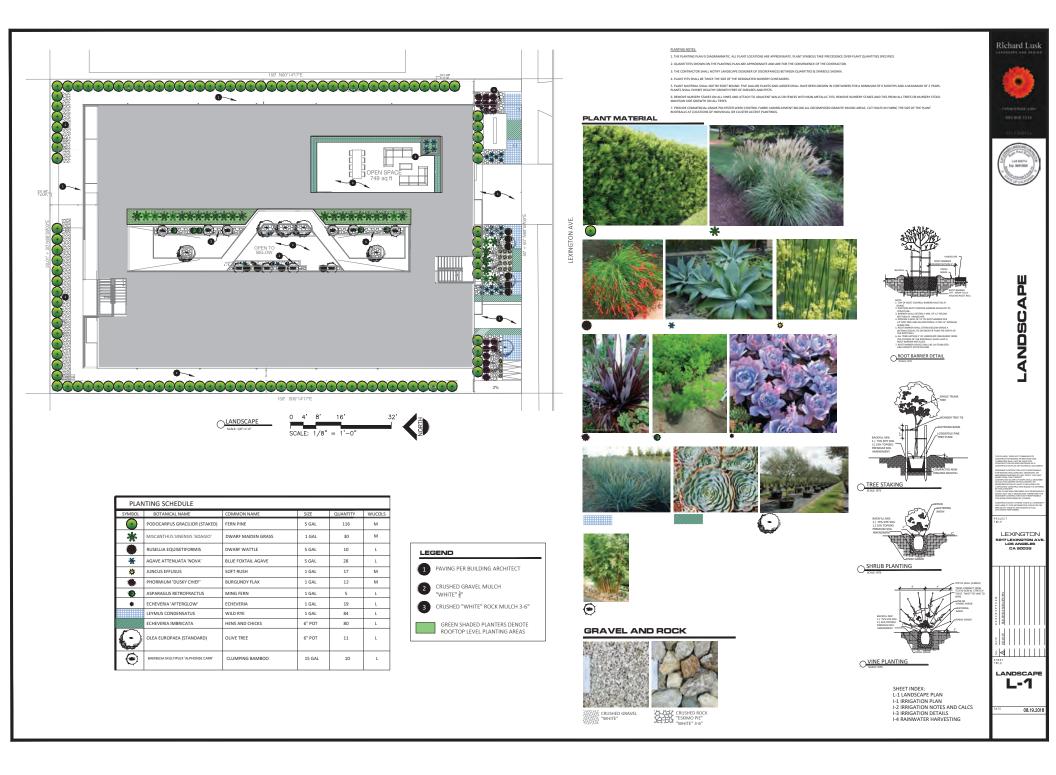
City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

April 21, 2020

- TO: City Planning Commission
- FROM: Alex Truong, City Planning Associate

## ADDITIONAL INFORMATION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. DIR-2019-5388-DB-1A; 5817-5823 WEST LEXINGTON AVENUE

Transmitted herewith is the proposed Landscape Plan which was inadvertently omitted from Exhibit D of the Appeal Report to be considered by the City Planning Commission at its April 23, 2020 meeting related to Item No. 11 on the agenda.



March 10, 2020

City Planning Commission 200 North Spring Street, Room 720/721 Los Angeles, CA 90012 <u>connie.chauve@lacity.org</u> <u>cpc@lacity.org</u>

Dear City Planning Commission,

My name is Army Linderborg. I bought my first home in 2015, and it's within 500 feet of the proposed development at 1309-1331 Pacific Ave. I bought here because I wanted to live in LA by the beach, and buying a house in San Pedro was the only affordable option. I knew it was a sound investment, but I've also come to find that the diversity of the human experience here is remarkable, and the constant visibility of natural and man made wonder is inspirational.

As this place grows and evolves, it's our duty to honor history, nurture and protect our natural resources, and maximize potential inclusively. Nearly five years into my residency here, I work tirelessly to implement these practices and help make my neighborhood better for everyone who lives here now, or might one day, or who just wants to visit for a while.

My house came with mature fruit trees, and since hundreds of lemons, guavas and kumquats have become my responsibility each year, I've been on a mission to help prevent home grown food from going to waste. With the help of like minded residents and business owners, I've created a neighborhood fruit swap system, where San Pedro neighbors pick the surplus fruit from the mature fruit trees that blanket the neighborhood to swap with each other, and share with local residents less fortunate. I also lead fruit picking and trading tours. Locals get a free fruit picking service as well as a variety of free produce picked from other San Pedro residences. Travelers get a distinctly San Pedran experience and a ton of fresh fruit. The tours have brought people from Saudi Arabia, China, Germany, and countless other parts of the world to San Pedro who come for the fruit end up taking my recommendations to do a little shopping, maybe take a hike, go to this great place for dinner, watch the sunset at the beach, etc, when they otherwise might have skipped San Pedro entirely on their trip to LA.

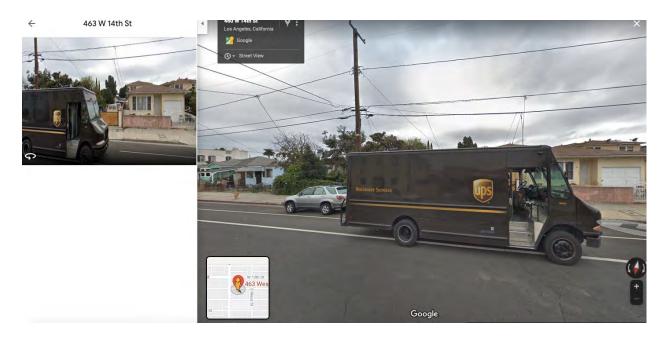
I'm also an active volunteer at Green Girl Farms, a local nonprofit dedicated to implementing local food producing systems. Their flagship farm is on 14th and Mesa, one block from the proposed development. In 2019, I partnered with Green Girl Farms to apply for an LA2050 grant to plant a Public Orchard at the east end of 14th St, on a blighted strip of unbuildable city owned land one half mile from the proposed development. We also applied for a Great Streets Grant to address the problems of Gulch, the busy critical connection street adjacent to the proposed Public Orchard strip where the current system is for people to push strollers and wheelchairs down the middle of a steep road because there is no sidewalk on either side. Community support for both these projects was huge, but we didn't get either grant.

I'm no stranger to the heartbreak of civic engagement in Los Angeles. Discouraging times are just part of the process. Fighting for things that will make our community better, not just wealthier, is my civic duty, and that's why I must speak out about this proposed development. It will, without a doubt, make our neighborhood a worse place to live than it is now.

I've read the staff recommendation report, and have outlined below some factors that were not taken into account. Please take them under consideration before you make your final decision. At the end of this document, I will propose some amenities that could be included in a revised proposal that would make our neighborhood better for all residents, present and future.

#### The Amazon Prime Effect-Hidden Traffic Factors

The traffic study says that although there will be an additional 372 daily trips from this corner, it will not impact traffic at all. But what about idling vehicles? A building with a 102 units and parking up to 5 levels below residences means shopping can be very inconvenient, and delivery drivers will be coming and going all day long. Not just FedEx and UPS, but the multitude of independent Amazon delivery drivers will have nowhere to park and nowhere to stage. On the side streets, everyone just Pedro Parks. Our system is to quickly and illegally double park while running a package to the door, retrieving a forgotten item from home, or picking someone up. As density increases, this is not a sustainable method. Pasted below is the actual Google Maps street view of my house at 463 W 14th St, where you can see a UPS truck pulled over on the wrong side of the road, blocking the bike lane as well as the view of my house.



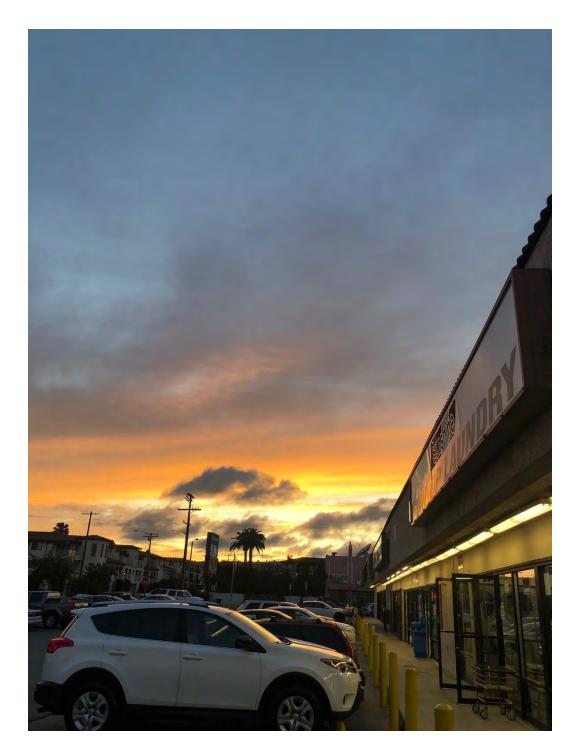
The main entrance for this proposed development is planned for Pacific, which has a parking lane, bike lane, and traffic lane on each side with a turning lane in the middle. This leaves these delivery drivers with two options: Idle in the bike lane, partially blocking the traffic lane too,

causing drivers to swerve to avoid it, or idle in the turning lane, like they do on Abbot Kinney in Venice, making it impossible to turn into the local businesses or onto the local streets nearby. If they idle on 14th just off Pacific, cars turning right onto 14th from Pacific will have to swing wide into oncoming traffic on 14th to avoid them. This proposed development is on a very busy corner where children from elementary, middle and high school walk every day. 14th Street and Pacific is also a major bike lane junction. All the elements are there for this unregulated intersection to become a death trap. And then there are the Uber and Lyft drivers developers claim will be picking up and dropping off here non stop because that's the future. Where will they wait when all the Pedro Parking spots are taken up by the Amazon delivery drivers? Pacific is also the main route for Emergency Services, and the fire station on 16th is busy. Any additional congestion on this road could impede their swift travel.



#### Waiving our Development Standards-Privatizing the Sunset

One of the great equalizers in this neighborhood is our height cap. The topline of the San Pedro Community Plan is for a "high quality of life for all residents that builds upon distinct natural beauty." This means everyone has the opportunity to see the sun rise and set. Studies have shown the mental health benefits of simply watching a sunset include prosociality, gratitude, mindfulness and general satisfaction with life. Sunsets create a connection to the natural world, even on days you can't get out of the busy city. I can't tell you how many times we've all stood on the sidewalk, or in front of the laundromat, completely entranced by the sunset. We don't have hills below Pacific. We'll never get the views of elevation others in our neighborhood get. But we all play by the rules and don't build too high so that everyone has the opportunity to see the free show nature puts on every morning and night. A four and a half story building on this site would block the entire hill of the Palos Verdes Peninsula and most spectacular part of the nightly sunset, like in the photo below of the proposed sight from the laundromat on 14th St at sunset on March 7 2020.



Building a nearly five story high, almost city block wide building on this corner will eliminate the sunset view over the Palos Verdes Peninsula for residents below Pacific, and eliminate the sunrise view over the port for those above Pacific. This project would privatize the sunset for only a very few, on the upper west facing floors of this proposed development, which is unconscionable. There is no reason the building can't be three stories tall. This would bring the total amount of apartments down to 75, increasing the Very Low Income ratio to a true 16%, not

the 11% it's currently at, and allow for loading spots for delivery drivers in the parking garage. It would also be the same height as the other apartment buildings on Pacific.

This proposed development is zoned C2-1XL-CPIO, like the rest of Pacific in this area, so every building in the neighborhood must abide by a 30 foot height limit. The staff report says that the proposed four story, 45 foot and 5 inch tall building is similar to other buildings in the neighborhood, but that's simply not true. Nothing is taller than three stories anywhere around, and this building is also nearly an entire city block long. It will tower over everything around it, like it towers over the two story tire store in the artist's rendering. It will stick out like a sore thumb and be visible from great distances. It's a full 50% higher than the neighborhood's highest buildings. The view from 15th street looking north below shows the scale of the neighborhood.



This is in direct defiance of the San Pedro Community Plan for the Pacific Corridor, which prioritizes prevention of exactly this in the Redevelopment Plan by implementing Residential Design Standards: "To ensure that new construction within existing neighborhoods will be compatible with its surroundings. The scale and character of new residential construction needs to be especially sensitive to the height, massing and orientation of existing residences."

#### Not Enough Mix of Income Levels-Exacerbating the Housing Crisis

Traffic and sunsets are both defining characteristics and important conversation topics in Los Angeles. But what will be the most detrimental thing about this proposed apartment building is that it will sit largely empty while people sleep in the streets and make the housing crisis worse.

A March 9 search of available listings in San Pedro shows 496 available rentals. 398 of these listings are concentrated at just two apartment buildings: The Vue a 304 unit building built in 2008, and 550 Harborfront, a 375 until building that opens this year. This building ironically partially blocks the view from the Vue. Both buildings are about \$1000 higher than the average rental rates for one, two and three bedroom units in San Pedro. There is just no demand for apartments like this. Young people don't want to rent a really expensive apartment in an up and coming area. A mortgage on a house in San Pedro is lower than that rent. Rent has actually gone down here by 4.4% in the last year.

Yet this is one of 10 proposed, under construction, or recently completed projects that have bare minimum amount of affordable or low income units required to trigger density bonuses while building an obscene amount of apartments only very wealthy people who don't live here can afford. Only one majority affordable housing building has recently been approved in our neighborhood. Brava. Here's what else is coming down the pipeline for Central San Pedro:

111 N Harbor Blvd, 120 units, only 10 affordable
407 N Harbor Blvd, 63 units, only 8 affordable
511 N Harbor Blvd 137 units, only 16 very low income
222 W 6th St, 228 units, adaptive reuse, no proposed affordable or low income units
337 W 7th St, 32 units, no affordable or low income units
444 W 5th St 99 units, only 8 low income
420 W 9th St, 56 units, only 6 extremely low income
550 Harbor View, 375 units, no affordable or low income units
2100 Pacific Ave, 101 units, only 12 very low income (the same developer, only 8 blocks away from 14th and Pacific)

This is 1,313 new apartments proposed, with only 18 affordable units, 8 low income, 40 very low income, and 6 extremely low income. This means 1313 above rate units, and 72 affordable to extremely low income units, with the ratio of haves to have nots at 19 to 1. Meanwhile, the most recently published homeless count in San Pedro was over 600. Buildings like this make the housing crisis worse. Livable apartments sit empty while people sleep on sidewalks.

There was a similar luxury construction boom in downtown Los Angeles. Vacancy rates in that neighborhood have been in the double digits since 2018, while there are nearly 4800 people living on Skid Row. We must learn our lessons from other neighborhoods in Los Angeles that are now trying to play catch up. The San Pedro Community Plan does not want large

concentrations of public housing. The only way to avoid that in the future is to dedicate more space to building lower rent units now.

The average household income in San Pedro is around \$64,000, and landlords are advised not to rent to anyone for whom the rent would be more than 30% the monthly income. This would mean an appropriate rent would be \$1600 a month, and there are currently only 20 apartments in San Pedro available at that rate, most of which are studios and one bedrooms and would be challenging to fit an entire household into.

A more responsible use of a 102 unit building would be to add 12 affordable units, 12 low income units, and 12 extremely low income units. This would put the mix more at 50% above market and 50% at or below. We could bank on the financial potential of residents by timing these out over a period of XX years, like the very low income units time out after 55 years. I'm sure an expert could come up with the right numbers that would ensure new development meets housing demand while still turning a profit for the landlord. If all ten new developments did something like this, we could make a real difference much quicker.

San Pedro is in a unique position to be a leader here. We do not need to approve everything that comes our way. We need to be selective, and approve only developments that have the best interest of every resident, current and future, in mind. This proposal isn't even LEED certified like the last development of three story townhouses built by this developer a few blocks away. This proposal is backsliding. It defies the San Pedro Community Plan. It provides no new public gathering space even though it demolishes a block's worth of potential for that. And worst of all, it only allows for 12 very low income units, 90 high end units, and nothing in between.

The developers expect us to be grateful for the bare minimum and bend over backwards to accommodate them. We can't be so thirsty. San Pedro is a Coastal California Community. We are about the safest bet you can make in real estate. Developers will always want to build here. We should only entertain forward thinking proposals that take into account the environment, preserving public spaces with access to nature, and features that provide potential for increased prosperity for existing and future residents.

The fact of the matter is that substantial affluence isn't coming to San Pedro until after a lot of blue collar people get to work building it. Housing these workers should be our first concern. Rents will go up in time, they always do. We shouldn't blaze over community gathering places to make way for isolated buildings for theoretical rich people who want a fancy apartment in a low income parts of town. The corner in question has so much more potential as a place for the whole neighborhood to come together.

#### Better for the Block-Things that will Really Increase Neighborhood Value

To build this proposed development, a series of buildings must be bulldozed, all of which were built to be community gathering spaces. Music venue, ice cream parlor, local bar; these are a few of the opportunities to gather that we will never get back if this development goes through. The shame of it all is that a gathering space is exactly the thing this vibrant community needs.

This strip of Pacific is very alive, with multi-generational foot traffic and a diverse mix of local business. In just a one block radius, we've got a local newspaper, ballet studio, art galleries, two laundromats, Croatian fried chicken, florist, furniture store, corner store, dollar store, Mexican takeout, teriyaki and burger stand, elementary school, glass craftsman, and donut shop. The car culture industry gets its own list. In just a couple blocks along Pacific we've got a European classic car restoration service, motorcycle sales and service, body shop, upholstery shop, car care center, tire store, car wash and a weekly appearance by the Snap On tool truck driver.

But what we don't have is a space where people in an array of income and age levels can gather. That's all we need. The 800 person capacity music venue that will be torn down was that. The bowling alley that building was originally built to be was that. If we allow this proposal to go through as is, we will lose this corner as a community space forever.

In my recent deep dive into Los Angeles zoning and planning, I've learned that extractions are expressly forbidden. This means we can't ask developers to provide things for the community as conditions for building. Conversely, it's perfectly acceptable for developers to ask for breaks, incentives, and entitlements from the community as conditions for building. Developers are encouraged to offer amenities that will improve the community as a whole through the San Pedro Community plan, but they aren't required or expected to do so. My suggestion is that we stop approving plans that don't include amenities that offset the hardships big development brings to our community. Keep our standards high. We're worth it!

We have an opportunity to bring everyone in San Pedro up during this new wave of development. I know first hand how hard that can be in this city. But if we don't even try, if we don't put the lessons we learned in other neighborhoods to use, what kind of city planning is that? Accepting the bare minimum should not be an option. Developers should be fighting for our spaces, and blazing trails for the future of a sustainable, happy, 3rd LA, not offering average plans that do nothing to honor or improve the spectacular place they plan to build. New development should be a jumping off point to discuss how something brand new can best serve the community as a whole.

Below are some amenities this particular block could really use that could easily be incorporated into a building that also houses hundreds of people. These are just my first ideas. If the developers met with the community and brainstormed, like the Great Streets Grant Recipients do to determine the best possible plan of action for a corridor, imagine what could be accomplished. Community collaboration is key when working to substantially increase density.

#### Playground-the nearest swingset is a mile uphill.

**Public Park-**rooftop parks are common in other cities, and a great way to preserve accessibility to the natural world while increasing density vertically.

**Community Kitchen**-this area is hub for local food producers and has beloved street vendors. A community kitchen could help residents launch new cottage kitchen business, host cooking classes, serve as catering space for events, and generate income for the building, while also providing cooking space for those who don't have any. Community kitchens are being common in new developments across LA.

**Rooftop Bar/Restaurant**-great way to give back those sunsets to the community, create jobs, and provide income for the building even in times of high vacancy.

**Outdoor Food Court-** this route is frequented by teenagers who just want a place to go hang out and snack. Mothers with toddlers in the neighborhood want the same thing. Let's give these two groups a place to hang out together. A bonus is a boost to the babysitting economy. **Zumba**-if just one ground level room or rooftop space was devoted to community fitness classes, it would be life changing for the block. There is no yoga, no battle ropes, not even a kettlebell in the entire Pacific corridor.

**Public Parking-**Unbundled parking spaces mean there's a possibility for a covered parking surplus at this building, meaning spaces could be rented or donated to members of the community.

**Maker Space-**a place to share tools, create together, encourage creativity, and pass down knowledge from generation to generation

**Sunrise Sunset Bridge-** exterior stairs on both sides of the building could lead to a public platform where neighbors could climb to take in unobstructed views of their neighborhood. This bridge would have no access to private rooftop decks or apartments.

Thank you for your consideration in this matter. I urge you not to approve this building as proposed. It's at a good starting point, but there's so much more than it can be. To pull the trigger now would be dismissive of our neighborhood. We need to give this block, and this future development, the time and consideration to reach its full potential.

Best,

Army Linderborg army.feth@gmail.com 602.290.8024

Sources:

https://www.mysmartmove.com/SmartMove/blog/rent-to-income-ratio.page https://www.psychologytoday.com/us/blog/minding-the-body/201407/how-admiring-the-sunset-c hanges-you-the-better https://la.curbed.com/2020/3/5/21079171/los-angeles-vacancy-apartments-housing https://www.huffpost.com/entry/make-time-for-sunset\_n\_5066629 https://www.apartments.com/san-pedro-ca/under-1500/?bb=1r789xnulNuuv3u9D#guide https://planning.lacity.org/StaffRpt/InitialRpts/ADM-2018-5752.pdf https://www.apartments.com/550-harborfront-san-pedro-ca/e6trq5m/ https://www.apartments.com/the-vue-san-pedro-ca/6fqh39t/ https://la.curbed.com/2020/3/5/21079171/los-angeles-vacancy-apartments-housing http://www.ladowntownnews.com/news/number-of-homeless-people-on-skid-row-spikes-by/articl e\_aa32fbda-bafb-11e9-849f-ab047fa8951a.html https://sanpedrotoday.com/if-you-think-traffic-is-bad-now-just-wait/

#### A Day on 14th and Pacific, in case you've never been:

Every morning the sun rises over the Port of Los Angeles, illuminating our high functioning global society just before it beats down on the residents who live on a sidewalk lined with tents along Plaza Park. This sidewalk is now full and I saw the first tent south of 14th St last week. The fog horn blows until the marine layer gets up and leaves. The donut shop and the laundromat open first so we can all get to work getting today's coffee in and yesterday's coffee stains out. The streets are thick with school kids walking to 15th St Elementary, Dana Middle School, and San Pedro High before classes start. The next group to hit the streets are young men selling hot fresh tamales from rolling coolers, announcing their arrival in sing song hollars that can be heard in plenty of time to grab your cash and meet them on the sidewalk. When they get near my house they yell "pina para nina!" if the pineapple tamales haven't sold out yet because they know they are my little girls' favorite. On Wednesdays the farm on 14th and Mesa opens up for a farmers market, and San Pedrans arrive in droves eager to purchase produce grown right there and fresh sourdough bread made just up the road. People run, walk their dogs, push strollers, go to work, work at home, relocate their worldly belongings when the homeless encampments are broken up. The guys from the halfway houses take group trips to Dollar Tree. Helicopters chase criminals through the streets. One time a teenager with orange hair shot a gun off at 7:30 in the morning. The street was on lockdown and helicopters were circling and hovering, but the kid got away by getting on the city bus a couple blocks away. A group of old men hang out in the parking lot in front of the South Pacific Market doing scratchers. When they win the owner proudly displays the ticket in the window. I'll bring a group of tourists picking and trading fruit through the neighborhood with me, handing out fresh picked tangerines or avocados to whoever we pass. When school's out the kids are too, heading to the Boys and Girls Club for incredible after school programs, or San Pedro City Ballet, both on 13th St, walking home or to the park or store, enjoying the moments of transient freedom in their day. At 4:30 the Air Force Base plays the National Anthem and it can be heard for miles. The ice cream trucks start to circle, delighting every resident with no air conditioning. The Snap On truck parks outside the locally owned Meineke, delighting every gear head craving new tools. The sun heads over the hills that build into the peak of the Palos Verdes Peninsula, setting in a spectacular backwards for California style: over land to the west while the pacific ocean flows through the port to the east. Toys That Kill practice in a garage directly across the alley from my house, and I get a free live punk show (audio only) before the lead singer heads down to Sardine, the brand new punk rock venue and bar he opened on 11th and Pacific in a former bakery space. It took two years to get all the approvals from the city. At 9:00 the Air Force Base plays Taps, and the day is done for me. The dive bars and taco trucks keep Pacific Ave up later. On nights that it rains I worry about people's tents leaking. Dogs bark at raccoons occasionally throughout the night. The pickup trucks that take union workers to work before dawn start up and drive off, and then the sun rises over the Port of Los Angeles to start another day.



March 8, 2020

Connie Chauv, City Planner Department of City Planning connie.chauv@lacity.org

To whom it may concern,

We are writing to you in support of the proposed 102-unit development, including 12 dedicated Very Low Income units, at 1309 – 1331 South Pacific Avenue, CPC-2019-4908-DB-SPR/ENV-2019-4909-CE. We urge the city to find the project Categorically Exempt from the provisions of CEQA, and to approve the project with the following Affordable Housing incentives:

- 2.65:1 FAR in lieu of the 1.5:1 otherwise permitted
- 20% reduction in the required open space, to allow 8,831 square feet in lieu of the 10,950 square feet otherwise required
- 5-foot rear yard setback in lieu of the 16 feet otherwise required
- 45-foot and 5-inch building height in lieu of the 30 feet otherwise permitted

The greater Los Angeles region is facing a severe housing shortage. This project will provide much needed housing. By creating new housing in this neighborhood, it will help to reduce issues of gentrification and displacement in other parts of the region. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part.

This project is close to many transportation options. The Metro Silver Line, 2 blocks away, runs between San Pedro and El Monte, and stops at transit and employment hubs, including USC and other colleges, medical centers, LA Live/Staples Center, Exposition Park, and the Cruise Ship Terminal. Route 246, running between San Pedro and Gardena, and the San Pedro DASH also stop 2 blocks away. An elementary, middle, and high school are also less than 1 mile away.

It is great to see the developer using the Density Bonus program to bring both market rate and badly needed affordable housing to the city. Affordable housing programs that depend on a percentage of new construction being affordable need a lot of new construction to have an impact, and the city should work to increase the number of developers using the Density Bonus.

Best Regards,

Tami Kagan-akrams

Tami Kagan-Abrams Abundant Housing LA Projects Director

Abundant Housing LA Housing for all



Planning CPC <cpc@lacity.org>

#### comment letter and 2 attachments - case number CPC-2019-4908-DB-SPR

**Danial Nord** <danialnord@hotmail.com> To: "cpc@lacity.org" <cpc@lacity.org> Tue, Apr 21, 2020 at 4:24 AM

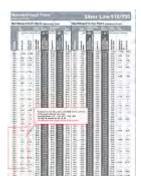
Hello,

A ached are my comment le er (4 pages) and 2 a achments - case number CPC-2019-4908-DB-SPR. Please include them with the materials for the hearing scheduled for Thursday AM.

Thank you,

Danial Nord

#### 3 attachments



SanPedro-SilverLine\_AM-peak.jpg 3541K

- DanialNord\_1309-1331-Pacific\_comment-letter.pdf 105K
- ☆ CityWatch.pdf 706K

2130 South Pacific Avenue San Pedro CA 90731

April 20, 2020

Connie Chauv City Planner 200 N. Spring Street, Room 720/721 Los Angeles, CA 90012

Dear Ms. Chauv, City Planning Staff, and City Planning Commissioners,

I am writing regarding the proposed project located at 1309 – 1331 South Pacific Avenue in San Pedro, case number CPC-2019-4908-DB-SPR.

**First of all, the hearing for this case should be postponed.** The proposed telephonic/Zoom hearing process discriminates against community voices, is biased toward developers, and is scheduled during a Pandemic when the public is at its weakest. Under the current extreme circumstances there was inadequate public notice. The phone meeting (voice-only) will dramatically lessen the impact and effectiveness of testimonies, effectively muting stakeholders.

(attachment: CityWatch article: City Hall Pushes Through Real Estate Projects During the Covid-19 Pandemic)

Additionally physical case files/records have not been accessible to the public for weeks, due to the COVID-19 shut-down. This violates due process. Some of the files are available in the City Planner's Recommendation Report, but they require access to computers/technology to be legible.

### This hearing should be postponed until the public has regained access to case files for a reasonable period of time, and has the ability to appear in person before the CPC.

The developers' securing of an entitled lot is not essential business. Previously this developer and their agents, with the support of Councilman Buscaino and City Planners, secured a host of off-menu entitlements for another nearby lot (listed under 1803 Mesa LLC), and then flipped the entitled lot, at a huge profit, to another builder - walking away with a load of cash. As you surely know there is an ongoing investigation into corruption. City Planning should be especially prudent.

#### The project's impacts on the community will be substantial.

## • The minimal number of affordable units provided is insufficient to justify the major concessions to the applicant. We need more affordable housing!

The specified 12 units of VLI housing are woefully insufficient. In San Pedro 14.6% of people live below the poverty level, the percentage of veterans is among the county's highest, and the median income is far less than half of that in other coastal communities of Los Angeles. In keeping with those figures, the proportion of affordable units should be closer to 50%.

• The precedent to grossly exceed the usual building envelope in a way that is considerably more than even a typical density bonus project (which usually gets a height bonus of 11 feet, not 15' 5") will be harmful. There should be no Waiver of Development Standard. The project's entitlements already exceed standards set by the San Pedro Community Plan and the Pacific Corridor Redevelopment Plan, and pushing further beyond these entitlements will permanently change the character of the community.

• There are no ground-floor storefronts to create the retail continuum on that part of **Pacific, as required in the Pacific Corridor Redevelopment Plan.** The block-long project will permanently eliminate pedestrian retail continuity that will enable small businesses and help the community grow.

• There should be NO CATEGORICAL EXEMPTION due to false and incomplete filings in the the AQ studies and case file documents. The developers clearly backed-in to numbers required to avoid CEQA. Below are three examples that disqualify a Categorical Exemption.

#### Example 1: Soil Removal Discrepancies

The project (see attached docs) lists 23,348 cu/yds of soil export on the AQ analysis. But on the Environmental Assessment form it lists 20,000 cu/yds of import and 20,000 cu/yds of export and 2,500 cu yds of grading.

And the hearing notice lists only 2,500 cu/yds of grading - omitting the other soil removal. The documentation is in conflict with itself.

The law requires project description must be "stable" - it is not.

The discrepancies in soil removal make it impossible for stakeholders (or City Planners) to determine exactly how much soil will be removed and therefore what the impacts will be.

The Categorical Exemption cannot be granted under these circumstances. The AQ study is invalid until the actual figures are sorted out and verified, and the impacts are recalculated.

#### Example 2: No Haul Routes Indicated

Hauling routes are required to determine cumulative impacts. They were omitted from the filing. The City Planner asked about them during the January 16 public hearing, and the developer responded that they could provide them, but subsequently did not.

This omission makes it impossible to determine Categorical Exemption.

### Example 3: Errant Traffic Study - the developers filed an unsubstantiated Traffic Study to enable Categorical Exemptions.

The developers' study lists only 38 vehicles out on weekday mornings (and 25 vehicle trips during the weekday p.m. peak hour).

The project has 132 bedrooms, some of which will have more than one person sleeping in them. By conservative estimate there will be 160 people will be living there (likely significantly more). It is reasonable to expect that half of the people, 80, will be driving to work.

Or at least a third - 60?

## But the developers list only 38 vehicle trips. Why? Because "an increase of 50 vehicles or more during the AM or PM peak requires further analysis..." (translation: no Categorical Exemptions).

As per the developers' study:

"...Since the project is generating less than 50 trips during both AM and PM peak no further analysis is needed." No significant impacts therefore qualifies for a Categorical Exemption. **The developers are clearly backing in to numbers to avoid CEQA.** 

How could this estimate of 38 peak AM trips possibly be? Traffic volumes were estimated using the "ITE Trip Generation Manual" Where is this data used to calculate this unbelievably low number? What numbers were plugged into this generator? What criteria were used? What generic community is their model based on? Certainly not LA... The case files do not include any specific data to support the absurdly low number of vehicle trips. This data is required to determine the accuracy and legality of Categorical Exemptions.

#### The above three examples clearly show that the claim of a Categorical Exemption is illfounded, and the project does not qualify in its present form.

## • In addition, Cumulative Impacts cannot be calculated or addressed without accurate traffic studies, defined hauling routes etc.

Evasion of cumulative impacts is detrimental to the health and wellbeing of our community. But it's critical for developers because it enables Categorical Exemptions (immunity from CEQA regulation) and other entitlements to be attached to lots - translating to huge profits for those who flip (or build on) them.

Again, The Department of City Planning should not be enablers of inaccurate filings that adversely affect the quality of life of LA citizens.

• The developers two projects [CPC-2019-4908-DB-SPR and CPC-2019-4884-CU-DB-SPR] should be heard together, as they were initially on 1/16/20. The hearing should be continued and set at a time when this will be possible, and the public can safely participate.

#### Misleading Transit Information

The Recommendation Report cites a number of available transit options. For the record, none of these options qualifies for TOC or AB744 status because their stops are too infrequent. (see SanPedro-SilverLine AM-peak.jpg)

To qualify as a 'high-quality transit corridor' as specified in AB744 the schedule must be every 15 minutes or less during peak. Also, The Metro 'Silver Line' is a bus, not a rail line. There is no suitable transportation to move significant numbers of tenants of the developers' Pacific Avenue projects to work or school during peak hours.

Other adverse quality-of-life impacts:

• Many trees will be removed - they should be required to be replaced.

• There is no adequate plan for community-friendly landscaping on Pacific. It should be required.

• The project is massively out of scale with adjacent buildings. The building height must be reduced.

• Required open space has been seriously diminished: the developer seeks a 20 percent reduction and a 5-foot rear yard in lieu of 16 feet. This diminishes the quality of life of residents of all ages and is inappropriate.

• The Project should be developed in accordance with the San Pedro Community Plan and the Pacific Corridor Redevelopment Plan.

• The project's hideous generic design is not in keeping with the unique character of San Pedro.

• The skyline will be forever blocked for some nearby residents - others will permanently live in the shadow of this massive out-of-scale development. Outdoor spaces and gardens on adjacent/nearby properties will be permanently diminished.

### Why does Councilman Buscaino support this project with all of its entitlements and concessions, despite vocal objection from so many in the community?

Why is Councilman Buscaino driving developers around town to shop for lots ("Oftentimes I feel like I'm playing real estate agent because I'm in the car with developers showing and showcasing opportunities," he said in a recent interview), and enabling lucrative deals - while refusing to have any face-to-face discussion with his community constituents?

The Councilman did not attend the initial public hearings for the developers' 1309 Pacific and 2111 Pacific 'sister' projects (the hearings were back to back, in the San Pedro building housing his office). There was a huge public presence jamming the room, and a powerful outcry of concern. Only one resident supported the projects.

The 'last word' at the hearing was given to Buscaino's representative, Aksel Palacios, who stated "Though we understand community concerns, the benefits of the project outweighs them, and therefore we support the project..." and he added "the project definitely qualifies for Categorical Exemptions."

What are the benefits of the project, and for whom?

Palacios said that he'd stay to take questions from the alarmed community, but quickly disappeared as the hearing ended. Ever since the hearing, community members tried repeatedly to schedule a face-to-face meeting with the Councilman, but were consistently refused (this was before Pandemic closures).

#### The Community has been denied a seat at the table. Why?

We are concerned about the recent exposure of corruption. City Planners should be too. What are the motives for enabling projects that will permanently adversely affect the local community while enriching out-of-town developers?

City Planning should not enable this controversial and ill-conceived project during a global Pandemic crisis when the community is at its weakest, has no access to complete records, and is least able to be paying attention.

It's important to remember that Taxpayers like me pay your salaries. It's your obligation to serve and protect us, not circumvent us.

Please postpone the hearing and any decisions regarding the project until the public is able to equitably and safely participate.

Sincerely,

andal

Danial Nord

## Monday through Friday

Effective Dec 15 2019

# Silver Line 910/950

Northbound to El Monte (Approximate Times)							Southbound to San Pedro (ApproximateTimes)								
	SAN Pedro		HARBOR Gateway	LOS ANGELES	DOWNTOWN LOS Angeles		EL Monte	EL MONTE		DOWNTOWN LOS Angeles		LOS ANGELES	HARBOR GATEWAY	SAN Pedro	
	8	7->	<b>6</b> →	5 →	4 >>	2 2	1			2 ব	> 3 >	5	6	> 7→	8
Route	Pacific & 21st	Harbor Beacon Park/Ride Lot	Harbor Gateway Transit Center	Harbor Freeway Green Line Station (See Note 🕰)	Figueroa & 7th	Union Station (El Monte Busway & Alameda) (see <sub>Note</sub> l	El Monte Bus Station	Route	El Monte Bus Station	Union Station (El Monte Busway & Alameda) (see <sub>Note</sub> I	Flower & 7th	Harbor Freeway Green Line Station (See Note 🗚)	Harbor Gateway Transit Center	Harbor Beacon Park/Ride Lot B	Pacific & 21st
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1 -

## City Hall Pushes Through Real Estate Projects During the Covid-19 Pandemic

DANIAL NORD / 20 APRIL 2020



TOOLS

🔒 PRINT

EMAIL

**LETTER TO DEPT OF PLANNING-On April 13th** I received a Courtesy Notice email regarding an online hearing scheduled for Thursday, April 23, 2020, for the proposed real estate project at 1309 Pacific in LA's San Pedro neighborhood (CPC-2019-4908-DB-SPR).

Given the Governor's and Mayor's Executive Orders that include**s** office closures and stay-at-home restrictions, the public does not have (and has not had, since mid-March) access to the physical documents and case files that enable them to make informed comments regarding the project and the Staff Recommendation Report.

The hearing for this case should be postponed until the multiple Executive Orders have been lifted and stakeholders have had ample time to reassess the records.

The complete case files are not available online - only in person. Some of the files are available in the City Planner's Recommendation Report, but they require access to and knowledge of computers/technology to be legible. And those who did not receive the courtesy notice do not have a link to the documents. This discriminates against community members who do not have access to technology/bandwidth or the wherewithal to set it up - elderly, disabled, low income, and others. Given the discrepancies in the project files, and new issues the have come to light since stay-at-home orders were enacted, stakeholders need access to the records in order to make accurate comments.

If City Planning pushes a project through its approval system while the public's access to caseinformation is shut down, your Department is circumventing Constitutional guarantees of due process.

Why else should the meeting be postponed?

**Community voices are disabled.** Right now the public is preoccupied with stressful health situations, caring for family, home-schooling, and financial problems due to the COVID-19 Pandemic. The City/CPC would be holding a meeting during a confusing national/global emergency, when many people are in crisis and unable to participate. The only beneficiaries to this exclusionary process are the developers and those on their payroll or benefitting from their campaign contributions.

This is deeply troubling and definitely inequitable for the following reasons:

Scheduling online meetings discriminates against and excludes people who do not have access to computers/smartphones and Internet, who have limited data plans, and/or are not comfortable implementing Zoom (teleconferencing) technology. The proposed hearing would discriminate against older and disabled people, as well as low-income stakeholders. Additionally it will intimidate stakeholders from speaking who may not want to be recorded during a public video broadcast for various reasons (language difficulties, lack of documentation etc.).

**Teleconferencing or phone-only (if available) weakens public voices** - it does not enable stakeholders to have the same impacts that in-person testimony allows. Stakeholder effectiveness to communicate with CPC Members (and attendees) is dramatically weakened.

**Inadequate Notice:** I received a digital Courtesy Notice, but most stakeholders in the project area are not on the email list. The notice stated that hard copies of the 'virtual hearing' notice have been ground mailed, as well - although I have not received one. Neither have any other stakeholders that I know of. I'm sure you are aware that many people are putting their mail aside for several days to 'cool off' because of Coronavirus concerns. Given the already short lead-time, the public notice for this hearing (next week) is not adequate during this pandemic.

**Cumulative Impacts:** There will certainly be cumulative impacts between this project and another by the same developers a few blocks away. But as per the case file (when it was last available in March) there were no haul-routes listed. The haul routes must be considered when determining cumulative impacts, but they were not. The developers simply listed 'no cumulative impacts' and City Planning accepted the self-assessment. Has the case file subsequently been amended and impact study re-done? Without public access to the case file this cannot be determined. The hearing should be scheduled after the files are available to the public, and in tandem with the hearing for the developers' other project at 2111 Pacific Avenue.

**Precedents:** This project will set a precedent for other projects in San Pedro, so it's absolutely critical that the hearing is inclusive of community stakeholders, outside of a national state-of-emergency, rather than circumventing/reducing community input due to the situation.

In addition, the precedent of online hearings, if continued for the City's convenience, will certainly weaken the public process.

**Ethics:** These particular developers have operated as 'flippers' with other property in San Pedro - they are in the business of securing as many off-menu entitlements / concessions as possible for

their acquired lots - well beyond established restrictions, allowances, and community plans. They then flip the lots, loaded with entitlements, to other builders - at enormous profits. Their process depends on the collaboration of City Council members and City Planners. The public does not benefit from this activity.

Who Benefits? What are the motives for the City of Los Angele for enabling this?

Will the City of LA facilitate this activity during a Pandemic crisis when the community is at its weakest, has no access to records, and least likely to be paying attention?

This hearing should be postponed until the public has regained access to case files for a reasonable period of time, and the ability to appear in person before the CPC.

The proposed online hearing process is exclusionary, discriminatory, unfairly biased toward developers, and scheduled at a time when the public is at its weakest during a Pandemic, with no access to the complete case documentation or City Planners.

Community voices will be deliberately disabled.

Beyond being inequitable, it's wrong - if not illegal.

I hope that you will reply promptly with your determination to postpone the hearing (CPC-2019-4908-DB-SPR) until the public can reasonably re-engage with the process.

#### (Danial Nord can be reached at danialnort@hotmail.com)

-CW

F R A N S I E G E L 2130 S. Pacific Avenue San Pedro, California 90731 Tel: 310-514-8496

To: Connie Chauv and City Planning From: Fran Siegel **RE: case number:** CPC-2019-4908-DB-SPR

Date: April 20, 2020

As a San Pedro small creative business owner, homeowner and a professor at California State University Long Beach, I am deeply disappointed in your recommendation for the Categorical Exemptions and other off menu incentives that the developers have lobbied for at 1309-1331 S. Pacific Avenue. Here are some facts that give me ZERO trust in the process:

• At the Hearing on January 16<sup>th</sup> in San Pedro, our community came out and spoke passionately (and turned in dozens of letters) against the Categorical Exemptions and other problematic aspects of the projects. Why were their comments completely disregarded?

• As a follow-up we made multiple requests for our Councilman Joe Buscaino to meet with us directly, and he has refused. Aren't we the constituents that he represents?

• Yet it is well-known that our Councilman Joe Buscaino takes the time to personally drive developers around. Who does he serve?

• There is a current FBI investigation open about the corruption regarding developers and Los Angeles councilmen receiving kickbacks and it is not clear if Joe Buscaino is or will be implicated in this probe. Will city planners as enablers of these blatant give-aways to developers also be implicated?

• Given Covid-19 restrictions what could be the rush to hold this hearing at this point? Telephonic hearings exclude the community from fully participating (inability to show or see images or expressions and ESL speakers are discouraged). This successfully mutes the community. Also, given Covid-19 restrictions we have not had physical access to the case files.

• At the January 16<sup>th</sup> hearing it was suggested that there be a cumulative impact study since the same developers are proposing multiple projects on this stretch of Pacific with over 100 units each, There could be up to 400 additional cars clogging a seven block area of Pacific Ave. which is also a <u>Tsunami Evacuation Route</u>. Why is this safety concern still not being addressed?

• This is still being listed as a Transit Oriented Community (TOC) which we all know it is not. We have pointed out the blatant misrepresentation of the transit schedules which have been disregarded by your office.

• The developers' funding comes from a crowdsourced investment scheme based in Washington D.C. Their only goal is to obtain the largest return, and they have zero stake in the community once the construction is complete. This is why their low budget design aims to cram 100 units into one block. Who would be paying for the infrastructure upgrade that would be needed for this increase in density? Sewage and Electrical, systems are already overloaded in the area. Without an environmental study how would this be addressed?

Nevertheless, I still do support the development of a housing project, as long as the developers

abide by the city's existing regulations with proper review, and if the project is amended with suggestions by the Neighborhood Council and other concerned community stakeholders. I urge City Planning to pay attention to the community's recommendations and in good faith insist that the developers <u>sit down at the table with us</u> to hash out a holistic vision that would benefit the community instead of harming our health and safety just for their own financial benefit.

Thank you for giving me the opportunity to express these views. Sincerely,

Fran Drugp

Fran Siegel

#### LAW OFFICE OF JOHN P. GIVEN

2461 Santa Monica Blvd., #438 Santa Monica, CA 90404 john@johngivenlaw.com (310) 471-8485

April 20, 2020

#### VIA EMAIL ONLY to cpc@lacity.org<sup>1</sup>

Los Angeles City Planning Commission Los Angeles City Hall 200 N. Spring Street Los Angeles, CA 90012

#### RE: CPC-2019-4908-DB-SPR / ENV-2019-4909-CE 1309-1331 S. Pacific Avenue, San Pedro Community Plan area

Dear President Millman and Honorable Commissioners:

This submission is made on behalf of Citizens Preserving San Pedro ("Citizens") in response to the Department of City Planning Recommendation Report.<sup>2</sup> Citizens objects to approval of the proposed 1309-1331 S. Pacific Avenue Project (the "Project") and entitlements for the reasons contained herein as well as reasons previously provided to the hearing officer and administrative record by community members. Among other objections, the Project does not qualify for a Floor Area Ratio of 2.65:1, the waiver of height standard is beyond the permissible density bonus height incentive and is inconsistent with the zoning code and San Pedro Community Plan, the Project has unanalyzed potential cumulative impacts due to traffic and lack of parking, which will disrupt local traffic circulation. Finally, the Project is not entitled to a categorical exemption.

Citizens notes the Planning Commission's April 23 hearing will take place telephonically due to the COVID-19 pandemic. Orders by the governor, mayor, and county public health officer require citizens and non-essential workers to remain at home. The Department of City Planning has undertaken some effort to make project documents available electronically, which Citizens appreciates. Nonetheless, the complete project files are unavailable. Citizens therefore regretfully reserves its right to pursue any and all due process claims as a result of its inability to fully review the relevant case files to prepare a complete response to the Recommendation Report.<sup>3</sup>

#### I. The Planning Commission Must Deny the Density Bonus Compliance Review, Waiver of Development Standards, and Site Plan Review.

<sup>&</sup>lt;sup>1</sup> This submission is made in accord with instructions provided on the City Planning Commission's hearing notice for April 23, 2020, which provides, in part: "Secondary Submissions in response to a Staff Recommendation Report or additional comments must be received electronically no later than 48-hours before the Commission meeting. Submissions shall not exceed ten (10) pages, including exhibits, and must be submitted electronically to cpc@lacity.org."

 <sup>&</sup>lt;sup>2</sup> The online file including the Recommendation Report and related files is currently located at <a href="https://planning.lacity.org/odocument/035cdbc7-1012-4c64-9a3c-2c4ff3a0655b/CPC-2019-4908">https://planning.lacity.org/odocument/035cdbc7-1012-4c64-9a3c-2c4ff3a0655b/CPC-2019-4908</a> (2).pdf.
 <sup>3</sup> Citizens reserves this right on its own behalf and on behalf of any interested San Pedro stakeholders who might have provided public comment to the Planning Commission but did not receive email or internet notice, or if they received notice by physical mail, had no ability to access project materials because they lack personal internet access or rely on public internet facilities closed due to the COVID-19 pandemic.

#### The Floor Area Ratio bonus incentive exceeds what is permitted under the zoning code.

The City Planning Commission must deny the applicant's Density Bonus Compliance Review. While some aspects of the Project comply with the City's density bonus ordinance (see Los Angeles Municipal Code ["LAMC"] section 12.22.A(25)), the proposed density bonus incentives exceed what is permitted. Granting density bonus incentives that do not comply with zoning code requirements or that are inconsistent with the applicable community plan is improper, and results in unaccounted-for land use impacts, which negates the class 32 categorical exemption.

The first density bonus incentive requested per the Planning Commission hearing notice is for a 2.65:1 Floor Area Ratio (FAR) in lieu of the otherwise applicable 1.5:1 FAR. (Recommendation Report, pp. 1-2.) The municipal code grants FAR bonuses equal to the density bonus for a project, but not to exceed 35%. (LAMC § 12.22.A(25)(f)(4)(i).) A density bonus project may receive up to a 3:1 FAR if the project parcel(s) are located in a commercial zone in Height District 1 (including 1XL), fronts on a Major Highway as identified in the City's General Plan, the project qualifies for a 35% density bonus, and 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center. (LAMC § 12.22.A(25)(f)(4)(ii).) The zoning code defines "Transit Stop/Major Employment Center" as "any one of the following:

(1) A station stop for a fixed transit guideway or a fixed rail system that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency; or

(2) A Metro Rapid Bus stop located along a Metro Rapid Bus route; or, for a Housing Development Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route; or

(3) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the Port of Los Angeles; or

(4) The boundaries of a college or university campus with an enrollment exceeding 10,000 students." [LAMC § 12.22.A(25)(b).]

The Recommendation Report does not mention fixed transit guideways or fixed rail systems, boundaries of a major economic activity area, or boundaries of a college or university campus with an enrollment exceeding 10,000 students. Thus, the only Transit Stop/Major Employment Center category on which the Project may rely to entitle a FAR greater than 35% above the otherwise applicable 1.5:1 FAR is its alleged proximity to a Metro Rapid Bus stop or route. The Project does not consist entirely of Restricted Affordable Units (it has only 12 VLI units of 102 total), therefore in addition to other code requirements, for the Project to be granted a 3:1 FAR, a Metro Rapid Bus stop must be located within 1,500 feet of 50% of the Project site. (*Ibid.*)

The proposed Project appears to qualify for a 35% density bonus and is located in a commercial zone in Height District 1. The Project parcels, however, do *not* front on a Major Highway. Pacific Avenue is designated as a "Modified Avenue II," and 14th Street, one of the side

boundaries for the Project, is designated as a "Local Street – Standard." (Recommendation Report, p. A-2.) These designations mean a FAR greater than 35% bonus cannot be granted.

The Recommendation Report notes the Project "is within 400 feet of a bus stop located at the intersection of Pacific Avenue and 15<sup>th</sup> Street, which serves the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus lines. The surrounding area is served by several other bus lines including the Metro 550 bus line, and the Los Angeles Department of Transportation ("LADOT") DASH San Pedro and Commuter Express 142 bus line." (*Id.*) But the Report does not identify which, if any, of these are a Metro Rapid Bus route or where the nearest Metro Rapid Bus stop is located. Review of Metro's bus routes for the South Bay / Gateway Cities area discloses no Metro Rapid Bus route or stop located within 1,500 of the Project site.<sup>4</sup> The closest Metro Rapid Bus routes appear to be either the Metro Rapid 710 line or Metro Rapid 762 line, both of which appear to be in excess of 10 miles away.

To summarize, the Project does not qualify for a 2.65:1 FAR density bonus incentive, because the Project does not front on a Major Highway and is not within 1,500 feet of a Metro Rapid Bus stop. The maximum FAR available to the Project is thus 2.025:1, which is a 35% bonus above the otherwise permitted 1.5:1 FAR.

#### There is no justification to treat the residential-adjacent rear yard as a side yard.

The Project seeks a 5-foot rear yard setback in lieu of the required 16 feet otherwise required by the C2-1XL-CPIO zone. (Recommendation Report, p. 2.) Review of the Recommendation Report doesn't disclose why the City is processing the Project, with its front yard on S. Pacific Avenue clearly to the east, with a "rear" yard located adjacent to commercially zoned parcel to the north, which ought to be considered the side yard, rather than the true rear yard between the Project and adjacent residential properties to the west, and on this basis Citizens objects to the rear and side yard setback locations and calculations.

Additionally, Citizens notes the true rear yard to the west purports to only be required to have a seven-foot setback (see Recommendation Report, pp. F-9 to F-10), but if properly considered as a rear yard the Project structure improperly intrudes in what should be an open setback area. The Project's exterior wall cuts into the required 16-foot setback by one foot, and second and third story balconies intrude into the setback as well, as described in the Project Findings. (*Ibid.*)

## The Waiver of Development Standard for a project height of 45' 5" is not justified and is inconsistent with the City's density bonus ordinance and San Pedro Community Plan.

The Recommendation Report describes the requested Waiver of Development Standard to allow a Project height of 45' 5" in lieu of the otherwise required 30' as required by the San Pedro Community Plan CPIO, due to the need for a 14-foot first story. (Recommendation Report, p. A-5.) The Report justifies the grant of a Waiver of Development Standard to allow a greater height

<sup>&</sup>lt;sup>4</sup> Metro's map for the South Bay / Gateway Cities is available online at: http://media.metro.net/riding\_metro/maps/images/south\_bay.pdf.

than is permitted by either the underlying zoning or the density bonus ordinance on an exceptionally thin basis:

The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. However, as stated by the applicant's representative at the public hearing, the project required additional height requiring a Waiver of Development Standard due to the 14 foot Ground Floor height requirement of the CPIO. [Recommendation Report, p. A-5.]

The zoning code provides for waivers of development standards that are not already included in the "Menu of Incentives" found in municipal code section 12.22.A(25)(f). (See LAMC § 12.25.A(25)(g)(3), subsections (i) and (ii).)<sup>5</sup> But a height incentive *is* included in the Menu of Incentives, and is therefore not available as a Waiver of Development Standards. The proper entitlement for a project seeking a height bonus is an On-Menu incentive in municipal code section 12.25.A(25)(f)(5), subject to the procedures described in section 12.25.A(25)(g)(2). As the Recommendation Report admits, the maximum height incentive for the Project is 11 feet on top of the 30-foot height limit of the C2-1XL-CPIO zone, for a total of 41 feet.

The Recommendation Report fails to explain why it is more appropriate for the City to grant a Waiver of Development Standard to allow this excess height that is dramatically greater than what would ordinarily be granted as a density bonus on-menu height incentive instead of a Waiver of Development Standard for a reduction in first floor height otherwise required by the community plan's requirement for a 14-foot ground floor. Waiving the taller first floor would preserve massing consistency in the community plan area, which the Project Findings admit the Project exceeds. (Recommendation Report, p. F-9.) Nothing explains why waiving the community plan's total height requirement is superior to waiving the ground floor height, or why finding a balance between the two competing community plan policies isn't possible.

Granting a Waiver on the basis that the Community Plan demands a taller first story and therefore the Project is not only permitted but is *required* to have a greater height than what is contemplated by the City's carefully calibrated density bonus ordinance creates a Project in excess of the massing and height standards of the community plan area for no additional benefit to the community. The excess height is granted in exchange for 12 affordable units out of a building with 102 units total, 90 of which will be market rate. Waiver does not allow a single additional affordable unit. This outcome is not supported by the zoning code or common sense.

#### The Site Plan Review Findings are inaccurate and do not support Site Plan Approval.

In addition to the inaccuracies in the Site Plan Review findings described above with respect to the Waiver of Development Standard for height, and separately with respect to the rear and side yard setback issues, the Site Plan Review Findings admit that the "proposed project massing

<sup>&</sup>lt;sup>5</sup> LAMC § 12.25.A(25)(g)(3)(i): "For Housing Development Projects that qualify for a Density Bonus and for which the applicant request a waiver or modification of any development standard(s) *that is not included on the Menu of Incentives in Paragraph (f)*...

LAMC § 12.25.A(25)(g)(3)(ii): For Housing Development Projects requesting waiver or modification of any development standard(s) *not included on the Menu of Incentives in Paragraph (f)...*"

exceeds the existing prevailing development pattern" before falsely asserting that "the overall height is comparable to the maximum building height allowable under the On-Menu Density Bonus Program." (*Id.*, p. F-9.) This assertion is untrue.

As discussed above, the zoning code provision relevant to the density bonus on-menu height incentive states that "[i]n any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower..." (LAMC § 12.22.A(25)(f)(5) The Project is in a zone in which the height is limited to 30 feet. (See Recommendation Report, p. 2.) Therefore the maximum On-Menu height limit is 41 feet, reflecting 30 feet plus a maximum height incentive of an additional 11 feet. The Recommendation Report admits as much: "The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program." (Recommendation Report, p. A-5.)

The Site Plan Review Findings instead suggest the Project would be permitted to be 45' 5" high, which substantially exceeds the 41' height limit admitted by the Recommendation Report as appropriate for a C2-1XL-CPIO zoned property requesting a density bonus height incentive. This is grossly inaccurate.

The Site Plan Review Findings are also premised on the incorrect conclusion that a 2.65:1 FAR is permissible. (Recommendation Report, p. F-9.) As discussed above, that is not correct.

Finally, the Site Plan Review approval necessarily relies on the Project site plan attached to the Recommendation Report as Exhibit A. Several of the site plan pages are inaccurate in that they purport to show Grand Avenue, which is minimally hundreds of feet to the west of the Project site, is located directly adjacent to west side of the Project. (See, e.g., site plan sheets A2.0 and A3.2.) The Project site plans must be corrected and resubmitted before they can be approved.

Based on these inaccuracies, the Site Plan Review Findings are incorrect and inadequate and do not support approval of the Site Plan Review entitlement.

#### **II.** The Proposed Class 32 Categorical Exemption is Inapplicable to the Project.

The proposed class 32 categorical exemption is not available to the Project. Pursuant to the California Environmental Quality Act (CEQA), the class 32 exemption is allowed only for projects that are "consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations." (14 Cal. Code Regs. [hereafter "CEQA Guidelines"] § 15332(a).) As described at length above, the Project as proposed does not comply with all applicable zoning code regulations, as it must.

The specific zoning provisions to which the Project does not comply include numerous provisions within the City's density bonus ordinance. (See LAMC § 12.25.A(25)). For example, the Project does not qualify for a FAR density bonus incentive in excess of 35% of the base FAR, but the Recommendation supports grant of a 2.65:1 FAR, much greater than a 35% FAR bonus. In addition, the Waiver of Development Standards incentive purports to allow a project height of 45' 5" in lieu of the otherwise applicable 30' of the underlying zone and Community Plan, but the available density bonus height incentive is limited to the lesser of 11 feet or one

additional story for a total of 41 feet. The Site Plan Review Finding admits that the "proposed project massing exceeds the existing prevailing development pattern" and falsely asserts "the overall height is comparable to the maximum building height allowable under the On-Menu Density Bonus Program." (Recommendation Report, p. F-9.) But the Recommendation Report also admits the Project "would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program." (*Id.*, p. A-5.)

Any one of the above inconsistencies is sufficient to defeat use of the categorical exemption. Because the Project is not consistent with all applicable zoning code regulations, especially the City's density bonus ordinance, and the San Pedro Community Plan, the class 32 exemption cannot be used. To approve the Project, the City must undertake adequate environmental review.

Even if the class 32 categorical exemption were available to this Project, and it is not, the cumulative impact exception found in CEQA Guidelines section 15300.2(b) would apply and defeat its application. ("All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.")

The Justification for Project Exemption ("Justification") acknowledges that a proposed project exists "approximately one-half mile from the subject site, located at 2111-2139 S. Pacific Avenue (Case No. CPC-2019-4884-CUB-CB-SPR), which is proposed for the construction of a 4-story mixed-use building containing 100 dwelling units and approximately 1,997 square feet of ground-floor retail." (Justification, p. 4.)<sup>6</sup> The Justification goes on to state: "the project at 2111-2139 South Pacific Avenue is not adjacent to nor within 500 feet of the subject site, and does not constitute a project in [sic] the same type and place as the subject project." (*Ibid.*) But the Justification cites a fictitious legal standard in disregarding the second project because it is not adjacent or within 500 feet. There is no such legal standard found in the Public Resources Code, CEQA Guidelines, or California law that says a similar project cannot be considered as being a successive project in the same place for purposes of Guidelines section 15300.2(b) if it is not adjacent or within 500 feet.

In *Robinson v. City and County of San Francisco*, the Court acknowledged that the "meaning of the term 'the same place' . . . is not self-evident." (Robinson v. City and County of San Francisco (2012) 208 Cal.App.4th 950, 958.) The *Robinson* Court noted:

Given the overall purpose and logic of CEQA and the Guidelines, we construe "the same place" to refer to an area *whose size and configuration depend on the nature of the potential environmental impact of the specific project under consideration*. For example, in determining whether there may be a cumulative impact from an otherwise categorically exempt project that may affect water quality in a stream, consideration must be given to potential similar projects located in the watershed of the same stream. For a project producing noise pollution, the area to be considered would be that within which the noise could be expected to be audible. (208 Cal.App.4th at 959 [emphasis added.])

<sup>&</sup>lt;sup>6</sup> Using the distance-measuring tool available on Google maps, it is evident that the two projects are approximately 2,400 linear feet apart, slightly less than half a mile (which is 2,640 feet).

Los Angeles City Planning Commission CPC-2019-4908-DB-SPR / ENV-2019-4909-CE April 20, 2020 Page 7

The 2111-2139 S. Pacific project is remarkably similar to the instant Project. Both have the same applicant and representative. Both are four stories, both have a proposed height of 45' 5", both have approximately 100 residential units, both are located on Pacific Avenue in San Pedro, both are located on C2-1XL-CPIO zoned lots, and both have approximately 20,000 cubic yards of grading export (and likely will share a similar, if not identical, haul route).<sup>7</sup>

But the companion project is not the only project the City should consider for its potentially significant cumulative impacts with the Project. A recent article published in San Pedro Today lists the Project, its companion at 2111-2139 S. Pacific Avenue, and *ten* other local housing developments planned for San Pedro.<sup>8</sup> The cumulative impact analysis considers only the Project, and entirely disregards 2111-2139 S. Pacific as not of the same type or in the same place because it is not adjacent or within 500 feet, a fictional legal standard.

The potentially significant cumulative impacts here are those identified in this letter with respect to land use impacts due to Project conflicts with the zoning code and community plan, as well as public comments already in the record with respect to parking, traffic, air quality, and haul route impacts, among others. Under the standard explained in *Robinson*, at least the two companion projects must be considered as potentially cumulatively considerable. The City's failure to identify any other local projects despite public awareness of their pendency evinces a complete disregard for the thorough preliminary review required to justify use of a categorical exemption for the Project. The cumulative impact analysis fails entirely to identify or consider any past projects or likely future projects and is thus inadequate.

#### **III.** Conclusion.

For all the reasons described above, as well as the additional reasons described in the numerous objection letters and public comments received to date, Citizens Preserving San Pedro respectfully urges the Planning Commission to deny all requested entitlements and reject the proffered categorical exemption for the Project.

Sincerely,

John Given

 <sup>&</sup>lt;sup>7</sup> City Planning Commission cancelation notice, CPC-2019-4884-CU-DB-SPR (attached). The cancelation notice shows the 2111-2139 S Pacific Ave. project description including the details described.
 <sup>8</sup> Steve Marconi, *If You Think Traffic Is Bad Now, Just Wait*, San Pedro Today, March 3, 2020, available at https://sanpedrotoday.com/if-you-think-traffic-is-bad-now-just-wait/ (and attached).



#### CITY OF LOS ANGELES DEPARTMENT OF CITY PLANNING City Hall 200 North Spring Street Los Angeles CA 90012 NOTICE OF PUBLIC HEARING

To Owners:

Within a 100-Foot Radius
 Within a 500-Foot Radius
 Abutting a Proposed Development Site

And Occupants:

And:

Within a 100-Foot Radius
 Within a 500-Foot Radius
 Interested Parties/Others

# CANCELLATION

The public hearing for the below project that had been scheduled for March 12 before the City Planning Commission has been cancelled. The public hearing for the project will be rescheduled to a date uncertain. Subsequent noticing will be sent out with the new hearing date, time, and location. This notice is sent to you because you own property or are an occupant residing near a site for which an application was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, will be among the matters considered at the hearing. The hearing officer or decision maker may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. Please note that your attendance at the hearing is optional. This notice is for a second public hearing for this project. The notice includes modifications to the project's requested actions and project description as underlined below.

Project Site:	2111 - 2139 S. Pacific Avenue		
Case No.	CPC-2019-4884-CU-DB-SPR	Council District:	15 - Buscaino
CEQA No.	ENV-2019-4885-CE	Related Cases:	None
Held-By:	City Planning Commission		
Date:	March 12, 2020	Plan Area	San Pedro
Time:	After 8:30 a.m.	Zone:	C2-1XL-CPIO
Place:	Los Angeles City Hall Council Chambers, Room 340 200 N. Spring St., Los Angeles, CA 90012 (Please use the 201 N. Main St. entrance)	Plan Overlay: Land Use:	San Pedro CPIO: Coastal Commercial A Neighborhood Commercial
Staff Contact:	Shannon Ryan, City Planner 200 N. Spring Street, Room 720	Applicant:	RKD 2111 Pacific, LLC
	Los Angeles, CA 90012 Shannon.Ryan@lacity.org (213) 978-1322	Representative:	Jonathan Lonner, Kristen Lonner, Josh Guyer, and Dave Zohn, Burns & Bouchard, Inc.

#### PROPOSED PROJECT:

Demolition and removal of all existing uses on the Project Site, and the development of a new 4-story, 45-foot and 5-inch tall mixed-use building comprised of 100 dwelling units (including 11 units restricted to Very Low Income Households) with two retail spaces (994 sq. ft. and 1,003 sq. ft.). The project will provide 75 parking spaces in 2 subterranean levels and 75 long term and 8 short term bicycle parking spaces. The project will be 77,945 square feet in floor area and have a Floor Area Ratio (FAR) of 3.26:1. The project will cover an entire block face and is separated by adjacent residential uses via an alley. The site is currently improved with a 1,490 sq. ft. single tenant bar, surface parking lot, and vacant lot, with 10 trees on the subject site and 11 trees along the public right-of-way, all of which will be removed to clear the lot. The project proposes 20,000 cubic vards of grading and the export of 20,000 cubic vards of soil.

#### REQUESTED ACTION(S): The Hearing Officer shall consider:

- Pursuant to CEQA Guidelines, Section 15332, Class 32, an Exemption from CEQA and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and
- Pursuant to Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code, a Density Bonus/Affordable Housing Incentive Program Review to permit the following Off-Menu Incentives for a Housing Development Project totaling 100 units, reserving 11 units for Very Low Income Households for a period of 55 years:

#### VOICES

Munik 2020 San Pedro Today Magazini

## IF YOU THINK TRAFFIC IS BAD NOW, JUST WAIT

by Steve Marconi



It's an analogy appropriate for

To get a clear picture of the horror

town, check out urbanize.la online and click on San Pedro (warning: graphic

computers, here's a rundown on under-

construction or planned housing for the

· 111 N. Harbor Blvd., 120 units,

descending on our once sleepy little

visuals). For those who don't do

the town that was once the nation's fishing capital, but apparently housing developers want San Pedrans packed in like sardines.

eight stories (The Grinder location) · 222 W. 6th St., 228 units (replacing

- commercial in the Topaz building)
- 1300 block of Pacific Ave., 102 1309 Paritiz units, four stories · 337 W. 7th St., 32 units, five stories
- · 444 W. 5th St., 99 units, eight
- stories
- · 420 W. 9th St., 56 units
- . 500 block of S. Palos Verdes St., 375 units, seven stories
- · 2100 block of Pacific Ave., 101 2111 Pacific units, four stories
- · 200 block of 8th St., 24 townhomes, three stories
- · 1801 Mesa, 22 townhomes, three stories

That's 12 - count 'em, 12 - new housing developments. And it's noteworthy that none of them are in what some real estate agents would call a desirable area. Even those



12 I SAN PEDRO TODAY / MARCH 2020

seven stories · 407 N. Harbor Blvd., 63 units, six stories . 511 N. Harbor Blvd., 137 units,

near future:

with harbor views are bordered by arguably some of San Pedro's more questionable neighborhoods. And 1 doubt that "homeless encampment views" is included in the sales brochure for the townhomes on 8th Street, which reportedly are starting at nearly \$800,000, Good luck with that.

Here's the bottom line: 1.313 apartments and 46 townhomes.

Figuring a minimum of three people for each townhome and two per apartment (some units are studios), that's an increase in population of 2,764.

Figuring two cars for each townhome and just one for each tenant, which you know is low, that's an additional 1,405 cars, and if you're paying attention, all those new units are between Pacific and Harbor Boulevard. You can picture for yourself the parking nightmare, even with the planned garages.

Can you say urban disaster? I used to think San Pedro had a density limit, but apparently not, and as for zoning, I guess some of those developments are getting around it by having retail on the bottom floor. Adding retail to lower San Pedro, where it seems every other storefront is vacant now, sounds like a bad joke.

I'm sure local business is excited by the prospects of all these new customers, but what about the rest of us, the vast majority of San Pedrans who live here and already face gridlock on a daily basis? We all know there is a housing shortage in Southern California and rents, especially in San Pedro, are through the roof, but there is no doubt all these new developments will negatively impact our quality of life. Some will say this is just a NIMBY attitude. It is, because San Pedro's backyards are full and have been for some time.

The road diet on south Pacific already makes life miserable for Point Fermin residents. Gaffey at rush hour is almost impossible now with cars going on and coming off the 110. What will Gaffey be like when all those new residents on the Pacific corridor want to get on the freeway? Or Harbor Boulevard, already a traffic jam for special events on the waterfront and without the Public Market.

Our infrastructure can't handle

the current population. Just look at northwest San Pedro,

I thought maybe I was done ranting about Western Avenue after last month's column, but like Western Avenue itself, I'm far from done.

I almost choked on my morning coffee when I read "the worst is over" in our "local" paper after Western Avenue was down to one lane for most of January for work on medians.

Only someone who doesn't live in the area, like most of our developers, would say something that dumb. The worst is far from over, folks. What's it going to be like when those 800 units open at Ponte Vista? We're talking a minimum of 1,600 cars (two per household) added to Western Avenue traffic, which can't handle the current load. And adding a new light at Peninsula Verde Drive? How's that going to improve traffic flow from Ponte Vista to Palos Verdes Drive North? I'm sure that light is being put in just for the handful of people who live on Peninsula Verde, because without it, how would they ever get out once Ponte Vista is done?

The best we can hope for is that residents of Ponte Vista will resist the urge to drive their children the few blocks to Dodson and Taper Avenue schools and let them walk or ride bicycles (do kids do that anymore?).

And the "genius" traffic engineers who have created this mess have decided that the solution to the congestion at Taper Avenue and Westmont when Mary Star lets out is to close the Taper gate and funnel all of the Mary Star cars onto Western. Of course, that doesn't solve the problem, it just moves it from one street to another.

Is it any wonder more and more San Pedrans are moving away or thinking of leaving? This beautiful town that we love so much is disappearing. Those hilarious tsunami warnings along the waterfront no longer seem so funny: A tidal wave of people and vehicles will soon make this town unlivable.

Steve Marconi can be reached at spmarconi@yahoo.com.



**1309 Pacific Ave Project** 

John Smith <jjscalifornia@yahoo.com> To: cpc@lacity.org Mon, Apr 20, 2020 at 8:56 PM

Planning CPC <cpc@lacity.org>

As a 16 year resident of San Pedro and also a volunteer for the San Pedro Bay Historical Society Muller House Museum on Beacon Street, I am writing this brief note to express my opposition to the project at 1309 Pacific Avenue, as well as the companion project proposed for 2111 Pacific Avenue. As currently envisioned, both projects would disrupt the quality of life for the San Pedro residents in the vicinity. Although the project at 1309 Pacific Avenue is not as egregiously bad as the one at 2111 Pacific, both should be heard together, as they are less than 9 blocks apart on Pacific Avenue. Traffic congestion and parking on Pacific Ave between 13'th & 22'nd Streets is bad already. The addition of these 2 proposed large apartment houses would make it horrible.

John Smith 2608 S. Anchovy Ave. San Pedro, CA 90732



#### CPC 1309 Pacific

Lorie Dolce <lorie.dolce@gmail.com> To: cpc@lacity.org Tue, Apr 21, 2020 at 8:02 AM

Planning CPC <cpc@lacity.org>

Dear Commissioners,

I am a community member and would like to express my opposition to the project proposed for 1309 S Pacific Ave, San Pedro. It is my understanding that exemptions and concessions are being requested. I feel there should be a review of the environmental impact, traffic, parking, air quality and noise, height and density requests, allowed square footage, low income units available, removal of protected trees and the decrease in private open space requirements. Also, what would be the impact on the evacuation route on Pacific Ave?

By the way, we as a nation are experiencing a national pandemic. Why would the City Planning Commission attempt to promote big development projects within the San Pedro community and cause additional stress to the local residents without community review? This behavior is unethical and without conscience. I wonder how the Commission members sleep at night when the rest of us are concerned about surviving the COVID - 19 pandemic.

The changes in the quality of life of the local residents should be a major consideration.

Thank you for giving this matter your sincere consideration.

Lorie Dolce



#### Case# C P C - 2019 .- 4908 - DB - SPR

**Mike Fabian** <captmfabian@gmail.com> To: CPC@lacity.org

Tue, Apr 21, 2020 at 7:25 AM

1309 S. Pacific Ave. project

Dear civil administrators and city planners, I oppose the categorical exemptions taking place for allowing increased housing densityWithout the proper considerations all ready in place.

Exceeding height limitations for the area of 1309 S. Pacific Ave., San Pedro is contrary to all the surrounding buildings Along South Pacific Ave. to the sea .

In creased density without the proper public parking creates a nuisance as you well know looking at our neighborhoods at nightfall.

Lastly the look of these hundred plus unit apartments, belong near the freeway in Irvine a boom housing area, not in our PortTown San Pedro.

Thank You, Captain MikeFabian 478 West 22 ndSt San Pedro 90731 Ph 310 528-5728 Sent from my iPhone capt fabian Hong Kong



Planning CPC <cpc@lacity.org>

#### **Objection to 1309 S. Pacific Avenue Project**

Mona Dallas Reddick <mdalred@gmail.com> To: CPC@lacity.org Tue, Apr 21, 2020 at 12:22 AM

Los Angeles City Planners,

We would like to express our concerns about the project proposed for 1309 S. Pacific Avenue in San Pedro. On several counts this project should not be approved unless certain size reductions are made and the old Dancing Waters/La Zona Rosa Building is evaluated by the LA Conservancy and the city's Office of Historic Resources.

Please address these issues:

- Air conditioning for such a large building will add to the ambient noise level and impact the nearby residents.
- The rear set-back reduction from 16 ft. to 5 ft. is overly generous and disproportionate with the width of the alley behind the building. Insufficient setback will create a hazard for those who must use the alley to access their own garages and even houses.
- If granted, the requested height and story increases will create a massive wall along Pacific Avenue, dwarfing most of the surrounding buildings and prove destructive of community connections in a neighborhood that is largely single and double story.
- The ratio of low-income units to regular units should be higher if indeed there is a genuine concern on the part of the city to see more affordable housing built.
- The density being created by other developments along Pacific Avenue and adjacent streets in and near the downtown San Pedro area must be considered in connection with the 1309 S. Pacific development. There are few routes in and out of town. Congestion already backs up traffic along Pacific Avenue and Gaffey Street for many blocks as everyone tries to reach the Harbor Freeway or return home. Creating density along these corridors will add to the congestion, and this in turn exacerbates the significant air pollution we have in this part of San Pedro.
- As mentioned above, the old Dancing Waters/La Zona Rosa building is of historical significance as the site of musical innovation in the 1970s and early 1980s. It should be evaluated by the Los Angeles Conservancy and the city's Office of Historic Resources before any demolition occurs.

Sincerely,

Mona Dallas Reddick and Robert H. Reddick San Pedro Residents



Planning CPC <cpc@lacity.org>

#### Fw: CPC-2019-4908-DB-SPR & ENV-2019-4909-CE (1309-1331 Pacific)

**Noel Gould** <aquarianstudios@hotmail.com> To: "cpc@lacity.org" <cpc@lacity.org> Cc: Connie Chauv <connie.chauv@lacity.org> Tue, Apr 21, 2020 at 1:40 AM

Honorable Commissioners,

The following excerpt regarding due process is quoted from a July 25, 2019 article by Mary Ann Heidemann, Michigan State University and is extremely apropos regarding the case scheduled to be before you on April 23, 2020, CPC-2019-4908-DB-SPR & ENV-2019-4909-CE (1309-1331 Pacific).

## **Procedural Due Process**

Procedural Due Process requires a minimum standard of fairness during the process of making public decisions that impact private rights. Relevant standards include proper public notice; <u>a fair hearing presenting of all sides of an issue</u>; reasonable and impartial standards for decision-making; <u>accurate and accessible public records</u>, and assurance that public decision-makers act without bias or conflict of interest including avoidance of *exparte* contact.

While some aspects of procedural due process can seem overly detailed or just technicalities, *the importance of assuring procedural compliance cannot be over-emphasized.* Violation of procedural due process is the most common way that planning and zoning decisions have been successfully challenged.

## Substantive Due Process

Substantive Due Process tends to invoke more generalized requirements for planning and zoning decisions. Substantive due process protects private citizens against arbitrary or capricious public decisions. Substantive due process requires that regulations have a rational basis for their adoption, and are reasonably related to public health, safety and welfare concerns;

The requirement that zoning regulations be supported by a master plan that provides a sound rationale for regulation can be seen as an expression of substantive due process. For this reason an adopted plan is an important basis for zoning regulations, even in states where state law does not require zoning to be based on a plan.

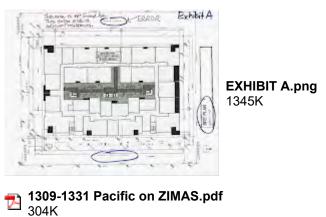
Mary Ann Heidemann, Michigan State University

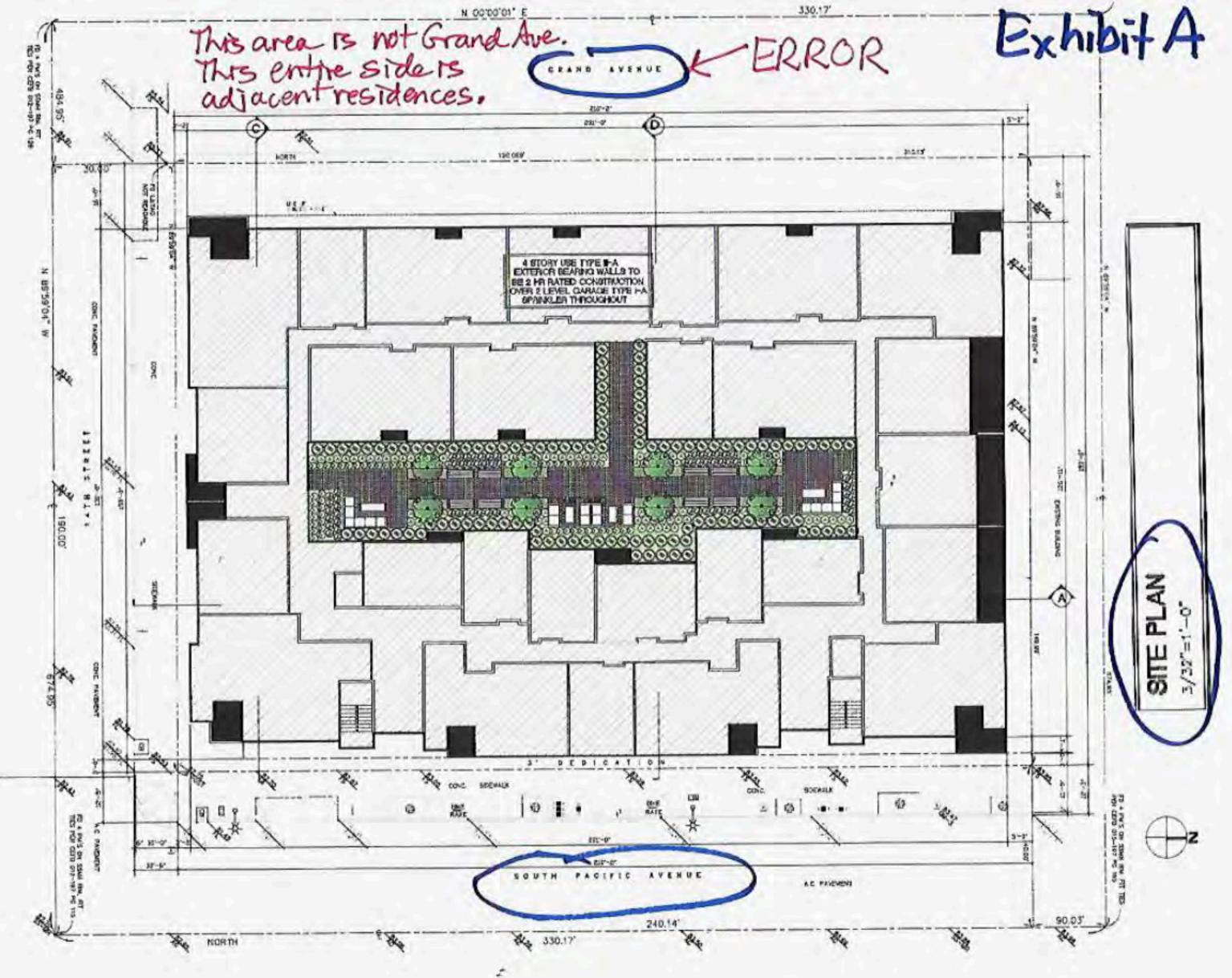
City of Los Angeles Mail - Fw: CPC-2019-4908-DB-SPR & ENV-2019-4909-CE (1309-1331 Pacific)

It is a violation of procedural due process to have this hearing during a worldwide pandemic with a statewide stay at home order in place, thus the hearing must be continued to a date uncertain until the pandemic abates. There's no way the public can have a fair hearing via zoom, as many people are excluded either socioeconomically or are technophobic. Furthermore, testimony via phone or video has only a fraction of the impact of in person delivery. Public records are neither accessible, since planning offices are closed, nor accurate, for example p.8 of their plans shows the project spanning the entire area from Pacific Ave to Grand Ave which is a gross misrepresentation as is yet fails to show the numerous adjacent residential homes, over which this development towers, one of the main issues of the project, and this is only one of a plethora of misleading documents supplied by this developer, see attached showing major error in Exhibit A. In addition, since procedural due process "requires a minimum standard of fairness during the process of making public decisions", this and its companion project by the same developer seven blocks south at 2111 Pacific (CPC-2019-4884-CU-DB-SPR/ENV-2019-4885-CE) MUST be considered together at the same hearing lest cumulative impact issues not be correctly considered.

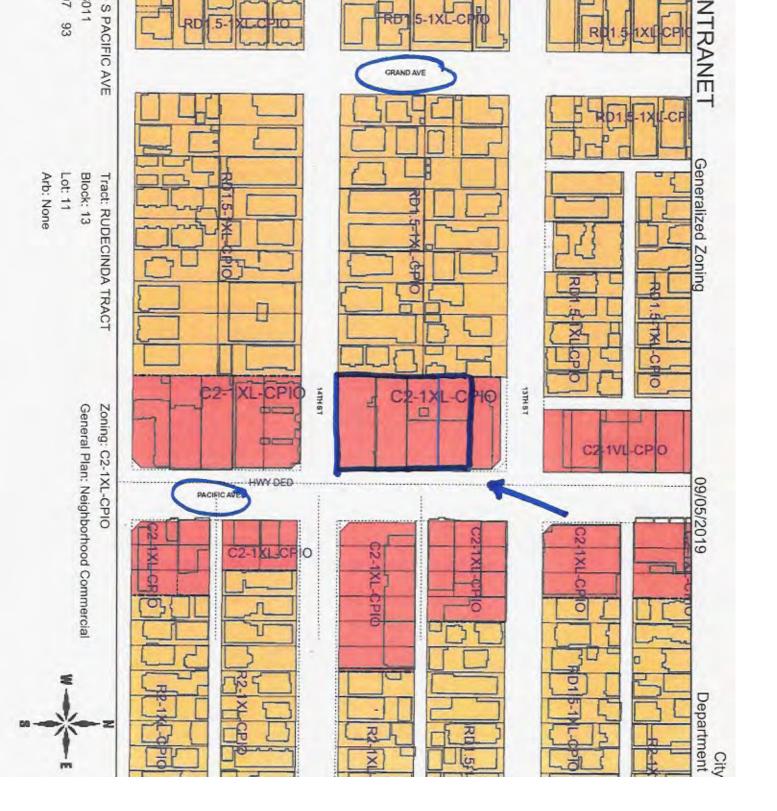
[Quoted text hidden]

#### 2 attachments











Planning CPC <cpc@lacity.org>

Tue, Apr 21, 2020 at 1:51 AM

#### CPC-2019-4908-DB-SPR & ENV-2019-4909-CE (1309-1331 Pacific)

Robin Rudisill <wildrudi@icloud.com> To: cpc@lacity.org Cc: Connie Chauv <connie.chauv@lacity.org>

Honorable Commissioners,

This case does not qualify for a Categorical Exemption under both CEQA and the City's own rules.

A MND must be required, at a minimum.

And also, the cumulative impact of this case together with CPC-2019-4884-CU-DB-SPR/ENV-2019-4885-CE (2111-2139 Pacific) was not adequately considered in the Staff Recommendation as required by CEQA, and this is compounded by the fact that there is missing and inaccurate information for both cases.

2111-2139 Pacific has been continued to a date uncertain due to issues and irregularities and 1309-1331 Pacific shares many of the same issues and irregularities in the application information provided.

This hearing must be postponed so that 1309-1331 Pacific and 2111-2139 Pacific can be heard together in order to accurately assess the issues, irregularities and the combined cumulative impacts.

This hearing must also be continued for the reasons given in the attached article:

Thank you very much for your consideration, and I strongly encourage you to give adequate due process and citizen participation the upmost priority, particularly during these trying times.

For the Love of Los Angeles and our precious Coast, Robin Rudisill (310) 721-2343

Citywatch April20,2020.pdf 791K



HOME NEIGHBORHOOD POLITICS BE GREEN WELLNESS - LA WATCHDOG BUDGET A

# City Hall Pushes Through Real Estate Projects During the Covid-19 Pandemic

DANIAL NORD / 20 APRIL 2020



PREVIOUS ARTICLE

Empty Grocery Shelves and Dumped, Wasted Vegetables: Two Sides of a Supply Chain Problem NEXT ARTICLE

Banning Single Use Plastic Water Bottles Puts Us at Risk - Lessons from COVID-19, Part 1

## f 💟 🕂

LETTER TO DEPT OF PLANNING-On April 13th I received a Courtesy Notice email regarding an online hearing scheduled for Thursday, April 23, 2020, for the proposed real estate project at 1309 Pacific in LA's San Pedro neighborhood (CPC-2019-4908-DB-SPR).

Given the Governor's and Mayor's Executive Orders that includes office closures and stay-athome restrictions, the public does not have (and has not had, since mid-March) access to the physical documents and case files that enable them to make informed comments regarding the project and the Staff Recommendation Report.

The hearing for this case should be postponed until the multiple Executive Orders have been lifted and stakeholders have had ample time to reassess the records.

The complete case files are not available online - only in person. Some of the files are available in the City Planner's Recommendation Report, but they require access to and knowledge of computers/technology to be legible. And those who did not receive the courtesy notice do not have a link to the documents. This discriminates against community members who do not have access to technology/bandwidth or the wherewithal to set it up - elderly, disabled, low income, and others. Given the discrepancies in the project files, and new issues the have come to light since stay-at-home orders were enacted, stakeholders need access to the records in order to make accurate comments.

If City Planning pushes a project through its approval system while the public's access to caseinformation is shut down, your Department is circumventing Constitutional guarantees of due process.

Why else should the meeting be postponed?

**Community voices are disabled.** Right now the public is preoccupied with stressful health situations, caring for family, home-schooling, and financial problems due to the COVID-19 Pandemic. The City/CPC would be holding a meeting during a confusing national/global emergency, when many people are in crisis and unable to participate. The only beneficiaries to this exclusionary process are the developers and those on their payroll or benefitting from their campaign contributions.

This is deeply troubling and definitely inequitable for the following reasons:

Scheduling online meetings discriminates against and excludes people who do not have access to computers/smartphones and internet, who have limited data plans, and/or are not comfortable implementing Zoom (teleconferencing) technology. The proposed hearing would discriminate against older and disabled people, as well as low-income stakeholders. Additionally it will intimidate stakeholders from speaking who may not want to be recorded during a public video broadcast for various reasons (language difficulties, lack of documentation etc.).

Teleconferencing or phone-only (if available) weakens public voices - it does not enable stakeholders to have the same impacts that in-person testimony allows. Stakeholder effectiveness to communicate with CPC Members (and attendees) is dramatically weakened. Inadequate Notice: I received a digital Courtesy Notice, but most stakeholders in the project area are not on the email list. The notice stated that hard copies of the 'virtual hearing' notice have been ground mailed, as well - although I have not received one. Neither have any other stakeholders that I know of. I'm sure you are aware that many people are putting their mail aside for several days to 'cool off' because of Coronavirus concerns. Given the already short lead-time, the public notice for this hearing (next week) is not adequate during this pandemic.

still not as of 4-20-20

**Cumulative Impacts:** There will certainly be cumulative impacts between this project and another by the same developers a few blocks away. But as per the case file (when it was last available in March) there were no haul-routes listed. The haul routes must be considered when determining cumulative Impacts, but they were not. The developers simply listed 'no cumulative impacts' and City Planning accepted the self-assessment. Has the case file subsequently been amended and impact study re-done? Without public access to the case file this cannot be determined. The hearing should be scheduled after the files are available to the public, and in tandem with the hearing for the developers' other project at 2111 Pacific Avenue.

Precedents: This project will set a precedent for other projects in San Pedro, so it's absolutely critical that the hearing is inclusive of community stakeholders, outside of a national state-ofemergency, rather than circumventing/reducing community input due to the situation.

In addition, the precedent of online hearings, if continued for the City's convenience, will certainly weaken the public process.

Ethics: These particular developers have operated as 'flippers' with other property in San Pedro - they are in the business of securing as many off-menu entitlements / concessions as possible for their acquired lots - well beyond established restrictions, allowances, and community plans. They then flip the lots, loaded with entitlements, to other builders - at enormous profits. Their process depends on the collaboration of City Council members and City Planners. The public does not benefit from this activity.

Who Benefits? What are the motives for the City of Los Angele for enabling this?

Will the City of LA facilitate this activity during a Pandemic crisis when the community is at its weakest, has no access to records, and least likely to be paying attention?

This hearing should be postponed until the public has regained access to case files for a reasonable period of time, and the ability to appear in person before the CPC.

The proposed online hearing process is exclusionary, discriminatory, unfairly biased toward developers, and scheduled at a time when the public is at its weakest during a Pandemic, with no access to the complete case documentation or City Planners.

Community voices will be deliberately disabled.

Beyond being inequitable, it's wrong - if not illegal.

I hope that you will reply promptly with your determination to postpone the hearing (CPC-2019-4908-DB-SPR) until the public can reasonably re-engage with the process

(Danial Nord can be reached at danialnort@hotmail.com)

-CW



Planning CPC <cpc@lacity.org>

#### Fwd: rescheduling April 23 teleconferenced CPC hearing - 1309 Pacific (CPC-2019-4908-DB-SPR)

Robin Rudisill <wildrudi@icloud.com> To: cpc@lacity.org, Cecilia Lamas <cecilia.lamas@lacity.org> Wed, Apr 15, 2020 at 2:04 PM

I want to make sure you received this as well. Take care!

For the Love of Los Angeles and our precious Coast, Robin Rudisill (310) 721-2343

Begin forwarded message:

From: Danial Nord <danialnord@hotmail.com> Subject: Re: rescheduling April 23 teleconferenced CPC hearing - 1309 Pacific (CPC-2019-4908-DB-SPR) Date: April 14, 2020 at 4:09:42 PM PDT

To: Connie Chauv <connie.chauv@lacity.org>, "vince.bertoni@lacity.org" <vince.bertoni@lacity.org> Cc: Shannon Ryan - City of Los Angeles <Shannon.Ryan@lacity.org>, "michelle.singh@lacity.org" <michelle.singh@lacity.org>, "Ana.Guerrero@lacity.org" <Ana.Guerrero@lacity.org>, "mayor.garcetti@lacity.org" <mayor.garcetti@lacity.org>, "carlos.Singer@lacity.org" <carlos.Singer@lacity.org>

Dear Mr. Bertoni and Ms. Chauv,

I received a Courtesy Notice email regarding an online hearing scheduled for next Thursday, April 23, for the proposed development project at 1309 Pacific in San Pedro (CPC-2019-4908-DB-SPR).

Given the Governor's Executive Order that includes office closures and stay-at-home restrictions, the public does not have (and has not had, since mid-March) access to the physical documents and case files that enable them to make informed comments regarding the project and the Recommendation Report.

The hearing should be postponed until after Executive Orders have been lifted and stakeholders have had ample time reaccess the records.

Given the discrepancies in the project files that were previously discovered, and new issues the have come to light since stay-at-home orders were enacted, stakeholders need access to the records in order to make accurate comments. The complete case files are not available online - only in person - so they are inaccessible.

If City Planning pushes a project through its system while the public's access to caseinformation is shut down, the department is circumventing due process.

Why else should the meeting be postponed?:

**Community voices are disabled.** Right now the public is preoccupied with stressful health situations, caring for family, home-schooling, and financial problems due to COVID-19. The City/CPC would be holding a meeting during a confusing national/global emergency when many people are in crisis and unable to participate. The only beneficiaries to this exclusionary process are the developers and those on their payroll.

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**Teleconferencing or phone-only (if available) weakens public voices** - it does not enable stakeholders to have the same impacts that in-person testimony allows. Stakeholders effectiveness to communicate with CPC Members (and attendees) are dramatically weakened.

**Inadequate Notice:** I received a digital Courtesy Notice but most stakeholders in the project area are not on the email list. The notice stated that hard copies of the 'virtual hearing' notice have been ground mailed as well - although I have not received one. Neither have any other stakeholders that I know. I'm sure you are aware that many people are putting their mail aside for several days to 'cool off' because of Coronavirus concerns. Given the already short lead time, the public notice for this hearing (next week) is not adequate during this pandemic.

**Cumulative Impacts:** There will certainly be cumulative impacts between this project and another by the same developers a few blocks away. But as per the case file (when it was last available in March) there were no haul-routes listed. The haul routes must be considered when determining cumulative impacts, but they were not. The developers simply listed 'no cumulative impacts' and City Planning accepted the self-assessment. Has the case file subsequently been amended and impact study redone? Without public access to the case file this cannot be determined. The hearing should be scheduled after the files are available to the public, and in tandem with the hearing for the developers' other project at 2111 Pacific Avenue.

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In addition, the precedent of online hearings, if continued for the City's convenience, will certainly weaken the public process.

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#### Who does benefit?

What are the motives for the City enabling this?

Will the City of LA facilitate this activity during a Pandemic crisis when the community is at its weakest, has no access to records, and least likely to be paying attention?

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I hope that you will reply promptly with your determination to postpone the hearing (CPC-2019-4908-DB-SPR) until the public can reasonably re-engage with the process.

Thank you for reading and considering this email. Sincerely, Danial Nord



15350 Sherman Way, Suite 315, Van Nuys, CA 91406 Phone 310-469-6700

March 5, 2020

Sergio Ibarra, City Planner City of Los Angeles Department of City Planning 200 North Spring Street, Suite 721 Los Angeles, CA 90012

#### RE: Response to Capital Hall Appeal Letter for the Olympic Tower Project

Dear Mr. Ibarra:

This letter is hereby submitted on behalf of Olymfig26, LLC (Project Applicant) in response to the appeal filed on October 25, 2019, by LA Fig Property Owner, LLC and Capital Hall Partners (collectively "Capital Hall"), of the the Letter of Determination issued by the City Planning Commission for the Olympic Tower Project on October 21, 2019. On behalf of the Project Applicant, CAJA has prepared responses to the Capital Hall appeal letter.

First, the Appellant asserts at page 2 that Capital Hall (owner of Hotel Figueroa) did not receive notice of the City Planning Commission (CPC) hearing that took place on October 10, 2019. The Appellant acknowledges their attendance at the Hearing Officer/Advisory Agency hearing on August 28, 2019. The Appellant should note that at this hearing, the City made a public announcement that the Project would be considered by the CPC on October 10, 2019, thereby meeting public notice requirements. In addition, the City mailed a courtesy notice for the October 10<sup>th</sup> CPC hearing to certain interested parties, including Hotel Figueroa. Further, notice of the October 10<sup>th</sup> CPC hearing was posted at the Project Site on September 26, 2019. As such, the October 10<sup>th</sup> CPC hearing was properly noticed by the City.

Next, the Appellant comments at pages 2 and 3 on project design. But regarding the Project's aesthetic compatibility with surrounding uses, in accordance with Senate Bill 743 (SB 743) and Public Resources Code Section 21099(d), the Project is a transit priority project located within a transit priority area and as such, Project impacts related to aesthetics (including shade/shadow) are not considered significant impacts on the environment. (See Draft EIR, Section IV.B (Aesthetics).) The Project Site, surrounding properties, and the greater Project Site area are zoned C4-4D (Commercial Zone, Height District 4), which allows for development of a mix of land uses, with no height restrictions. The Project is consistent with this existing zoning. Regarding the contention that the Appellant "will lose air and sunlight," the EIR adequately analyzes potential impacts, such as shade/shadow on neighboring properties, but the Appellant does not have any legal rights in air and sunlight affected by the Project. (*Pacifica Homeowners' Assn. v. Wesley Palms Retirement Community* (1986) 178 Cal.App.3d 1147, 1152.) Additionally, the building design recognizes its adjacency to the Hotel Figueroa by architecturally detaching the Project at

a height above the Hotel Figueroa's roof level. For these and other reasons discussed in the EIR, Project's aesthetics impacts as they relate to the Hotel Figueroa would be less than significant.

Regarding the Project's construction-related impacts, the Project would not generate any pollutant emissions in excess of the South Coast Air Quality Management District's (SCAQMD) localized significance thresholds, and impacts related to sensitive receptors as a result of the Project's construction activities would be less than significant. (See Draft EIR, pp. IV.C-21—IV.C-24, Section IV.C (Air Quality) Additionally, with implementation of Mitigation Measures C-1 and C-2, the Project's regional construction emissions also would not exceed SCAQMD's significance thresholds. Additionally, the Project would be required to implement Mitigation Measure L-2 and would be required to prepare and implement a Construction Traffic Management Plan, which would outline how construction shall be carried out and identify specific actions required to reduce the effects of the Project's construction traffic on the surrounding community. (Draft EIR, IV.L-55–IV.L-59, Section IV.L (Transportation/Traffic).) The Project Applicant would be required to prepare the Construction Traffic Management Plan in coordination with the Los Angeles Department of Transportation (LADOT) and the Department of Building and Safety, whose approval of the plan would be required. Implementation of the Construction Traffic Management Plan would minimize the Projects construction traffic effects on the roadways near the Project Site.

The Appellant continues at page 4 by commenting on the potential impacts of the Project on historic resources. Yet the Project would not physically alter any of historic resources in the Project Site area, including the Hotel Figueroa, Variety Arts Center Building, and Petroleum Building. (Draft EIR, Section IV.D (Cultural Resources); *Olympic Tower L.A. Historic Resources Report* (refer to Appendix D of the Draft EIR).) Further, the Project would not affect the integrity of these resources such that they would not continue to convey their historical significance and/or not remain eligible for listing in the national, state, or local registers of historical resources.

The Appellant asserts SB 743 does not apply to "aesthetic impacts on historic or cultural resources," but that assertion is contrary to the language of the Public Resources Code and the substantial evidence concerning potential impacts from the Project. Under SB 743, the Public Resources Code provides that "aesthetic . . . impacts . . . shall not be considered significant impacts on the environment" for a Project such as this one. (Pub. Resources Code, § 21099(d)(1).) Such aesthetic impacts would include potential impacts related to shade/shadow and the visual character of the surrounding area. SB 743 provides that such impacts are not significant for CEQA purposes. The Draft EIR properly relied on SB 743 for that analysis.

Further, the Project would not have significant impacts on historical or cultural resources. Indeed, neither the Draft EIR nor the technical report relied on SB 743 for potential impacts on historic or cultural resources. Instead, those documents extensively analyzed the potential impacts the Project may have on historic and cultural impacts. The Hotel Figueroa was specifically included in this analysis. (Draft EIR at p. IV.D-21.) The Hotel Figueroa is identified as a historical resource in the vicinity of the Project Site. Yet, Figueroa Street is now characterized by high-rise buildings from the 1960s to the 2010s, although a few medium-rise historic buildings from the 1920s remain. As a result, building heights in the area range from the one-story Original Pantry Cafe to the 73-story Wilshire Grand. Accordingly, the Hotel Figueroa would continue to convey its significance in the context of social clubs for its association with the YWCA. Thus, the impact on the Hotel Figueroa as a historical resource would be less than significant. Moreover, according to the Draft EIR, the Project would have less than significant impacts on historic and cultural resources in the

vicinity, and the Project "would not affect the physical integrity or historic significance of" the Hotel Figueroa. (Draft EIR at p. IV.D-44–49.) As such, the Project would have less than significant impacts on historic and cultural resources including the Hotel Fig.

Next, the Appellant asserts at pages 4 and 5 that the Project will have significant vibration impacts on the Hotel Figueroa despite mitigation. Regarding Mitigation Measure I-3, the Appellant is referred to page V-9 in Section V (Mitigation Monitoring Program) of the Final EIR that indicates the mitigation measure will be enforced by the Department of City Planning and will be monitored by the Department of Building and Safety via periodic field inspections, requiring field inspection sign off. Mitigation Measure I-3 limits the number of pieces of vibration-producing construction equipment that are in simultaneous use to within 10 feet of the property line shared by the Project Site and the Hotel Figueroa. For these reasons, the estimated construction-related vibration levels at the shared property line identified in the Draft EIR are conservative, and Mitigation Measure I-3 (in concert with Mitigation Measure I-4 [i.e., no pile driving]) would ensure that the Project's construction-related vibration impact would be less than significant. Regarding Mitigation Measure I-5, the performance standard for Mitigation Measure I-5 is stated within the language of the mitigation measure - 0.25 PPV inches/second - and that performance standard can be measured without accessing the Hotel Figueroa property (as discussed above). In that way, this mitigation measure does not require the "consent and cooperation" with Hotel Figueroa and as such, is enforceable without the consent and cooperation of Hotel Figueroa.

On page 6, the Appellant asserts that the Project may have potential significant noise impacts. But based on the City's significance thresholds used for assessing the Project's construction-related noise impacts, because the Project's construction phase would occur longer than 10 days in a 3-month period, the appropriate significance threshold used was an increase of 5 dBA over existing ambient noise levels at the location of a sensitive receptor. (Draft EIR, pp. IV.I-11 and IV.I-12, Section IV.I (Noise).) Further, the analysis of the Project's construction-related noise impacts complies with applicable federal, state, and City guidance for assessing such impacts and is adequate. (*Id.*, pp. IV.I-13, IV.I-15–IV.I-19, IV.I-25–IV.I-26.)

Regarding the Hotel Figueroa as a noise sensitive receptor, the comment asserts at page 6 that the Hotel Figueroa "should be considered a sensitive receptor due the presence of sleeping guests immediately adjacent to the construction site." But in the case of the Hotel Figueroa, this receptor would not be considered sensitive to the Project's construction noise impacts, and the construction noise levels experienced by temporary hotel guests would not constitute a significant impact to the environment for the following key reasons: (1) hotel guests would not be exposed to hazardous noise levels; (2) the Project's noisiest construction activities would be limited to daytime hours between 7:00 AM to approximately 3:00-5:00 PM (Monday – Friday) and 8:00 AM 3:00-5:00 PM and thus, would not compromise healthy nighttime sleeping conditions; and (3) "transient lodgings" that may be considered sensitive to construction noise include uses that are oriented to long-term guests (e.g., Extended Stay America, etc.) or to displaced peoples (i.e., long-term shelters or camps). These types of uses are not characteristic of the Hotel Figueroa.

Regarding mitigation measures for construction-related noise impacts in the Draft EIR, use of equipment mufflers and temporary noise barriers as mitigation measures represent industry standard "best practices" for the control of construction-related noise levels. The effectiveness of the mitigation measures at reducing the Project's construction-related noise impacts is shown on Table IV.I-13 on page IV.I-26 of the Draft EIR, with supporting quantitative data included in

Appendix G of the Draft EIR. Further, regarding operational noise impacts, the Appellant is referred to pages IV.I-14 through IV.I-18 in Section IV.I (Noise) of the Draft EIR that include an analysis of the Project's operational noise impacts, including noise from outdoor areas. As discussed there, the Project's operational noise levels would not exceed the City's significance thresholds, and impacts would be less than significant. Furthermore, the Project's operational noise would not interfere with the Hotel Figueroa's operations, including the Project's outdoor areas as shown on Figure III-38 on page III-39 in Section III (Project Description) of the Draft EIR.

The Appellant continues by commenting on potential air quality impacts of the Project on pages 6 and 7. Regarding the analysis and mitigation of the Project's air quality and greenhouse gas (GHG) emissions impacts, the Appellant is referred to Responses to Comments CREED LA 2/SWAPE AQ-A through AQ-I in the Final EIR that include discussions of the adequate analysis and mitigation of the Project's air quality and GHG emissions analyses in the Draft EIR. It also includes a discussion of the Project's localized pollutant emissions impacts during the Project's construction phase, which explains that with implementation of Mitigation Measure C-1, the Project's localized construction emissions would not exceed SCAQMD's significance thresholds, and construction-related localized air quality impacts (including those to sensitive receptors) would be less than significant. Moreover, a health risk assessment for the Project's construction-related air quality mitigation measures, such as the use of Tier 4 construction equipment, which is feasible and effective at reducing impact to less than significant.

The Appellant comments at page 7 about the historical presence of underground storage tanks (USTs) at the Project Site, which was addressed in Response to Comment DTSC-2 in the Final EIR that addressed the same issue. Additionally, the Appellant is referred to Mitigation Measure G-1 (implementation of a soils management plan) as revised in the Final EIR (refer to page IV-13 in Section IV [Revisions, Clarifications, and Corrections to the Draft EIR] of the Final EIR that describes the requirements to ensure that the Project would not result in any significant impacts related to the potential to encounter soil contamination at the Project Site.

At page 7, the Appellants raises brief comments concerning potential impacts related to land use and population and housing. Regarding land use, the Appellant is referred to Response to Comment 2 in the letter from CAJA Environmental Services, dated September 23, 2019, which explains how the Project is consistent with all applicable land use policies associated with development of the Project Site. Regarding population and housing, Section IV.J (Population and Housing) of the Draft EIR that discusses that the number of residents, housing units, and employees associated with the Project would fall within regional growth projections for the Project Site area, and impacts related to unplanned population growth would be less than significant.

The Appellant continues at pages 7 and 8 with potential impacts related to transportation. As a point of clarification, while the Appellant is correct that significant and unavoidable traffic impacts have been disclosed in the Draft EIR related to the Project, no Project-specific significant and unavoidable construction traffic impacts were identified in the Draft EIR. As noted in the Draft EIR, the Project's forecast peak-hour construction traffic generation would be much less than the Project's peak-hour operational traffic generation and would not be expected to result in any significant study intersection level of service (LOS) impacts. However, given the Project's forecast peak-hour construction traffic associated with the related projects plus the potential roadway capacity effects through the Project

Site area, it is possible that this cumulative condition could result in significant LOS impacts at study intersections. Thus, it was conservatively concluded in the Draft EIR that cumulative construction traffic impacts would be potentially significant and unavoidable.

As explained in the City of Los Angeles' Department of Transportation (LADOT) Interdepartmental Correspondence letter dated June 17, 2017, mitigation measures are proposed to be implemented by the Project Applicant. Under these measures, the Project Applicant has agreed to provide mitigation measures that will help avoid disruptions to the L.A. Live/Staples Center Entertainment District. These potential impacts and mitigation measures were properly analyzed. The Appellant is also referred to Response to Comment Caltrans-3 in the Final EIR for a full discussion of the analysis of State facilities in the Draft EIR traffic analysis. Based on the review conducted as part of the traffic analysis prepared for the Draft EIR, the amount of Project traffic expected to occur on the freeway system would not meet any of the referenced criteria.

Regarding the contention that for operational and construction traffic impacts, the EIR "imposes only token mitigation measures," the Appellant is referred to the Mitigation Monitoring Program (MMP) located at Section V of the Final EIR. (See Final EIR at pp. V-11–V-14 ["Transportation/Traffic" MMP].) The mitigation contained in the MMP is sufficient to address the operational and construction traffic impacts identified in the EIR. The mitigation measures include a list of strategies to be required by the enforcing agencies, as required by CEQA. Indeed, "[d]eferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan." (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.) Under these mitigation measures, the Project Applicant is not allowed to proceed until the appropriate plan has been prepared by the Project Applicant and approved by the enforcing agency.

Finally, the Appellant comments on Project alternatives at page 8. Regarding analysis of alternatives, an EIR is required only to analyze a reasonable range of alternatives that would feasibly attain most of the basic objectives *and* avoid or substantially lessen the project's significant environmental impacts. (Pub. Resources Code, § 21002; Cal. Code of Regs., tit. 14 ["CEQA Guidelines"], § 15126.6, subd. (a).) Pursuant to this framework, the Draft EIR properly analyzed alternatives that could substantially reduce or avoid significant impacts of the Project, while still meeting the basic project objectives. For example, given the existing conditions of the Project Site and the potential to encounter unknown archaeological (cultural) resources, any development of the Project Site that includes ground-disturbing activities (which would likely be any development of the site) would result in the same impact related to archaeological resources as the Project, requiring the same mitigation identified in the Draft EIR for the Project that would reduce the impact to less than significant. Thus, an alternative to address this impact is not warranted. The Draft EIR reasonably considered a range of alternatives as required under CEQA.

If you have any questions or concerns regarding this issue, please contact Kerrie Nicholson at 310-469-6706 or <a href="mailto:kerrie@ceqa-nepa.com">kerrie@ceqa-nepa.com</a>. Thank you.

Sincerely,

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Kerrie Nicholson Principal



15350 Sherman Way, Suite 315, Van Nuys, CA 91406 Phone 310-469-6700

March 5, 2020

Sergio Ibarra, City Planner City of Los Angeles Department of City Planning 200 North Spring Street, Suite 721 Los Angeles, CA 90012

#### RE: Response to Los Angeles Conservancy Comment Letter for the Olympic Tower Project

Dear Mr. Ibarra:

This letter is hereby submitted on behalf of Olymfig26, LLC (Project Applicant) in response to the comment letter filed on February 10, 2020, by the Los Angeles Conservancy. As stated in the letter, the "Conservancy's primary concern is the effect of the proposed construction on the structural integrity of the Hotel Figueroa," which the Conservancy states "occupies the adjacent parcel to the north of the Project site filling the parcel lot line to lot line." In particular, the Conservancy states that "[m]itigation measures I-3, I-4, and I-5 appear to mitigate construction vibrations to a less than significant level but fail to detail implementation procedures." The Conservancy states that "[s]pecial consideration must be given to . . . mitigation measure I-5."

Throughout the Project design and entitlement process, the Project Applicant has taken meaningful steps to ensure that construction of the Project will not undermine the historical value of the Hotel Figueroa or damage its structural integrity. First, the Project Applicant considered the relationship of the Project to surrounding uses such as the Hotel Figueroa throughout the design process. By right and consistent with existing zoning, the Project Applicant is entitled to build the 57-story Project to the lot line of its property abutting the Hotel Figueroa. But upon consultation with the Los Angeles City Planning's Office of Historic Resources, the Project Applicant decided to rotate the building tower to detach the full height of the Project from the property line of the Hotel Figueroa. In other words, the 57-story tower was moved to a different part of the Project property so that its full height is not adjacent to the Hotel Figueroa. This ensures massing relief at the same level as the Hotel Figueroa roof deck as well as sunlight intake into the hotel stairwells of the Project.

The Project was also designed with consideration of the Hotel Figueroa in other ways, such as by limiting the portion of the Project that abuts the Hotel Figueroa to the height of the Hotel Figueroa and by setting up a façade fronting Figueroa Street that maximizes consistency between the Project and Hotel Figueroa. Further, the Hotel Figueroa is an isolated historic building relative to other historic resources in Downtown Los Angeles, such as the Historic Core. The area surrounding the Hotel Figueroa has experienced massive redevelopment in the form of modern architecture. Given this setting, the Project will not have significant aesthetic impacts on the Hotel Figueroa. For these reasons, as well as those detailed in the Historical Resource Report included as Appendix D-A to the Draft EIR, the project will not have significant impacts on historic resources.

Second, the Mitigation Monitoring Program in the Final EIR ensures that Project construction will not have any significant structural impacts on the Hotel Figueroa. The Conservancy comments that construction vibration could reach levels of .89 PPV in/sec and notes the proper standard should be .25 PPV in/sec. But the Conservancy fails to account for the requirements of Mitigation Measure I-5. Under Mitigation Measure I-5, construction of the Project is not allowed if the vibration threshold of .25 PPV in/sec is met or exceeded, or if any noticeable structural damage to the Hotel Figueroa becomes evident. This requirement does not require any involvement by the Hotel Figueroa but is instead part of the structural monitoring program that must be approved by the Department of Building Safety ("DBS") before a grading permit for the Project is issued. The structural monitoring program must abide by other specific standards as well, such as documentation of the Hotel Figueroa and recommendations from a registered civil engineer or certified engineering geologist. Such performance standards, which can be enforced by preventing construction of the Project, satisfy CEQA. (See CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

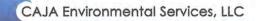
Additional mitigation has been required of the Project Applicant as well. Mitigation Measure I-3 requires that construction vibration sources may not operate simultaneously within 10 feet of the Hotel Figueroa, with periodic field inspections by DBS and enforcement by the Department of City Planning ("DCP"). Mitigation Measure I-4 specifies that no pile driving shall occur during construction, again with periodic field inspections by DBS and enforcement by DCP. These mitigation measures ensure construction of the Project will not have any significant impacts on the structural integrity of the Hotel Figueroa.

If you have any questions or concerns regarding this issue, please contact Kerrie Nicholson at 310-469-6706 or <a href="mailto:kerrie@cega-nepa.com">kerrie@cega-nepa.com</a>. Thank you.

Sincerely,

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Kerrie Nicholson Principal



15350 Sherman Way, Suite 315, Van Nuys, CA 91406 Phone 310-469-6700

March 5, 2020

Sergio Ibarra, City Planner City of Los Angeles Department of City Planning 200 North Spring Street, Suite 721 Los Angeles, CA 90012

#### RE: Response to UNITE HERE Local 11 Appeal Letter for the Olympic Tower Project

Dear Mr. Ibarra:

This letter is hereby submitted on behalf of Olymfig26, LLC (Project Applicant) in response to the appeal filed on October 31, 2019 by UNITE HERE Local 11 ("Local 11"). Local 11 filed an appeal of the Letter of Determination issued by the City Planning Commission for the Olympic Tower Project on October 21, 2019. As noted by the Local 11 Appellant, all of the specific points in issue were already raised in their appeal letter dated September 16, 2019, to which CAJA Environmental Services, LLC (CAJA) responded to in a letter to the City dated September 23, 2019, on behalf of the Project Applicant. As demonstrated in CAJA's response letter, Local 11 Appellant provides no substantial evidence to support its assertions upon appeal.

If you have any questions or concerns regarding this issue, please contact Kerrie Nicholson at 310-469-6706 or kerrie@cega-nepa.com. Thank you.

Sincerely,

Irltol S

Kerrie Nicholson Principal



15350 Sherman Way, Suite 315, Van Nuys, CA 91406 Phone 310-469-6700

March 5, 2020

Sergio Ibarra, City Planner City of Los Angeles Department of City Planning 200 North Spring Street, Suite 721 Los Angeles, CA 90012

#### **RE:** Response to YWCA Comment Letter for the Olympic Tower Project

Dear Mr. Ibarra:

This letter is hereby submitted on behalf of Olymfig26, LLC (Project Applicant) in response to the comment letter filed on February 10, 2020, by the YWCA of Greater Los Angeles. The YWCA comments that the Project "is completely incompatible with the Hotel Figueroa, and threatens its physical and historic integrity." The YWCA further comments that the Project is "[b]uilt to the property line and towering hundreds of feet overhead, . . . [will] block public views, and eliminate the hotel's access to sunlight." The YWCA comments that "Project construction will cause major structural damage to the Hotel Figueroa, which threatens to destroy" the Hotel Figueroa. Finally, the YWCA comments that the City failed "to follow proper noticing procedures" in regard to the Hotel Figueroa.

Throughout the Project design and entitlement process, the Project Applicant has taken meaningful steps to ensure that the Project not undermine the historical value of the Hotel Figueroa and will not damage its structural integrity. First, the Project Applicant considered the relationship of the Project to surrounding uses such as the Hotel Figueroa throughout the design process. Under existing zoning, the Project Applicant is entitled to build the 57-story Project to the lot line of its property that runs against the Hotel Figueroa proper. But after consulting with the Los Angeles City Planning's Office of Historic Resources, the Project Applicant made the decision to rotate the building to separate the full height of the Project from the property line of the Hotel Figueroa. In other words, the 57-story tower was moved to a different part of the Project property so that its full height is not adjacent to the Hotel Figueroa. This ensures massing relief at the same level as the Hotel Figueroa roof deck as well as sunlight intake into the hotel stairwells of the Project.

The Project was also designed with consideration of the Hotel Figueroa in other ways, such as by limiting the portion of the Project that abuts the Hotel Figueroa to the height of the Hotel Figueroa and by setting up a façade fronting Figueroa Street that maximizes consistency between the Project and Hotel Figueroa. For these reasons, as well as those detailed in the Historical Resource Report included as Appendix D-A to the Draft EIR, the project will not have significant impacts on historic resources. Second, the Hotel Figueroa is an isolated historic building relative to other historic resources in Downtown Los Angeles, such as the Historic Core. The area surrounding the Hotel Figueroa has experienced massive redevelopment in the form of modern architecture. Given this setting, the Project will not have significant aesthetic impacts on the Hotel Figueroa. Moreover, the contention that the Hotel Figueroa will lose sunlight was adequately analyzed in the Draft EIR, with consideration of potential impacts such as shade/shadow on neighboring properties. Ultimately though, the Hotel Figueroa "has no natural right to air, light or an unobstructed view and the law is reluctant to imply such a right." (*Pacifica Homeowners' Assn. v. Wesley Palms Retirement Community* (1986) 178 Cal.App.3d 1147, 1152.)

Third, the Mitigation Monitoring Program in the Final EIR ensures that Project construction will not have any significant structural impacts on the Hotel Figueroa. Under Mitigation Measure I-5, construction of the Project may not begin until a structural monitoring program concerning the conditions of the Hotel Figueroa is approved by the Department of Building Safety ("DBS"). The structural monitoring program must abide by specific standards such as documentation of the Hotel Figueroa, recommendations from a registered civil engineer or certified engineering geologist, and a survey for vertical or horizontal movement based on vibration thresholds (0.25 PPV in/sec) established specifically for Project construction in relation to the Hotel Figueroa. Notably, if these thresholds are exceeded or any noticeable structural damage to the Hotel Figueroa becomes evident, construction must stop until the issue is remedied. Such performance standards, which can be enforced by preventing construction of the Project, satisfy CEQA. (See CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

Furthermore, Mitigation Measure I-3 requires that construction vibration sources may not operate simultaneously within 10 feet of the Hotel Figueroa, with periodic field inspections by DBS and enforcement by the Department of City Planning ("DCP"). Mitigation Measure I-4 specifies that no pile driving shall occur during construction, again with periodic field inspections by DBS and enforcement by DCP. These mitigation measures ensure construction of the Project will not have any significant impacts on the structural integrity of the Hotel Figueroa.

Finally, the City followed proper noticing procedures for the Project. The commenter does not identify any specific failure by the City concerning notice. Absent some specific issue with notice, such comment should be disregarded.

If you have any questions or concerns regarding this issue, please contact Kerrie Nicholson at 310-469-6706 or kerrie@cega-nepa.com. Thank you.

Sincerely,

pril Ancholon

Kerrie Nicholson Principal



Planning CPC <cpc@lacity.org>

#### Public comment: 813 S. Olympic / 947 S. Figueroa - CPC-2015-4557-MCUP-CUX-**TDR-SPR-DD** - City Planning Commission

Jay Ross <ross jay@hotmail.com>

Tue, Apr 14, 2020 at 5:33 PM To: "CPC@LACity.org" <CPC@lacity.org>, "Sergio.Ibarra@LACity.org" <Sergio.Ibarra@lacity.org>

To the City:

I opposed #5 below, which reduces onsite trees from 94 to 63.

This is a 33% decrease in the tree require, and no genuine reason is provided other than the developer doesn't want to plant them onsite and wants to construct a larger building.

No jusfic aon is pr ovided for the decrease in trees, so please deny this and mandate that all 94 trees are planted onsite, and that they are in 48-inch boxes.

There is plenty of room on the large site to plant the trees, and it's a flat, square site with no hills or water, so there is no hardship or geographical problem that can jusf y a reducon in the c ount.

Los Angeles has lost 35-45% of its tree canopy in the last 10 years, per the USC study, because large projects like this fail to provide sufficient green space, and don't plant enough trees.

#### CPC-2015-4557-MCUP-CUX-TDR-SPR-DD

1. Continued the Commission's action related to the TFAR until the Agency Board acts on the requested TFAR Plan and Public Benefits Payment;

2. Found, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified Olympic Tower Project Environmental Impact Report No. ENV-2015-4558-EIR, certified in conjunction with actions on VTT-73966-CN-1A, and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;

3. Approved a Master Conditional Use Permit to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption at up to 16 premises and up to four premises for off -site consumption; 4. Approved a Conditional Use Permit to allow dancing within commercial areas;

#### 5. Approved a Director's Decision to provide less than one on-site tree per four residential dwelling units (63 trees in lieu of 94 trees)

From: Ita Ensla <ita.ensla@lacity.org> Sent: Tuesday, April 14, 2020 10:33 PM To: PLN CITYPLNAGENDA@LISTSERV.LACITY.ORG Subject: 04/23/2020 08:30 AM - City Planning Commission Meeting Agenda

Attached is the new City Planning Commission document posted for Planning Department.

TITLE: City Planning Commission Meeting Agenda DATE: 04/23/2020 TIME: 08:30 AM To view the document online please visit: http://ens.lacity.org/pln/cityplnagenda/ plncityplnagenda285139917 04232020.pdf

To unsubscribe from this list, please click on this link: http://listserv.lacity.org/cgi-bin/wa.exe?SUBED1=pln\_cityplnagenda&A=1

Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street, 43'<sup>d</sup> Floor Los Angeles, California 90071-1422 213.620.1780 main 213.620.1398 fax www.sheppardmullin.com

Alfred Fraijo Jr. 213.617.5567 direct afraijo@sheppardmullin.com

#### **BY E-MAIL**

Los Angeles City Planning Commission 200 North Spring Street, Room 272 Los Angeles, California 90012 cpc@lacity.org

#### Re: Olympic Tower, 813–815 W. Olympic Blvd.; 947–951 S. Figueroa St. <u>CPC-2015-4557-MCUP-CUX-TDR-SPR-DD</u> <u>CPC Hearing: April 23, 2020, 8:30 a.m., Item #6</u>

Dear Commissioners:

This firm represents Capital Hall Partners ("Capital Hall"), the owner of the historic Hotel Figueroa, which is located at 939 South Figueroa Street immediately adjacent to the proposed Olympic Tower (the "Project").

As you know, we submitted comment letters and supporting technical studies on February 10 and March 10 explaining our concerns about the Project, including its inappropriate design and inadequate environmental review. We have reviewed the Applicant's responses dated March 5 and April 10, and unfortunately they do not adequately respond to the deficiencies we identified. The Applicant's responses are superficial, merely citing back to the deficient sections of the EIR, without substantively responding to our specific concerns and without providing the missing information that is needed to fully understand the Project's impacts. In many cases, the responses mischaracterize or ignore our comments in order to avoid addressing them. To give just a few examples:

- The Applicant still has not responded to our concerns about the Project's design, including its inappropriate and infeasible height, density, massing, and lack of setbacks, as well its elimination of air and sunlight to the recently renovated pool and outdoor areas at the Hotel Figueroa.
- The Applicant maintains that the Project's significant aesthetic impacts on the Hotel Figueroa are exempt from CEQA because the Project is a transit priority project. However, by statute, this exemption *does not apply* to aesthetic impacts on historic resources like the Hotel Figueroa. (See Public Resources Code section 21099(d)(2)(B).) The Applicant has never responded to, and continues to ignore, this controlling statutory language.

April 21, 2020 Page 2

- The Applicant now concedes that the Project fails to comply with Standard #9 of the Secretary of the Interior's Standards for the Treatment of Historic Properties. (GPA Consulting letter, p. 2.) This contradicts the earlier finding in the EIR, and under the EIR's chosen methodology, it amounts to a significant historic impact. The EIR must be revised to include this new information and analysis, and to impose appropriate mitigation measures to address the significant impact, including a Project redesign.
- We have submitted expert reports demonstrating that Project construction will cause significant physical damage to the historic Hotel Figueroa, threatening its continued viability. We have also shown that the EIR's mitigation measures are inadequate, unenforceable, and inconsistent with CEQA's requirements. The Applicant has not responded to these points or corrected the mitigation measures.
- The Applicant fails to respond to the deficiencies in the EIR's noise analysis, including its erroneous modeling inputs, and its failure to properly disclose, analyze, and mitigate the Project's traffic and operational noise impacts. Ganddini Group submitted a 400-page technical report detailing these shortcomings. The Applicant, however, responded with a 6-page memorandum that simply refers back to the EIR's deficient analysis and fails to substantively respond to Ganddini's points.

As we have previously emphasized, Capital Hall is supportive of appropriate and considerate redevelopment of the Downtown Car Wash site. However, the Applicant has not justified the Project's current design, nor provided sufficient information about its environmental impacts. Therefore, we renew our request that you defer further action on the Project until the Applicant updates the Project design and the City revises and recirculates the EIR to correct the numerous deficiencies we have identified.

Very truly yours,



Alfred Fraijo Jr. for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Sergio Ibarra, Los Angeles Department of City Planning The Honorable Jose Huizar, Council District 14

SMRH:4849-7811-1674.3

Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street, 43'<sup>d</sup> Floor Los Angeles, California 90071-1422 213.620.1780 main 213.620.1398 fax www.sheppardmullin.com

Alfred Fraijo Jr. 213.617.5567 direct afraijo@sheppardmullin.com

#### **BY E-MAIL**

Los Angeles City Planning Commission 200 North Spring Street, Room 272 Los Angeles, California 90012 cpc@lacity.org

#### Re: Olympic Tower, 813–815 W. Olympic Blvd.; 947–951 S. Figueroa St. <u>CPC-2015-4557-MCUP-CUX-TDR-SPR-DD</u> <u>CPC Hearing: April 23, 2020, 8:30 a.m., Item #6</u>

Dear Commissioners:

This firm represents Capital Hall Partners ("Capital Hall"), the owner of the historic Hotel Figueroa, which is located at 939 South Figueroa Street immediately adjacent to the proposed Olympic Tower (the "Project").

As you know, we submitted comment letters and supporting technical studies on February 10 and March 10 explaining our concerns about the Project, including its inappropriate design and inadequate environmental review. We have reviewed the Applicant's responses dated March 5 and April 10, and unfortunately they do not adequately respond to the deficiencies we identified. The Applicant's responses are superficial, merely citing back to the deficient sections of the EIR, without substantively responding to our specific concerns and without providing the missing information that is needed to fully understand the Project's impacts. In many cases, the responses mischaracterize or ignore our comments in order to avoid addressing them. To give just a few examples:

- The Applicant still has not responded to our concerns about the Project's design, including its inappropriate and infeasible height, density, massing, and lack of setbacks, as well its elimination of air and sunlight to the recently renovated pool and outdoor areas at the Hotel Figueroa.
- The Applicant maintains that the Project's significant aesthetic impacts on the Hotel Figueroa are exempt from CEQA because the Project is a transit priority project. However, by statute, this exemption *does not apply* to aesthetic impacts on historic resources like the Hotel Figueroa. (See Public Resources Code section 21099(d)(2)(B).) The Applicant has never responded to, and continues to ignore, this controlling statutory language.

April 21, 2020 Page 2

- The Applicant now concedes that the Project fails to comply with Standard #9 of the Secretary of the Interior's Standards for the Treatment of Historic Properties. (GPA Consulting letter, p. 2.) This contradicts the earlier finding in the EIR, and under the EIR's chosen methodology, it amounts to a significant historic impact. The EIR must be revised to include this new information and analysis, and to impose appropriate mitigation measures to address the significant impact, including a Project redesign.
- We have submitted expert reports demonstrating that Project construction will cause significant physical damage to the historic Hotel Figueroa, threatening its continued viability. We have also shown that the EIR's mitigation measures are inadequate, unenforceable, and inconsistent with CEQA's requirements. The Applicant has not responded to these points or corrected the mitigation measures.
- The Applicant fails to respond to the deficiencies in the EIR's noise analysis, including its erroneous modeling inputs, and its failure to properly disclose, analyze, and mitigate the Project's traffic and operational noise impacts. Ganddini Group submitted a 400-page technical report detailing these shortcomings. The Applicant, however, responded with a 6-page memorandum that simply refers back to the EIR's deficient analysis and fails to substantively respond to Ganddini's points.

As we have previously emphasized, Capital Hall is supportive of appropriate and considerate redevelopment of the Downtown Car Wash site. However, the Applicant has not justified the Project's current design, nor provided sufficient information about its environmental impacts. Therefore, we renew our request that you defer further action on the Project until the Applicant updates the Project design, and the City revises and recirculates the EIR to correct the numerous deficiencies we have identified.

Very truly yours,



Alfred Fraijo Jr. for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Sergio Ibarra, Los Angeles Department of City Planning The Honorable Jose Huizar, Council District 14

SMRH:4849-7811-1674.3

Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street, 43<sup>rd</sup> Floor Los Angeles, California 90071-1422 213.620.1780 main 213.620.1398 fax www.sheppardmullin.com

213.617.5567 direct

March 10, 2020

File Number: 55MV-297942

BY E-MAIL

Los Angeles City Planning Commission 200 North Spring Street, Room 272 Los Angeles, California 90012 cpc@lacity.org

Re: Olympic Tower, 813–815 W. Olympic Blvd.; 947–951 S. Figueroa St. <u>CPC-2015-4557-MCUP-CUX-TDR-SPR-DD</u> <u>CPC Hearing: March 12, 2020, 8:30 a.m., Item #6</u>

Dear Commissioners:

This firm represents Capital Hall Partners ("Capital Hall"), the owner of the historic Hotel Figueroa, which is located at 939 South Figueroa Street immediately adjacent to the proposed Olympic Tower (the "Project").

We submitted a letter on February 10, explaining our concerns about the Project, including its inappropriate design and inadequate environmental review, and attaching supporting technical reports. In advance of the March 12 public hearing, we supplement our previous submittals with the following chart, which summarizes the key issues with the Project and its environmental impact report ("EIR"), and our proposals for resolving them.

Based on all the materials in the record, we renew our request that you defer further action on the Project until the developer updates the Project's design to be compatible with surrounding development, and the City revises and recirculates the EIR to correct the numerous deficiencies we have identified. Capital Hall remains supportive of appropriate and considerate redevelopment of the Downtown Car Wash, and looks forward to working with the developer and the City to implement the proposed solutions detailed below.

Very truly yours,

Alfred Fraijo Jr. for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Sergio Ibarra, Los Angeles Department of City Planning The Honorable Jose Huizar, Council District 14

Los Angeles City Planning Commission March 10, 2020 Page 2

#### OLYMPIC TOWER PROJECT AND EIR CONCERNS AND PROPOSED SOLUTIONS

ISSUE AREA	CONCERN	SOLUTION
Design	<ul> <li>The Project's height, massing, and density are inappropriate for the site and incompatible with nearby historic resources.</li> <li>The Project will be built to the Hotel Figueroa property line, with no setback, completely blocking the Hotel Figueroa's southern frontage.</li> <li>The Project will eliminate air and sunlight at the Hotel Figueroa, including at its recently renovated pool and outdoor areas.</li> </ul>	<ul> <li>Redesign the Project to:         <ul> <li>Lower its height and reduce its massing and density;</li> <li>Incorporate appropriate building setbacks from the Hotel Figueroa; and</li> <li>Preserve air and sunlight for Hotel Figueroa's pool and outdoor areas.</li> </ul> </li> </ul>
Aesthetics	<ul> <li>The EIR improperly relies on SB 743 to conclude that the Project will have no aesthetic impacts. SB 743 does not apply where a project would have impacts on a historic resource like the Hotel Figueroa.</li> <li>The Project will cause significant shade and shadow impacts on sensitive receptors, particularly Hotel Figueroa and its recently renovated pool and outdoor areas.</li> </ul>	<ul> <li>Revise and recirculate the EIR to fully disclose and analyze, and mitigate the Project's:         <ul> <li>Significant aesthetic impacts on the Hotel Figueroa and other historic resources; and</li> <li>Significant shade and shadow impacts, including to Hotel Figueroa's pool and outdoor areas.</li> </ul> </li> </ul>

ISSUE AREA	CONCERN	SOLUTION
Cultural Resources	<ul> <li>The Project will cause significant aesthetic impacts on surrounding historic resources, such as the Hotel Figueroa, Variety Arts Center Building, and Petroleum Building.</li> <li>The Project violates the Secretary of the Interior's Standards for the Treatment of Historic Properties and is inconsistent with Standard 9 regarding "related new construction."</li> </ul>	<ul> <li>Revise and recirculate the EIR to disclose and analyze the significant historic impacts on the Hotel Figueroa and other historic resources.</li> </ul>
Noise	<ul> <li>The Project will cause significant and unmitigated construction and operational noise impacts on the Hotel Figueroa, which is a sensitive receptor.</li> <li>The EIR's construction noise analysis is deficient because it relies on erroneous equipment assumptions and fails to model all phases of construction.</li> <li>The EIR fails to disclose, analyze, and mitigate the following impacts of the Project:         <ul> <li>Traffic noise impacts; and</li> <li>Operational noise impacts, including amplified music and noise from outdoor areas, which will interfere with Hotel Figueroa's operations.</li> </ul> </li> </ul>	<ul> <li>Revise and recirculate the EIR to correct the errors identified and include the missing information and analysis.</li> <li>Incorporate all mitigation measures provided in the Noise Impact Analysis prepared by Ganddini Group on January 22, 2020, including but not limited to:         <ul> <li>During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.</li> <li>The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.</li> </ul> </li> </ul>

ISSUE AREA	Concern	SOLUTION
		<ul> <li>Jackhammers, pneumatic equipment and all other portable stationary noise sources shall be</li> </ul>
		shielded and noise shall be directed away from sensitive receptors.
		<ul> <li>Construction noise monitoring is required in order ensure that construction equipment is adequately muffled and/or tented with sound blankets in order to achieve a 15 dB reduction and noise thresholds are not exceeded.</li> </ul>
Noise		<ul> <li>Due to the age and proximity of Hotel Figueroa, a noise test shall be conducted to determine the sound reduction provided by the adjacent Hotel Figueroa wall in order to determine if sleeping areas in Hotel Figueroa would be affected by project operational noise. If it is determined that noise would be disruptive in sleeping areas, outdoor activities should be limited accordingly.</li> </ul>
		• A sound engineer or otherwise qualified individual shall review the proposed architectural plans and elevations to determine if the proposed exterior wall assemblies would achieve acceptable interior noise levels.

ISSUE AREA	CONCERN	SOLUTION
Vibration/ Structural	<ul> <li>The EIR admits that Project construction will result in significant vibration impacts on the historic, 1920's era Hotel Figueroa.</li> <li>The EIR, however, masks the full extent of the Project's vibration impacts by relying on an incomplete and inaccurate list of construction equipment.</li> <li>The proposed mitigation measures do not adequately reduce the Project's significant vibration impacts.</li> <li>The proposed mitigation measures violate CEQA's requirements with respect to enforceability and performance standards.</li> <li>The EIR does not include specific shoring or vibration mitigation plans, which are critical to analyzing and mitigating the impact of new construction on Hotel Figueroa.</li> <li>As a result of the inadequate mitigation measures, Project construction will cause significant damage to the Hotel Figueroa. This damage will include, but is not limited to, cracking of the concrete floor slabs, cracking of the walls, and damages to the finishes. This will damage will threaten the physical and historic integrity of the building.</li> </ul>	<ul> <li>Revise and recirculate the EIR to correct the identified errors and include the missing information and analysis.</li> <li>Incorporate all mitigation measures provided in the Noise Impact Analysis prepared by Ganddini Group on January 22, 2020, including but not limited to:         <ul> <li>Prior to the commencement of any demolition or construction activities on the project site, the project proponent shall consult with the owners of vibration sensitive buildings, the development team and reviewing agencies, such as SHPO and local planning departments, to identify potential risks, negotiate changes, agree on protective measures, to be incorporated into a vibration monitoring plan (VMP). Specifically, the project proponent, the construction manager, a representative from the City of Los Angeles Building Department, an acoustical/vibration engineer, and a specialist in historical building structural damage avoidance/repair should be in attendance at this meeting.</li> <li>Prior to the commencement of any demolition or construction activities, a VMP shall be prepared by an acoustical/vibration engineer or an experienced professional who specializes in the assessment of groundborne vibration related impacts. At the discretion of the vibration</li> </ul></li></ul>

ISSUE AREA	Concern	SOLUTION
		professional, the VMP shall include, but may not be limited to, the following:
Vibration/ Structural		a. An inventory of the existing conditions of potentially affected vibration sensitive buildings. The inventory shall include a detailed photo survey of existing general conditions as well as any existing damage. A written description shall accompany the photo/video survey. The written description shall also document any vibration sensitive land uses.
	<ul> <li>Revised groundborne vibration calculations and subsequent assessment of potential impacts in light of vibration specific geotechnical data and specific details regarding proposed construction methods and equipment (to be provided by the construction manager); as well as modified mitigation measures, as necessary.</li> </ul>	
		• Groundborne vibration monitoring for the duration of demolition and excavation activities to ensure that thresholds are not exceeded. Duration and frequency shall be modified by the acoustic/vibration professional, as they deem necessary. Notification of exceedance events [i.e.,

ISSUE AREA	CONCERN	SOLUTION
		measurements that are recorded that exceed the established vibration threshold(s)] shall be transmitted to the designated engineer, or designee immediately to allow for immediate response and for discontinuation of vibratory construction activities until alternative equipment and/or construction methods can be implemented.
Vibration/ Structural		<ul> <li>Submittal of weekly reports summarizing any vibration and structural monitoring activities and data to designated City staff personnel. Monitoring reports shall include daily histogram plots with the maximum peak vector sum PPV vs. frequency, a list of the equipment being utilized during the monitoring period, and an exhibit showing the location of the equipment with distances shown to vibration sensitive locations. The weekly reports should also include findings of structural visual inspections, and include photographs taken documenting the status of existing cracks and damage and documenting any new damage or worsening damage. Persons notified and remedies conducted in response to vibration threshold exceedances and/or new or worsening structural damage shall also be included in the weekly report.</li> </ul>
		<ul> <li>Incorporate all mitigation measures provided in the Construction Impact Review prepared by John Labib &amp; Associates on January 20, 2020, including:</li> </ul>

ISSUE AREA	CONCERN	SOLUTION
		<ul> <li>Prepare appropriate shoring plans and calculations; account for all existing hotel building surcharges on the excavation; and implement conservative loading to limit impacts on the hotel building.</li> </ul>
Vibration/		• Pot hole adjacent to the Hotel Figueroa and provide the location of the hotel foundation in relation to the new shoring system. Provide graphic sections indicating the relationship of the hotel foundations and how they will not be impacted by the proposed shoring system and excavations.
Structural		<ul> <li>Underpin the Hotel Figueroa foundations adjacent to the excavation with piles that derive support below the proposed excavation.</li> </ul>
		<ul> <li>Limit deflection of the proposed shoring system so that it does not result in damage to the existing Hotel Figueroa building. Limit deflection at the top of the shoring beams to <sup>1</sup>/<sub>4</sub>".</li> </ul>
		<ul> <li>Prepare specific plans detailing measures for limiting vibration during construction.</li> </ul>
		• Prohibit pile driving during construction.
		<ul> <li>Prepare pre-construction surveys of the existing Hotel Figueroa conditions.</li> </ul>

Los Angeles City Planning Commission March 10, 2020 Page 9

ISSUE AREA	CONCERN	SOLUTION
Community Concerns	<ul> <li>YWCA Greater Los Angeles submitted a comment letter on February 10, expressing deep concerns about the Project. YWCA financed and constructed the Hotel Figueroa, which played a central role in the women's movement. YWCA is concerned that the Project threatens the Hotel Figueroa's physical and historic integrity.</li> </ul>	<ul> <li>Redesign the project and impose appropriate mitigation measures to protect Hotel Figueroa, as described above.</li> </ul>
	<ul> <li>The Los Angeles Conservancy submitted a comment letter on February 10, detailing its concerns about the Project. The Hotel Figueroa is culturally and architecturally significant. Project construction threatens the structural integrity of Hotel Figueroa.</li> </ul>	

SMRH:4813-9508-0118.3

## FIX THE CITY

VIA EMAIL: JAMES.WILLIAMS@LACITY.ORG, cpc@lacity.org

April 20, 2020

FROM: Laura Lake, Ph.D., Fix the City (Laura.Lake@gmail.com; Laura@FixTheCity.org

**TO:** The Hon. Samantha Millman, President and Los Angeles City Planning Commission, 200 North Spring Street, Los Angeles, CA 90012

#### RE: 10306 SANTA MONICA BLVD. (APRIL 23, 2020 CPC AGENDA ITEM 7)

Dear Commissioner Millman and CPC Commissioners:

Fix the City is an interested party and requested notification for this property when a TOC project was proposed. We met with the developer and were receptive to substituting a TOC project with an SB 1818 project. Fix the City stressed concern that the proposed height far exceeded the adjacent multi-family buildings across the alley. It was our belief that an SB 1818 project on this height district 1VL property would limit additional height to 11-feet and therefore be more compatible. But this project simply ignored the height limitation of SB 1818 and seeks height it sought (unlawfully) under TOC. Swapping one unlawful project for another unlawful project, does not cure the fundamental problem that both TOC and SB 1818 limit this project to three incentives.

We did not receive information regarding the SB 1818 project from the City or the applicant. Nevertheless, we attempted to engage in discussion with the developer and posed several questions in writing, but never received a response. Fix the City opposes the project as proposed.

This project seeks to convert a TOC project into an SB 1818 project with essentially the same incentives. However, neither TOC nor SB 1818 permits the incentives that have been recommended by the Planning Department.

TOC, as we have stated in court, is limited by the voters to three ministerial incentives: reduced parking and increased FAR and density. The voters have not approved "discretionary/additional" TOC incentives (City Charter Section 464(a)). Nor have they approved TOC "Tiers" to calculate incentives.

Likewise, the City Council limited SB 1818 to three incentives under LAMC 12.22 A.25. Approval of this application's six-plus requested and additional undisclosed incentives, is *ultra vires*.

#### VIOLATION OF LAMC 12.22 A.25 (SB 1818)

An "**Incentive**" is defined by LAMC 12.22 A.25(b) as "a modification to a City development standard or requirement of Chapter 1 of this Code (zoning)." Calling four additional requests "off-menu waivers of development standards" (Staff Recommendation p. A-5) does not alter the fact that *they count as incentives as defined by the city*, and cannot be used to increase the number of incentives.

State law prohibits increasing or decreasing the number of incentives: California Government Code Section 65915(e)(2) states, "A proposal for the waiver or reduction of development standards pursuant to this subdivision *shall neither reduce nor increase the number of incentives or concessions* to which the applicant is entitled pursuant to subdivision (d)" (emphasis added). This project has been recommended by staff for six incentives and requires even more. But SB 1818 does not permit more than three

## FIX THE CITY

incentives. City and state law limit the number of incentives to three. CPC cannot lawfully increase the incentives.

"Off-menu waivers of Development Standards" are also Incentives as defined by LAMC 12.22 A.25(b). They count toward the limit of three incentives. *All of the requests for this project are Incentives*, whether "Off-menu Incentives" or "Off-Menu Waivers of Development Standards."

This project violates LAMC 12.22 A.25 in fundamental ways:

- 1. it requests more than the three (3) incentives/waivers/concessions,
- 2. it *requests increases in these incentives by going off-menu*. Going off-menu is for incentives/waivers/concessions NOT on the menu.
- 3. it *fails to disclose a seventh incentive* utilized to increase base density (density calculation Incentive 7).
- 4. It fails to provide a required 15-foot front yard for a multi-family building (although it provided a reduced rear yard). Under LAMC, a residential building is required to provide both a front and rear yard.
- 5. Since all of the incentives/waivers/concessions requested are on-Menu, the applicant must seek discretionary approvals for a height district amendment (to remove the 1VL Height District which limits an on-menu height increase to 11-feet), to increase the FAR for the site beyond a 35% increase in FAR, and variances to permit zero side yards, and to permit a 68% reduction in required rear-yard in lieu of the 20% incentives for side and rear yards.

The seven incentives/concessions/waivers requested include:

- HEIGHT. The site is adjacent to 45-foot R3 multi-family buildings, on a slope and zoned C2-1VL. The slope grants an automatic 12-foot bonus under city law. Under LAMC 12.22 A.25(e)(5)(i) the project can qualify for an additional 11-feet, not the additional height requested. Furthermore, height is already an on-menu incentive and cannot be circumvented by going off-menu since the property is in height district 1VL which under LAMC 12.22 A.25 is limited to an 11-foot height increase.
- INCREASED FAR: from 1.5:1 to 3.92:1 FAR (the increase must correspond with the requested density increase percentage of 32.5%), FAR is already on the menu and would permit 1.98:1 FAR, not 3.92:1 FAR or a 68% increase in FAR as recommended by staff on p. A-5). If the applicant seeks an increase in FAR as an incentive, it is limited to 32.5% by LACM 12.22 A.25(e)(4)(i). Since the site is not within 1500 feet of a major transit stop, it is not eligible for the maximum of 3.00:1 FAR under LAMC 12.22 A.25(e)(4)(i).
- 3. REDUCED OPEN SPACE (on-menu 20% reduction). This is the only valid incentive requested.
- 4. REDUCED REAR YARD (on-menu 20% or 14.4-feet in lieu of 18-foot required yard). Requesting 10-feet, a 55% reduction). (Reduced yard already on-menu.)
- 5. ZERO EASTERN SIDE YARD (9-feet required, requesting zero). But on-menu only permits a 20% reduction to 7.2-feet, not a 100% reduction in side yard.

## FIX THE CITY

- 6. ZERO WESTERN SIDE YARD (9-feet required, requesting zero). But on-menu only permits a 20% reduction to 7.2-feet, not a 100% reduction in side yard.
- 7. DENSITY CALCULATION (Incentive 7) was not disclosed as an incentive/waiver/concession but appears to have been utilized in calculating the density permitted for the project.<sup>1</sup>
- 8. An eighth incentive requires a variance to provide zero front-yard. The lack of a required 15-foot front yard for a residential building on a scenic and historic highway (Route 66 -- Santa Monica Boulevard) is unlawful and violates the city's landscaping requirements for residential projects. This project has only narrow "planters" along its Santa Monica Blvd. frontage. These landscaping requirements mitigate global warming, mitigate heat island effects, and facilitate groundwater recharge. A word search of the staff recommendation cannot find "front yard." In addition, the plot plan indicates that the sidewalk would be 10-feet, in violation of MP 2035, which requires 15-foot sidewalks on major highways to enhance pedestrian use.

#### CEQA

An earlier, a **smaller** project **required an MND**. Certainly, a larger project requires an MND and not a Class 32 CE. This larger project requires an MND and is not eligible for a Class 32 CE.

# ALQUIST-PRIOLO REQUIRES OFF-SITE INVESTIGATION PREEMPTS THE CITY'S AUTHORITY TO WAIVE OFF-SITE INVESTIGATION

State law requires that the developer provide an investigation of earthquake traces within 50-feet of the property line. Since this project is within the Alquist Priolo Fault Zone, the project cannot be approved without such a study. State law and city policy both assume that in the absence of a **50-foot off-site investigation**, the fault trace is assumed to be at the property line and requires **a 50-foot no-build exclusion zone**. No off-site study or setback are provided. The City has the right to require higher standards than the State, but it cannot waive state requirements.

Fix the City requests notification of the CPC's Letter of Determination electronically (<u>Laura.Lake@gmail.com</u>) and incorporates by reference all other testimony submitted regarding development at this site.

Sincerely,

#### Laura Lake

Laura Lake, Ph.D.

FIX THE CITY

<sup>&</sup>lt;sup>1</sup> The lot area is 24,874 SF (Staff Recommendation, p. A-1). This would yield 62 base units at R4 density (400 SF/Lot Area). But instead, the base density claimed was 68 DU (Ibid., p. A-4) without any explanation of this calculation. It appears that Incentive 7 was utilized to calculate the base density and counts toward the total of three incentives.



## March 12 Hearing: Case Number DIR-2019-4004-DB

2 messages

**Eleni Hioureas** <eleni.hioureas@gmail.com> To: connie.chauv@lacity.org, cpc@lacity.org Sun, Mar 8, 2020 at 11:49 PM

11554 Iowa Homeowners Association 11554 Iowa Avenue Los Angeles, CA 90025

March 8, 2020

Dear City of Los Angeles City Planning Commission:

We are writing to appeal Case Number DIR-2019-4004-DB (CEQA No. ENV-2019-4005-CE) regarding the property slated to be built on 1721-1723 Colby Avenue, Los Angeles, CA 90025. The construction of this monstrous building would violate the Density Bonus/Affordable Housing Incentives Program part b because it would have an adverse impact upon public health and safety and the physical environment. The developers of this property applied for a Class 32 exemption but they violate part (d), which states that "Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality." As homeowners who live directly adjacent to the property under consideration for this new construction, we are dismayed that planners would approve a building that would have such dramatic and deleterious consequences for the neighborhood.

This construction would most certainly have a negative impact on our property value and the physical environment. When we purchased our condominium units, we purchased them with the understanding that the buildings in this Sawtelle neighborhood are consistently smaller in size to maintain a small neighborhood feel, with the largest buildings in the neighborhood being no more than four stories tall, or 45 feet. This new building would be a whopping five stories, 56 feet tall, and would block the expansive and expensive view and natural lighting that the homeowners in our building paid a high price for. Moreover, the height of the building and the 20% increase in setback incentive would create an urban canyon effect. According to the Massachusetts Institute of Technology (MIT), "The shape of the urban street canyon can greatly affect heat and wind. In turn, heat and wind can help or hinder the dispersion of pollutants such as carbon monoxide, hydrocarbons, and ozone" (http://web.mit.edu/nature/archive/student\_projects/2009/jcalamia/Frame/06\_ canyonpollution.html). Thus, not only will the size of this building decrease desirability of our own building, but it would more importantly adversely impact our health and deteriorate our quality of life.

Furthermore, the size of the building, including its height, increased floor area ratio, and decreased yard requirement, is inconsistent with the rest of the neighborhood and would become an eyesore with limited green/open space. It would depart significantly from the architectural congruence of the rest of the neighborhood and stick out like sore thumb. We certainly did not anticipate an issue like this at the time of purchase. As homeowners, we want to see our neighborhood improve in value and in aesthetics, not to be used as an expedient space for land developers to make a hefty profit at the neighborhood's expense. This project is located on a local road, not a major road, so it should have aesthetically pleasing architectural features and local character; it should not be reminiscent of Soviet era Brutalist architecture.

In addition, the new building would not provide sufficient parking – only ½ space per bedroom for a building with 132 bedrooms! According to the City of Los Angeles Director's Determination Density Bonus and Affordable Housing Incentives memo to the surrounding homes sent on January 6, 2020, "Based upon the

#### City of Los Angeles Mail - March 12 Hearing: Case Number DIR-2019-4004-DB

number and/or type of dwelling units proposed, a minimum of 36 parking spaces shall be provided for the project, pursuant to Assembly Bill ("AB") 744. The project proposes 3 studios, 3 one-bedroom units, 18 two-bedroom units, and 10 nine-bedroom units, which requires a total of 36 parking spaces, at a ratio of 0.5 parking spaces per bedroom for mixed-income projects within one-half mile of a major transit stop." This means that the majority of the residents from this monstrous building would need to find street parking, which is already difficult to find. Finally, this exception for parking spaces is intended for projects located within a half mile of a major transit stop. However, this building is not, as there is no stop within a half mile that meets the city's official definition of a "major transit stop."

Moreover, the developers are requesting a density bonus to increase their allowance from 24 to 35 units. The amount of people that would be crammed into that space would unquestionably increase congestion in the neighborhood by a large degree and thus it would be negligent for the City Planning Commission to allow such a massive change to the environment. Iowa Avenue is already an alternative route to the 405 Freeway and is heavily impacted by traffic during rush hour. When we drive down Iowa Avenue to get to our building, it can take 20 minutes just to drive a couple of blocks. Imagine what would happen when a building with 132 bedrooms and insufficient parking spaces is erected only half a block away from us: it would significantly increase congestion, especially since more than half of the building's residents would be driving around the neighborhood in search of a parking spot. It is also important to note that the project is near several long pedestrian crosswalks used heavily by neighborhood children walking to nearby schools and parks - an elementary school is located only a few blocks from this new project. The additional traffic that such a large building will cause is a danger to the residents, especially the children.

Furthermore, we have deep safety concerns about the two "low income" and four "very low income" housing units that would be a part of that building. We are fearful of what kinds of residents that kind of housing would bring to the neighborhood, especially at a time when the neighborhood is focusing on improving safety measures and improving the overall physical environment. Several years ago, one of the residents of our own building was held up at gunpoint while walking only two blocks away from the police station on Butler Avenue. The criminal was shot by a police officer right in front of her, which was a highly traumatic experience that has since caused her to have a severe case of PTSD and frequent panic attacks. In addition, across the street from us, there is some low income housing and the police are spotted paying a visit to that home about every other month. We cannot afford to have more drugs and crime in our otherwise peaceful neighborhood with an influx of people who would rent "very low income" units. This would most certainly be taking the neighborhood in the wrong direction and would be counter-productive to all of the efforts being made toward improving the environment and neighborhood security.

Not only do the homeowners of the 11554 Iowa Homeowners Association believe that the density bonus is problematic, but Ron Galperin, the Los Angeles City Controller, believes it is as well. In a January 23, 2017 letter to Mayor Eric Garcetti, Galperin wrote that the "Density Bonus Law Has Not Lived Up to Its Potential. We found that 21 percent of new multi-family projects, of five units or more, built between 2008 and 2014 (169 of 790 projects) utilized some aspect of the density bonus program -- resulting in 4,463 units designated as affordable. However, just 329 of these units were created in marketrate projects throughout the City -- an arguably minimal impact when considering our overall affordable housing needs. While the Dept. of City Planning and HCID have reported higher numbers, we sought to zero in on actually completed projects and on actual units that can be attributed to the density bonus program. The data highlights the modest impact the density bonus program had on creating affordable housing in market rate projects. The results suggests that incentives may not be of enough value for market rate developers and that the cumbersome process serves as a further disincentive." He further noted that "better oversight tools are needed to deal with conditions we found of some owners collecting more rent than allowed and some tenants exceeding income guidelines." The city clearly needs to reevaluate the efficiency of the bonuses since they are not actually ensuring affordable housing.

Galperin has provided a damning review of the city's density bonus incentives, and our neighborhood should not be yet another victim of this ineffective program. As made clear in his letter, this new building project is not going to address the homelessness problem or the housing crisis. A four-person family will not be City of Los Angeles Mail - March 12 Hearing: Case Number DIR-2019-4004-DB

moving into one of the "very low income" studio apartments that this new building would offer. Instead, those studios will simply be used as a way to line the pockets of the developers. Furthermore, the project is not on a main thoroughfare; this is a local street, and the large buildings on Santa Monica Boulevard can be used to alleviate the issue of housing.

Lastly, the proposed project was voted, 6-0-0, by our city PLUM (Planning and Land Use Management Committee) to recommend that the city oppose the project as designed. It is important for the City of Los Angeles to accept the recommendations of the neighborhood council because we live in a democracy. Since the entire council voted against the proposal, it would be dictatorial of the city to override the recommendations of those who know and understand the neighborhood the best.

We request that the building plans be modified so as to remove the density bonus. We urge you to decrease the height, floor area ratio, and composition of the building. We also urge you to require more parking spaces to reduce the impact on the neighborhood. If the city decides to take this project and neighborhood in the wrong direction, we as residents will have no choice but to organize our community to show our dissatisfaction in the press and by way of the ballot box.

Sincerely, The 11554 Iowa Homeowners Association HOA President Eleni Hioureas 11554 Iowa Ave Los Angeles, CA 90025

Planning CPC <cpc@lacity.org> To: Eleni Hioureas <eleni.hioureas@gmail.com> Cc: Connie Chauv <connie.chauv@lacity.org>

Mon, Mar 9, 2020 at 8:54 AM

Good morning,

Please note your submission has been received and will be distributed accordingly. Thank you



Cecilia Lamas Commission Executive Assistant Los Angeles City Planning

200 N. Spring St., Room 272 Los Angeles, CA. 90012 Planning4LA.org T: (213) 978-1299 | (213) 978-1300



[Quoted text hidden]

Honorable City Planning Commission Members,

Our Homeowners Association, Woodridge 1 HOA, is writing on behalf of the 16 homeowners that reside at 11574 Iowa Ave. as well as a group of our neighborhood residents that share a common corner with this new construction and are concerned about the historical preservation and neighborhood integrity who will be aggrieved by the Project, for reasons that include, but are not limited to, the following:

- The Project will add considerably to traffic in the neighborhood, especially at the corner of Iowa and Colby
- The Project will exacerbate an already difficult parking situation in the neighborhood.
- The height of the Project will be out of scale for the neighborhood, and will therefore adversely affect the neighborhood's aesthetics.
- The proposed project was voted, 6-0-0, by our city PLUM (Planning and Land Use Management Cmte) and our Sawtelle neighborhood council board of directors to oppose the project as designed

The City has considerable discretion in approving this Project. We as homeowners were unaware of the project until 1/6/2020, when we received the Letter of Determination. Our HOA opposes the Project in its current form. A five-story building is substantially higher than any of the buildings in the neighborhood, and having a 20% reduction in setback, per the current Project design, will create a huge, imposing mass in the neighborhood.

The proposed project was voted, 6-0-0, by our city PLUM (Planning and Land Use Management Committee) and neighborhood council to recommend that the city oppose the project as designed. It is important for the City of Los Angeles to accept the recommendations of the neighborhood PLUM and neighborhood council because it would be tyrannical of the city to override the recommendations of those who know and understand the neighborhood the best. If this Project is approved, our neighborhood will lose its social, economic, and physical identity that has attracted previous homeowners. The Planning Commission has considerable discretion in deciding this matter, and should use its discretion to deny the approvals requested, and direct the applicant to confer with residents in the neighborhood surrounding the Project, to modify the Project so that it fits better into the neighborhood.

This Project will affect the public health, safety, and welfare of the neighborhood and the Planning Commission needs to ensure that these matters are alleviated. The potential increase in traffic will be significant unless mitigated. Iowa is already an alternative route to the 405 Freeway, which already is heavily impacted by traffic during rush hour. There have already been numerous vehicle collisions between Iowa and Colby in the last few year due to the increase in traffic, with this new Project the number accidents could increase.

The Project is at the corner of Colby and Iowa, near several long pedestrian crosswalks used heavily by neighborhood children walking to schools and nearby parks. Reduction in the setback will exacerbate existing parking problems in the neighborhood and further decrease the current tree canopy. Los Angeles has already lost 30-50% of its tree canopy because of large projects like this that cover most of the lot and have little landscaping. Furthermore, fast cut-through traffic harms residents and animals, and better protection is needed for sidewalks.

The Project will also have significant effects on local parking. 56 vehicular parking spaces is not sufficient for a development that will house 112 residents—34 units x 3.32 residents/unit for high medium residential land use. In finding 9 on page 2, the Determination Letter states that:

Based upon the number and/or type of dwelling units proposed, a minimum of 36 parking spaces shall be provided by the project, pursuant to Assembly Bill ("AB") 744. The project proposes 6 studios, 1 one-bedroom units, 18 – two-bedroom units, and 10 three-bedroom units, which requires a total of 36 parking spaces, at a ratio of 0.5 parking spaces per bedroom for mixed-income projects within one-half mile of a major transit stop. The project is providing an additional 20 parking spaces, for a total of 56 parking spaces, as provided in Exhibit "A".

California code 21064.3 defines "a major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods."

But the project is not located within one-half mile of a major transit stop. Santa Monica Boulevard is part of a high transit route system and there is a daily 15-minute scheduled Metro bus route managed by LA Metro. However, many times the bus routes on Santa Monica are delayed 40-45 minutes due to severe traffic congestion on its route during rush hour.

Even though an impact on parking is not itself an adverse environmental impact, the Project's cumulative contribution to a parking shortage must be analyzed in the CEQA documentation if it affects traffic and air quality, as it would in this case. (San Franciscans Up holding the Downtown Plan v. City and County of San Francisco (2002)102 Cal.App.4th 656,697.)

The city has approved three specific plan exceptions, but the City should not have approved this exception. In approving these exceptions, the City has found, in accordance with LAMC § 12.22 (A)(25)(c), that "The incentives are not required to provide for affordable housing costs as defined in California Health and Safety code Section 50052.5 or 50053 for rents for the affordable units."

The City should have required the Applicant to submit a proposal for a much smaller – e.g. 25-unitproject that complies with the specific plan. Such a project would be much more in keeping with the character of the neighborhood. There is no substantial evidence in the record showing that the Applicant could not build a smaller, economically feasible project that complies with the Specific Plan.

This Project will be the biggest monolith on this section of Colby. This Project is located on a local road, not a major road, so it should have aesthetically pleasing architectural features and local character. This new building will be 56 feet tall overshadowing the largest building in the neighborhood by 11 feet. The tall height, will block sunsets and natural lighting for many homeowners on the West. Additionally, this Project will eclipse our outdoor community pool area and have a negative impact on our property value and the physical environment.

We respectfully request that the City council grant the appeal, to disapprove the Project in its present form, with directions to the developer to negotiate further with local residents to work out parameters of a project that would be compatible with the existing neighborhood.

The 11574 Iowa Homeowners Association HOA President Kevin Ma

## **Project design standards for West Los Angeles-Sawtelle**

Many of the new high-density projects denigrate the charm and livability of the area. Quaint, lowdensity houses and apartments with small lot coverage, landscaping and attractive architecture are demolished, and large, block-like apartments with minimal setbacks replace them.

We believe in smart growth and elegant density, and opposes 6-story stucco cubes that provide no open space or greenery.

Maintaining neighborhood character is a tenet of the West Los Angeles Community Plan, which states: "Accordingly, the proposed Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to the prevailing density of development in these neighborhoods."

The Community Plan does not prioritize development trends, or projects in excess size of the existing neighborhood. It provides these goals to guide entitlements, which the Planning Dept. must follow:

- Need to maintain the <u>low density character</u> of single family neighborhoods and avoid encroachment from other uses, commercial off-street parking, or spillover traffic.
- Lack of transition in scale, <u>density and character</u> between multiple housing and adjacent single family neighborhoods.
- <u>Inadequate transition</u> between commercial and industrial uses and single- and multi-family areas.
- Lack of adequate parking, <u>usable open space</u> and recreational facilities in multiple-family housing.

# GOAL 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

**Objective 1-1:** To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

### Policies

1-1.1 Protect existing single family residential neighborhoods from <u>new out-of scale development</u> and other incompatible uses.

1-1.2 Promote neighborhood preservation in all residential neighborhoods.

*Program:* In discretionary project approval, <u>the decision-maker should not approve densities in excess</u> of those in adjacent or surrounding neighborhoods.

**Objective 1-3** To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policies

1-3.2 Proposals for change to planned residential density should consider factors of <u>neighborhood</u> <u>character and identity</u>, <u>compatibility of land uses</u>, <u>impacts on livability</u>, <u>public services and facilities</u>, and traffic levels.

*Program:* <u>A decision-maker should not approve a project that exceeds the average density of the existing neighborhood</u> unless findings can be made that the area will not be adversely affected.

In addition, these multi-family structures have 80-90% lot coverage with little or no usable, flat open space for recreation, as the Community Plan requires. The yards are either tall planters, in which trees

cannot grow because of the poor and shallow soil (for stormwater retention) or small concrete areas with limited greenery. Trees can barely grow in planters, and must have realistically have 10 x 10 ft. surface areas and 7 ft. soil depth to grow a decent canopy and height.

A USC study determined that Los Angeles has lost 30-50% of its tree canopy in recent years because these large projects replace smaller projects.

Roof decks are poor substitutes, because children cannot be supervised, and elderly or handicapped persons have difficulty in climbing up to the roof, when yards can be placed at ground-level or podium-level.

Proposed revisions to LAMC/Zoning to be implemented in Community Plan updates:

- 1. Setbacks/ yards:
  - a. Front yard: Must be 50% flat and usable open space.
  - b. Parking is prohibited in all setbacks, only driveways that provide direct access to garage and right-of-way are allowed.
  - c. Rear setback shall be measured from rear property line for all parcels (including alleys).
    - i. Justification:
      - 1. A USC study determined that Los Angeles has lost 30-50% of its tree canopy in recent years because these large projects replace smaller projects.
        - a. <u>https://news.usc.edu/120872/mass-produced-dwellings-home-expansion-reduce-l-a-areas-residential-green-cover/</u>
      - 2. City's new Resilience Plan: Increase equitable tree canopy coverage by 2028.
- 2. Street/ right-of-way:
  - a. 1 tree every 30 linear ft. of frontage.
  - b. Landscaped parkway of 4 ft. minimum size.
    - i. Justification:
      - 1. A USC study determined that Los Angeles has lost 30-50% of its tree canopy in recent years because these large projects replace smaller projects.
      - 2. City's new Resilience Plan: Increase equitable tree canopy coverage by 2028.
- 3. Landscaping:
  - a. 1 tree / 2,000 sf of property area.
  - b. Removal of trees with 6-8-inch caliper or larger shall be replaced at 2 to 1 ratio to encourage developers to preserve mature trees (especially fruit trees, which often die when transplanted).
    - i. Dept. of Urban Forestry shall publicize fruit trees that are proposed for removal, so neighbors can transplant them.
  - c. Trees must be planted in the ground and have :
    - i. 8 cubic yards of soil (7 x 7 x 7 ft.) for root growth.
    - ii.  $10 \ge 10$  ft. open to the sky for canopy growth.
      - 1. <u>Justification</u>: Most new apartments have 80-90% lot coverage with little or no usable, flat open space for recreation, as the Community Plan requires. The yards are either tall planters, in which trees cannot grow because of the poor and shallow soil (for stormwater retention) or small

concrete areas with limited greenery. Trees can barely grow in planters, and must have realistically have  $10 \times 10$  ft. surface areas and 7 ft. soil depth to grow a decent canopy and height.

- 4. Open space:
  - a. Minimum of 75% of open space must be flat and usable for recreation, and maximum of 25% space may be for planters (15% must be landscape planters with maximum wall height of 2.5 ft.).
    - i. Stormwater planters (which have walls of 4 ft.) cannot fill up open space and make it un-usable. Only shorter landscape planters can count as open space.
    - ii. Justification:
      - 1. Maximum landscape planter height of 2.5 ft. will allow seating.
      - 2. Drywells and cisterns can be used for stormwater collection.
  - b. Open space in R3 zones and higher shall be at ground level or podium level.
    - i. Rooftop decks are allowed, but may not substitute for ground level or podium level open space.
      - 1. <u>Justification</u>: Roof decks are poor substitutes, because children cannot be supervised, and elderly or handicapped persons have difficulty in climbing up to the roof, when yards can be placed at ground-level or podium-level.
- 5. Stepbacks:
  - a. Stepbacks of 15 ft. shall be required for the 3rd level and above [from Westside Multifamily Q Conditions].
- 6. Massing:
  - a. For buildings with 150 ft. length along the frontage, 1 courtyard/break open to the front and open the sky is required of 30 ft. width and 40 ft. depth (starting at ground or 1<sup>st</sup> level) [from Westside Multifamily Q Conditions].
  - b. Active land uses on the ground-level frontage with direct connection to sidewalks (instead of parking garages that create dead space).
    - i. Justification: Active uses, especially apartments with direct access via front doors and a real yard, are integral elements of "defensive design" and "natural surveillance" that deter crime (per LAPD Design Out Crime Manual).
- 7. Zoning:
  - a. C2 development standards may not blend into adjacent R2 parcels (repeal section of LAMC).
    - i. <u>Justification</u>: When C2 projects and their high density encroach into R2 zones, 5-story apartments can be built next to 2-3-story duplexes, which ruins the character of the neighborhood.
  - b. FAR and height shall be revised to:
    - i. HD-1: 6.0, no height limit.
    - ii. HD-1L: 3.0, 6 levels for commercial, 75 ft.
    - iii. HD-1VL: 2.25, 3 levels for commercial, 45 ft.
    - iv. HD-1XL: 2.0, 2 levels for commercial, 30 ft.
      - Justification: 3.0 FAR allows for a 6-8-story to be built and results in no open space at ground- or podium-level. A 4-5-story building needs only 2.2-2.4 FAR. A 4- or 5-story building with 3.0 FAR increases to 3.35 FAR and results in a stucco cube with no open space.

### 1. Transitions between new large buildings and existing small buildings:

#### 1.4 Relationship to Adjacent Buildings

Ensure that new buildings are compatible in scale, massing, style, and/or architectural materials with existing structures in the surrounding neighborhood. In older neighborhoods, new developments should likewise respect the character of existing buildings with regards to height, scale, style, and architectural materials.

For RD1.5, RD2, R3, R4, RAS3, and RAS4 developments, apply additional setbacks in side and rear yards abutting single-family and/or R2 zoned lots.

The Citywide Design Guidelines also require longer setbacks adjacent to R1 and R2 zones (which are application to all projects with discretionary aprovals.

Design like this: Stepbacks and open-space buffers.



DELIBERATE TRANSITIONS IN HEIGHT & SCALE, USED AS A TRANSITION TO LOWER-SCALE STRUCTURES



Examples of buildings in Westwood and Mid-Wilshire with stepbacks.

Avoid this: Sheer walls, no stepbacks, property-line to property-line site plans.



Southeast corner of Westgate and Idaho: 4-story multi-family with minimal setbacks and no usable open space, next to 1-story multi-family.

Southeast corner of Granville and Iowa: 4-story condo with minimal setbacks and no usable open space, next to 2-story apartment and 1-story house.







Southwest corner of Westgate and Idaho: 4-story house with minimal setbacks, no usable open space, and no architectural detail and next to cute 1-story house.

Idaho Ave. between Granville and Stoner: Mediocre 4-story house with minimal setbacks and no usable open space, next to 1-story house.

Iowa Ave. between Butler and Federal: Block-like 4-story apartment with minimum setbacks and no usable open space next to old 1-story house.

Colby Ave., north of Mississippi: Block-like 3-story duplex with minimal setbacks and minimal open space next to 1-story house.

## 2 Elegant density:

Design like this: Townhouses that do not dominate the frontage nor overpower neighbors (note the articulation, stepbacks and flat yards)

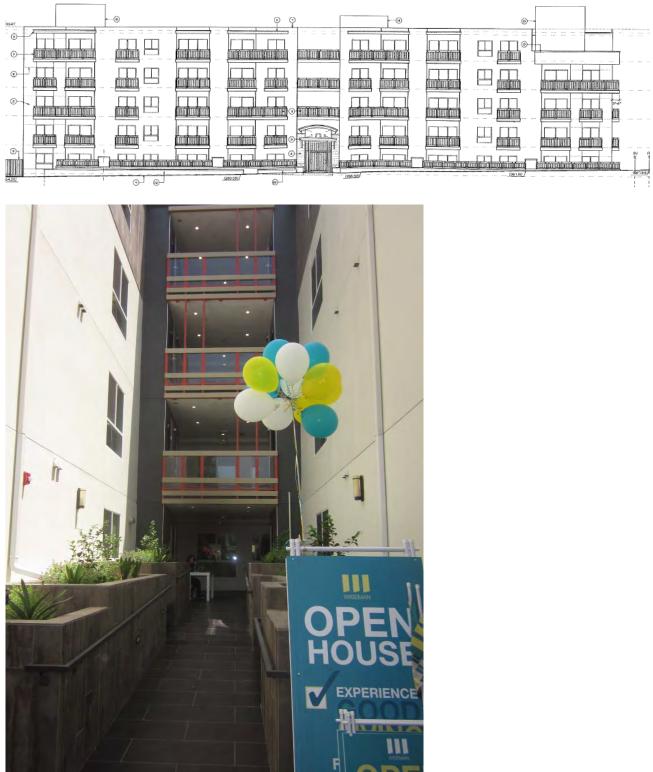


1900 block - S. Stoner Ave.



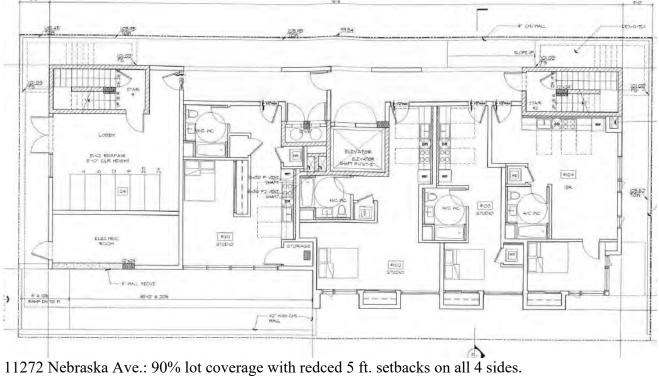
2100 block - S. Butler Ave.

Avoid this: 5-story stucco cubes with maximum envelope/ footprint



1233 S. Westgate Ave.: Developer promoted this hallway as "usable open space".





### 3. Articulation and facades:

# Design like this: Breaks along the frontage, varied heights RECOMMENDED



## RECOMMENDED



New development maintains existing theme in neighborhood

## RECOMMENDED



Avoid this: Sheer walls with no stepbacks.



1747 Sawtelle Blvd.: Façade is 100% stucco with no variation in materials, only gray color, isolated units that do not connect to the street, front yards are tall plants and unusable by residents, block-like massing with no stepbacks and minimal articulation.



Plain building design with minimal architectural style and no articulation or stepbacks. Iowa and Westgate (southeast corner); Iowa and Granville (southeast corner).



3-story McMansion with minimum setbacks and no usable open space next to 1-story house. La Grange between Federal and Colby: 3-story McMansion with minimum setbacks and no usable open space next to 1-story house.

#### 4. Building envelopes: Upper-level stepbacks and varied rooflines:



Design like this: Stepbacks on upper levels.

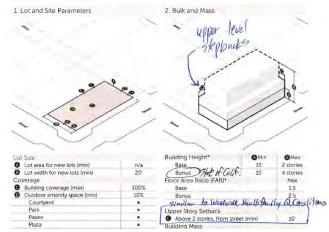
Two houses on Wellesley Ave. (between Exposition and Tennessee): Stepback on 2<sup>nd</sup> story and no stepback on 2<sup>nd</sup> story.



Upper-level stepbacks: LaGrange and Colby, Missouri & Butler.

C. Low-Scale 3 (LS3)

Structures in the Low-Scale 3 Form District are intended to support concentrated activity along pedestrian oriented streets where a traditional main street character is desired. Structures present a lower scale frontage and strong street wall that supports a vibrant pedestrian environment while building height gradually rises away from the street in order to accommodate development activity.



City Multi-Family Zoning proposal to require stepbacks



This building has large courtyard at podium level and stepbacks on front and sides on upper stories.



Note the substantial articulation (more than 6-12 in.), varied roofline, and varied heights of 3-4 levels.



Note the substantial articulation (more than 6-12 in.), varied roofline, and varied heights of 3-5 levels.



Note the substantial articulation (more than 6-12 in.), varied roofline, and varied heights of 3-5 levels.

Pasadena requires apartments to have varied massing, building breaks, and varied rooflines that are substantial. The city does not consider 6-12-in. changes in the façade to be sufficient articulation.



Here are examples of a large apartment in Pasadena (elevation and its site plan):

Note the section of the building that is 2 levels in the middle and varied rooflines

<u>Avoid this</u>: Projects in West L.A., which have no varied rooflines, no stepbacks, no varied massing, minimal breaks between building sections, and are large stucco cubes with perfunctory trim in place.:



1515 S. Colby Ave. (Wiseman Development)



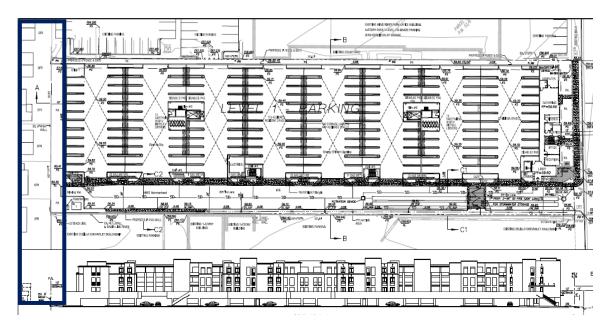
Compare the above Colby Ave. apartment building to this Pasadena apartment building with varied rooflines, varied heights of 2-4 levels, and wide courtyards that open to the street to reduce massing and provide breaks.

#### 5. Landscaping and open space:

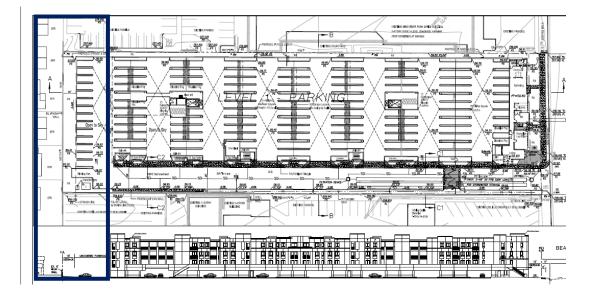
Cities other than Los Angeles require extra-long setbacks when met by community opposition, to conform to the character of the neighborhood, and to have a bigger transition from houses.

Below is an example of an Orange County city that required extra-long setbacks, which resulted in a reduction from 104 units to 91 units. See the differences between the two proposed plans with 13 fewer units.

Original plan (104 units): Rear setback of 15 ft.



Revised plan (91 units): Rear setback of 15 ft. + 46 ft. surface parking = 61 ft. open to the sky.





This building has large courtyard at podium level and stepbacks on front and sides on upper stories.



Rendering of West Grove. Image courtesy of Toledo Homes. These houses have large, flat usable yards in the front – not tall planters, no garages or sheer walls.

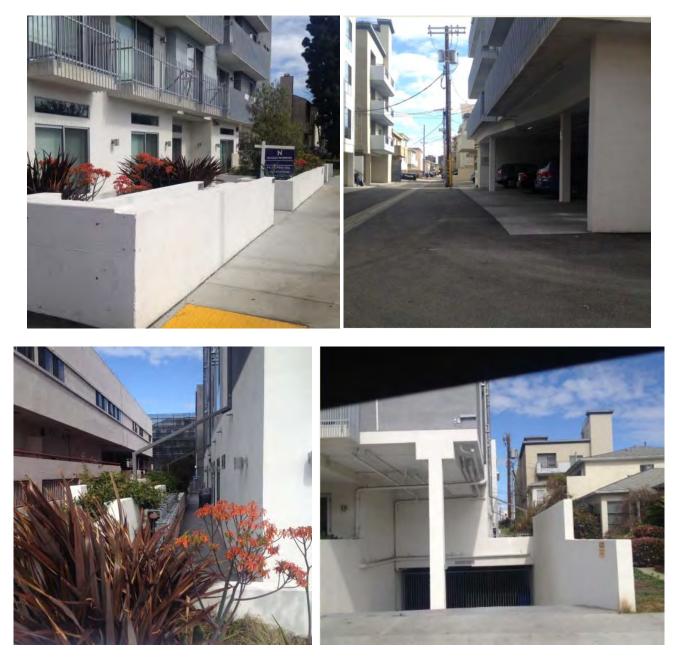
#### Avoid this:



Apartment on Olympic and Bentley: Block-like and gray architecture and no landscaping or setbacks.



11260 Mississippi Ave.: No usable landscaping in front yard, garage and electric room (flat wall) take up entire ground floor. Side yards are all concrete with no greenery. Facades are dominated by stucco.



1518 Brockton Ave.: No flat, usable area in front yard (only tall stormwater planters). Parking in back yard (no recreation area, no greenery). Concrete in the side yards (minimal width so no greenery). No real setback because rear is measured from alley centerline, and balconies encroach, so sun is blocked and no usable open space.



A concrete slab next to the garage provides minimal open space with no landscaping (it never is used by tenants). Tall stormwater planters take up all of the yard areas, which prevent its use as recreational area, and no flat, grass areas are provided.

#### NOT RECOMMENDED



Massive building with no central courtyard or outdoor common areas

### NOT RECOMMENDED



Balconies substitute for active open space areas

#### 6. Open space courtyards

Design like this: Courtyards at ground and podium level provide usable and convenient open space.





A large apartment in Pasadena with courtyards (55 ft. wide and 27 ft. wide).

#### 7. Street frontage design



Design like this: Units have direct access to the sidewalk.







High-density multi-family building with active land uses on the frontage.

Avaoid this: Parking garages and blank walls line the sidewalk and create unsafe "dead" areas at ground level:



#### 7. Large "gateway" projects

Design like this: Ivy project (Culver City Expo Station) - Large open, green space is inviting to the public



Cumulus project (La Cienega Expo Station) - Large open, green space is inviting to the public



<u>Avoid this: (Sepulveda / Pico / Exposition – old Casden project) –</u> Sheer walls on the property line along Sepulveda Blvd. and facing the Expo Station. No public plaza, miniscule greenery, no transit amenities (bus layovers zones). Outdoor private dining tables do not qualify as "open space."





#### 8. Public plazas:

Avoid: CIM project on Santa Monica.

Miniscule open space provided in entryway to elevator lobby, and in sight triangles on corner, which have only private dining, not true public open space.

#### Do this: The Orchard (Azusa)

Large areas intentionally designed to welcome to public – clearly shown as open to the pedestrians.



Pierre Tecon, member of the HOA Board 1731Colby Ave Los Angeles, CA 90025

#### April 19, 2020

DEPT. OF CITY PLANNING COUNCIL DISTRICT #11

Connie.Chauv@LACity.org Denzel.Henderson@LACity.org

## *RE: RESOLUTION: 1721 S. COLBY AVE. APARTMENT—OPPOSITION TO PROPOSED DESIGN* **DIR-019-4004-DB-1A**

To the City of Los Angeles, Planning Department:

Ms Connie Chauv informed us that since we could not speak at the March 12, 2020 hearing, a written secondary submission could be sent to the Planning Department for consideration . Please accept this written statement as my Secondary Submission as member of the 1731 Colby HOA.

This statement presents the 4 objections to the project that I had planned to present at the hearing.

1) The project does not meet the qualification criteria for 3 "by rights" incentive bonuses (IBs)

2) The weight that should be accorded the West LA Sawtelle Neighborhood Council (WLASNC) resolution against this project

3) The current and planned housing availability in our neighborhood

4) The impact of the building on our block, on the character of the neighborhood and the environment

1) <u>Qualification</u>. The developers refer to the Los Angeles Municipal Code 12-22A-25 to request a Density Bonus of 35% based on inclusion of Very Low Income (VLI) and Low Income (LI) units. They then add 3 "by right" Incentive Bonuses in their design.

There is a separate test that needs to be met to obtain these "by right" incentives. It appears to us that the project, as presented DOES NOT PASS the test of part (e) of the Code. On this base only, it appears that the project <u>cannot be allowed as is</u>. We therefore respectfully ask the Planning Commission to check this particular point again.

2) <u>WLASNC Resolution</u>. The Planning and Land Use Management (PLUM) Committee of our Neighborhood Council passed a resolution, subsequently adopted by the West LA Sawtelle Neighborhood Council (WLASNC) on or about, Feb 20, 2020, opposing the project in terms of its height, bulk and impact on the neighborhood.

Neighborhood Councils have been created to be at the front-line of our City government, to be the direct link between Angelenos and City Hall. NCs are made of elected local citizens with their experience and their roots in our community. As such, the NCs are in tune with the constituents! As advisory bodies, they help frame decision for agencies such as the Department of Planning with a direct, raw and unvarnished understanding of the positions and opinions of the neighborhood stakeholders. One of the guiding principle of the NCs is to emphasize good neighbors relationships.

Ordered to stay confined by our City authorities in response to the COVID-19 pandemic, the reality of neighborhood and community vividly emerges. Home confinement forces us to live closer together and to rely on our neighborhood resources. This makes us face what OUR neighborhood truly is: a close, resilient community with shared life experiences. Our closeness makes us live a common, shared fate, and marks the uniqueness of our neighborhood.

Why is this shared fate and experience significant and relevant in this case? The developer is joining our neighborhood with his project. This is a large development, in fact the biggest on Colby. Big development means big impact. The project has generated, and still generates, opposition expressed through submissions to the Planning Department, and through the Neighboring Council. To be a good neighbor, the developer should have listened to the reactions of the neighbors. He however ignored us and did not attend any of the NC, PLUM or hearing meetings.

It is not too late for the developer to step-back and listen. In any case, we expect that you, esteemed members of the Planning Commission, will adhere to the original intent of the Neighborhood Councils, listen to the reactions of our community, and gives all weight due to our WLASNC.

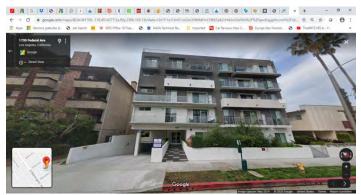
3) <u>Availability of housing in the neighborhood</u>. New information has now been made public of a large development planned for the Westside Civic Center. Under the supervision of the LA County and LA City, hundred of new apartments, with many VLI, LI and senior citizen units, will be built, thus largely responding to the need of affordable housing in our neighborhood, and lowering the pressure for maximizing units in our low to mid density block. The need for low income units is not ignored. This mitigates the necessity for the Planning Department to authorize maximum allowances for building size. You have the opportunity to reconsider the approval of maximized FRA (even as we noted above that the project does not meet the criteria for 3 by right IBs).

4) Finally, the issue of direct <u>impact</u>. In our original appeal we presented arguments as to the negative impact of the bulky construction planned, maximizing volume in all directions and height, unfavorably affecting adjacent properties including ours.

The role of the Planning Department might not be to judge the relative "beauty" of buildings. There are however "standards", either explicit (the PLUM of the WLASNC has produced a document, the "Project Design Standard for Developers", the protection of historical value sites, etc.), or implicit (the character of the design) that ought to be considered.

Particular neighborhoods develop along certain historical path. The West LA Sawtelle area has a Japanese flavor, still alive today in the the Sawtelle Japanese Town. Many buildings along our local roads have Japanese architectural features and landscaping. Several Japanese nurseries makes our neighborhood green and beautiful. The volumes, shapes, material and colors of many building are visible for all to see.

The new fashionable urbanistic, utilitarian, oversized, post-brutalist white blocks seen along Santa Monica Blvd. or Sawtelle do not fit at all in the existing fabric of our neighborhood. These boxes, described by a well known contemporary writer, as "concrete or stucco cubes, having nothing to say and relating to no one else, ignoring the past, closed to dialogue and despising neighbors and inhabitants", without transition or open space, cannot be good neighbors to existing adjacent structures. We could talk of "autistic" architecture!



1731 Federal, a 5 story gray block, (concrete box), boxed landscape, without roof molding



1515 Colby, b&w block, boxed landscaping, no roof molding. Very large, 4 floors only though!



Counter example: 1731 Colby, 4 floors, nice finish with roof molding, earthy tones. Nice!

Neighbors reacted to the design with statements such as "a large stucco block", a "monstrosity", as reported in the WLASNC PLUM Committee report. It will look as a very large, b&w structure with minor accents, similar to many buildings on Santa Monica Blvd. The Target building, for instance, after 1 year only, already shows grime and rust droppings on the whitewash walls that makes it look sad. Other examples are on the 1500 block of Colby (see above), or on the 1700 block of Federal (see 1731 Federal). The project, without transition to adjacent properties, with minimum recess and greenery (no large trees, only shrubs in boxes), will look oversized, like a sore thumb among smaller structure. It will exude mediocrity of architectural design, maximum crass profit, a kind of low class "showoff". However, our neighborhood does not to have to live with mediocrity.

What can be marginally tolerated along wide transit roads lined-up with a mix of retail, business and mixed-used structures, has no place in our neighborhood local streets of low/mid density blocks, with their fabric of small apartment buildings and private homes. That's one reason why the West LA Sawtelle NC has come-up with architectural recommendations.

#### Conclusion

As stake-holders in our neighborhood, we hope convincing you, and the developer, to send back this project to the drawing board not only because it does not appear to meet the regulatory requirements, but also because of the wide opposition that it has raised. It is also a golden opportunity, given its size, to come-up with a design that will be welcome in the neighborhood.

Finally, should all our pleas for relief fail, at a minimum, we ask that the overall look be mitigated by using various shades and densities of earthly tones instead of the dead whitewash, and that some form of roof molding be added to the design to weaken the brutal look of monster box, unwelcome and misplaced within the adjacent buildings.

We thank you very much for the attention and reflection that you will bring to our plea.



March 8, 2020

Helen Jadali, Planning Assistant City of Los Angeles 200 N Spring St Los Angeles, CA 90012 <u>helen.jadali@lacity.org</u>

To whom it may concern,

We are writing to you in support of the proposed 21-unit building, with 2 units set aside for Extremely Low Income Households, at 1537 South Wilton Place, cases DIR-2018-5925-TOC-1A/ ENV-2018-5926-CE. We urge the city to reject the appeal, find the project categorically exempt from CEQA, and approve the project with the following Transit Oriented Communities (TOC) Affordable Housing Incentives:

- An 11-foot increase in the building height, allowing 56 feet in lieu of the maximum 45 feet
- A 25% reduction in the required side yard setback, allowing a 6-foot side yard setback in lieu of the otherwise 8-foot required
- A 25% decrease from the open space requirement, allowing 2,140 square feet in lieu of the otherwise required 2,675 square feet

The greater Los Angeles region is facing a severe housing shortage. This project will provide much needed housing in this neighborhood. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part.

This project is in a great location for housing. Metro Route 33 stops at the corner, and runs between Santa Monica and Downtown LA. WIthin 2 blocks, Route 30/330 runs between East Los Angeles and Beverly Hills, and includes stops at medical centers and transit hubs, and Route 209 runs between Koreatown and Gardena and connects to the Metro Purple and Green lines. Grocery stores and schools are also in easy walking distance.

It is great to see the developer using the TOC Affordable Housing Incentive Program to bring both market rate and badly needed affordable housing to the city. Affordable housing programs, when considered in the aggregate, are a major source of affordable housing. This project, which will help meet housing needs at different income levels, is an important step in lowering housing costs.

Best Regards,

Tami Kagan-Abrams

Tami Kagan-Abrams Abundant Housing LA Projects Director

Abundant Housing LA Housing for all



Planning CPC <cpc@lacity.org>

#### Re: Having still heard nothing from you...re 1537 S. Wilton Place and the need, yesor-no, for resubmittal of documents

Laura Meyers <lauramink@aol.com>

Mon, Apr 20, 2020 at 8:42 PM

To: cpc@lacity.org Cc: cecilia.lamas@lacity.org, irene.gonzalez@lacity.org, jamie.hwang@lacity.org, elizabeth.carlin@lacity.org, andrew.westall@lacity.org, helen.jadali@lacity.org, kevin.keller@lacity.org, shana.bonstin@lacity.org, arthi.varma@lacity.org, lisa.webber@lacity.org, jeff.camp@lacity.org

April 20, 2020

RE: DIR-2018-5925-TOC-1A, 1537 S. Wilton Place

Thank you for your response.

For clarity, and to assure there is a record (and do please distribute this email to the Commission as well):

My request that the item be continued, and I believe the Council Office's request as well, is not personal to me.

Rather the request relates to the fact that under the current circumstances the Planning Department and Planning Commission is likely unable to accommodate a senior citizen (who is the Appellant) who, essentially, is on the wrong side of the digital divide and does not have the proper devices to readily participate in the hearing. The hearing is pending because Ms. Stevenson appealed a project, which is her right under the law, so if she can't present a case her rights are being abridged.

As Jamie Hwang from Council District 10 pointed out about Ms. Stevenson in making the same request that I have to continue this hearing until a future date: "She faces significant obstacles due to her age and struggles to use her phone line. We would like to request to have this item continued to allow more time for the appellant to establish the accommodations necessary to participate in the public hearing."

This request is not from the last day or two; it dates on my end back to April 14. While I agree the Commission itself can now consider the request, it was Planning Department staff who set the agenda initially.

Planning staff was already aware of Ms. Stevenson's phone disadvantages, and became aware on the morning of March 12 in the attempt to discuss with her the status of the hearing that was about to be cancelled. Ms. Stevenson couldn't really hear the caller (Helen Jadali) and didn't understand what Ms. Jadali was telling her. I know this because Ms. Stevenson was in my car when the call came in and I witnessed the situation, eventually needing to pull the car to curbside, and taking the phone to find out what was being communicated. Ms. Stevenson's phone device is not in good condition, only works on speaker mode, and has a lot of static.

For this hearing on Thursday, April 23, a participant needs to be able to call in and stay on the call for perhaps several hours; be able to upload some sort of presentation (correct?) in advance; be able to follow along if there is a presentation by any party by simultaneously looking at a computer screen having either downloaded the presentation in advance or logging into Google drive to see it

City of Los Angeles Mail - Re: Having still heard nothing from you...re 1537 S. Wilton Place and the need, yes-or-no, for resubmittal of do...

live; and when it comes time to speak to be able to properly hit the correct buttons (\* 9?) at the right time and then speak.

This would be difficult under the best of circumstances. This is not the best of circumstances.

The risk is going ahead and then facing a situation where the City has knowingly and unnecessarily discriminated against a senior citizen -- when in fact the Time to Act deadlines have been tolled by the Mayor's emergency orders. It is not imperative that the Commission act this week; the Commission will not lose jurisdiction at this time.

So, again, please continue this case until such time as either the Planning Commission can meet in person OR at least until the virtual meeting circumstances can be more accommodating to those who are not digitally sophisticated or adept at utilizing phone and digital devices.

If the case is not continued, I will be "attending" the meeting on behalf of UNNC, and we have submitted an official Board Resolution so that I am able to speak on behalf of the neighborhood council for the NC-allotted time period.

Thank you very much,

Laura Meyers President, United Neighborhoods Neighborhood Council (UNNC)

323-868-0854

Home address: 1818 S. Gramercy Place Los Angeles, CA 90019

-----Original Message-----

From: Planning CPC <cpc@lacity.org>

To: Laura Meyers <lauramink@aol.com>

Cc: Cecilia Lamas <cecilia.lamas@lacity.org>; Irene Gonzalez <irene.gonzalez@lacity.org>; jamie.hwang

<jamie.hwang@lacity.org>; elizabeth.carlin <elizabeth.carlin@lacity.org>; andrew.westall <andrew.westall@lacity.org>; helen.jadali@lacity.org>; Kevin Keller <kevin.keller@lacity.org>; shana.bonstin

<shana.bonstin@lacity.org>; Arthi Varma <arthi.varma@lacity.org>; Lisa Webber <lisa.webber@lacity.org>; jeff.camp <jeff.camp@lacity.org>

Sent: Mon, Apr 20, 2020 6:34 pm

Subject: Re: Having still heard nothing from you...re 1537 S. Wilton Place and the need, yes-or-no, for resubmittal of documents

Good evening Ms. Meyers,

I will use this email thread as a comprehensive response to your other email dated Friday, April 17, 2020, as well as your two emails received today, April 20, 2020 at 2:41 pm and 5:14 pm.

As it relates to the conduct of the meetings telephonically...In confortmity with the Governor's Executive Order N-29-20 (March 17, 2020) and in keeping with Mayor Eric Garcetti's Safer at Home order to slow the spread of COVID-19, City Planning has transitioned to conducting meetings telephonically. We are in receipt of your public comment and

As it relates to the submissions - All compliant submissions received prior to and on March 12th for the March 12th CPC meeting do not have to be resubmitted. We do not shred these, but instead keep them on file as part of the official record. These submissions will be re-distributed to the Commissioners for their review in advance of the April 23, 2020 CPC meeting.

4/21/2020

City of Los Angeles Mail - Re: Having still heard nothing from you...re 1537 S. Wilton Place and the need, yes-or-no, for resubmittal of do...

submissions requesting that the item be continued until after the COVID-19 emergency is over, and will pass these comments on to the Commission. However, the decision on whether or not to continue the item is under the sole discretion of the City Planning Commission.

Please let us know if you have any other questions.

On Mon, Apr 20, 2020 at 5:14 PM Laura Meyers <a>lauramink@aol.com</a>> wrote:

Since I still haven't received a response....I took it upon myself to "extract" from the March 12 CPC "Additional Documents" package THREE documents that had been previously submitted. I am doing this on behalf of (apparent) stakeholders (one letter is from an entity called Abundant Housing, who had never reached out to UNNC but which did submit a letter to the Commission; the other letter is from West Adams Heritage Association).

In addition, I extracted and attached again **UNNC's Board Resolution** opposing this project, plus the supporting documentation -- a BAC/Board Action Certificate. UNNC officially requests the additional time given to neighborhood councils who submit Resolutions.

I trust you do not mind that all three documents are attached to this one email for efficiency's sake. They represent THREE previous "Additional Submissions" by THREE unrelated entities, per above.

Please confirm receipt ASAP.

Thank you,

Laura Meyers President, United Neighborhoods Neighborhood Council 323-868-0854



# United Neighborhoods NEIGHBORHOOD COUNCIL

#### UNNC Resolution to Support Appeal: Case No. DIR-2018-5925-TOC-1A, 1537 S. Wilton Place (Angelus Vista)

**Whereas,** the neighbors and UNNC stakeholders who live adjacent to the property located at 1537 S. Wilton Place object to the demolition of the historic house and the construction of a project that is out of character for their block and community; and they have filed an appeal to oppose the City Planning Department's Determination which approves the project; and

**Whereas**, at its September 5, 2019 Governing Board meeting, the UNNC Governing Board voted to oppose the proposed project, and to oppose the demolition of the existing period, character house, and UNNC also rejected the design of the proposed project; and

Whereas, the UNNC Planning & Zoning Committee had previously met twice with the Applicant's architect to discuss the project; and

**Whereas**, the Angelus Vista community has a "Character Residential Overlay Zone" CPIO that was advocated for by UNNC, approved by the Los Angeles City Planning Commission in June, 2017 and adopted by City Council on November 22, 2017; and

Whereas, the Los Angeles City Council on that same date adopted and certified the Final Environmental Impact Report (EIR) for the update of the South Los Angeles Community, and the EIR relied in part on the Character Residential Overlay Zones to mitigate impacts to historic resources, and that adoption/certification was final at that date; and

Whereas, the proposed project has too much mass, too little open space, and is out of character with the adjacent homes and multi-family residences; and

Whereas, although the project was submitted for review in October 2018 (after the adoption of the Character Residential Overlay Zone but before the implementing ordinance was in effect), it was not assigned staff for review until March 11, 2019, when the Character Residential Overlay Zone was in effect; and

Whereas, both Applicant and City Planning Staff are claiming that the project is "vested" but in fact the application itself is not an official "vested land use application" in accordance with state law; and

Whereas, Applicant resubmitted new plans to Building & Safety to revise the design in August 2019, after the Character Residential Overlay Zone was implemented; and that Permit No. 18010-10001-03493 has not yet been issued, so therefore the project is not vested; and

Whereas, UNNC in its bylaws has as part of its mission to consult with City officials for "appropriate development" and specifically "advocating historic preservation and restoration," now therefore

**It is hereby Resolved** that the UNNC Governing Board **SUPPORTS** the neighbors' appeal of the project approval for Case No. DIR-2018-5925-TOC-1A, **DECLARES** that it is an error to consider this project "vested" in light of the adoption of a Character Residential Overlay Zone, and **OPPOSES** the demolition of the 1906 residence still extant on the site. The designated representative from UNNC is authorized to state this position and explain the reasoning at any future public hearing in the matter.

Adopted January 9, 2020

Ayes: 16 (unanimous) Absent: 5

Vacant seats: 2

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Board Action Certification (BAC) Form						Ch 12	- Hararo Jak	
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Budget Fiscal Year: 2019-2020 Board Motion and/or Public Benefit	Approve		Agenda Item N	Agenda Item No: 5 (B)				
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Board Member's First and Last Name	Board Position	Yes	No	Abstain	Absent	Ineligible	Recused	
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Gavin Abercrombie	At Large, Group A	X						
John Arnold	At Large, Group A							
Lizy Moromisato	At Large, Group A	X X						
Tori Bailey	At Large, Group A	X						
Greg Jackson	At Large, Group B	X						
Jorge Sanchez	At Large, Group B				X		•	
Laura Meyers	At Large, Group B	X						
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Paula Southern	At Large, Group B				X			
Raheem Dawson	Region 1 Rep, A	X		-				
Isaac Diaz	Region 1 Rep, B				X			
Marielle Farnan	Region 2 Rep, A	X						
Hugh Moore	Region 2 Rep, B	X						
Cordell Hinton	Region 3 Rep, A	×						
Michael Kimbrough	Region 3 Rep, B				X			
Chris Carlson	Region 4 Rep, A	X						
Kyle Pratt	Region 4 Rep, B				X			
Nancy Cruz	Region 5 Rep, A	X						
Janie Williams	Region 5 Rep, B	X						
Tracey Hart	Region 6 Rep, A	X						
Najee Thornton	Region 6 Rep, B	X						
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Board Quorum: 13	Total:	16			5			
We, the authorized signers of the above meeting was held in accordance with all meeting where a quorum of the Board wa	laws, policies, and procedu							
Authorized Signature and M	eyees		Authorized Sig	nature:	1mg	m		
Print/Type Name: Laura N	leyers		Print/Type Nar	ne: Gr	gon D	JAclesc		
Date: Trin 9. 21	220		Date:	Jan	9 201	70		



2263 S. Harvard Blvd. Los Angeles CA 90018

March 9, 2020

Los Angeles Planning Commission 200 N. Spring Street, Room 272 Los Angeles, CA 90012 RE: Case Nos. DIR-2018-5925-TOC-1A, CEQA No., and ENV-2018-5926-CE 1537 S. Wilton Place, Los Angeles CA 90019

Dear Commissioners:

The West Adams Heritage Association is submitting this letter in support of the Appeal filed by our community neighbors, Virginia Stevenson and Andre Hart, who live next door to the Subject property. Ms. Stevenson and Mr. Hart are dismayed – <u>as are we</u> – that even though you, the Los Angeles City Planning Commission, and the Los Angeles City Council, in 2017 adopted a Character Residential District for the Angelus Vista neighborhood (a District that was designed to protect historic resources and enhance the character of the neighborhood), instead a totally out-sized and over-bulked project which does not even set back to the prevailing setback on this historic block is on the brink of approval.

If you do not uphold this Appeal and reject the Project as proposed, the character of the 1500 block of South Wilton Place will be forever changed and marred. We urge you to SUPPORT the Appeal, NOT SUSTAIN the Director's Determination, NOT ADOPT the Director's Conditions of Approval, Findings and Exhibits, and NOT ADOPT a categorical exemption for this Project. We ask that instead you find that the requirements of the Angelus Vista Character Residential District CPIO do apply.

Part of the reason this Project is so inconsistent and so incompatible with the character of our community is that Planning staff is allowing a claim that the Project is "vested" and therefore does not have to comply with the CPIO/Character Residential District requirements nor any design requirements.

We do not believe the Project is vested. In addition, we do not believe the Project should be exempt from design standards. And we note that no other future developer will be able to build a project like this on this block with this design and with this lack of proper setback – since the CPIO has been in effect for well over a year – <u>so this Applicant is potentially being granted a right that no one else will ever have.</u>

West Adams Heritage, along with many community members who had been advocating for decades to protect our "orphan" neighborhoods (that is, pockets like Angelus Vista, the Charles Victor Hall Tract, the nicknamed "Six Orphan Blocks" on 24<sup>th</sup> and 25<sup>th</sup> Streets between Hoover and Vermont, West Adams Heights/Sugar Hill, and other historic neighborhoods surrounded by HPOZs but never designated themselves as HPOZs) welcomed the news when Planning Staff created the new **Character Residential Districts** in 2016-2017. We were informed (PROMISED) that these new Districts would be treated as local historic districts (HPOZs) in every respect except that there would not be a community-based HPOZ Board and decisions would be delegated to staff. The community was even told that staff was hoping to expand the City's Mills Act Historical Properties Contract program to include the ten Character Residential Districts.

The program was nicknamed "HPOZ Lite."

The updated South Los Angeles Community Plan describes the Districts like this:

"The Character Residential Subarea includes neighborhoods that have an abundance of historically and architecturally significant buildings. Development standards within this Subarea guide the ongoing maintenance of these structures, and regulations ensure that new Projects complement the surrounding context. Eligible historic resources are subject to an additional level of review."

So imagine our unfortunate surprise as we are now learning that Planning Staff seems to be doing everything to un-do this initiative. This Project, which we hope you will reject, is a Poster Child for what not to do in a Character Residential District. It is set back only 20 feet, when the prevailing setback is about 35-38 feet (in other words, it will project about 20 feet in front of all the other homes and small apartments on the block). It destroys a piece of the neighborhood's historic fabric, a 1905-1906 house smack in the middle of the block.

#### Not Vested

In our opinion, the project is NOT VESTED (despite Planning Staff's position to the contrary) and IS SUBJECT TO the Angelus Vista Character Residential CPIO Overlay. In order to maintain the vesting per LAMC 12.26, and LAMC 98.0602- 98.0605, the Project Applicant needed to meet a deadline which has elapsed (the Staff Appeal Recommendation Report

makes no reference to any extension being filed for the project permit, and moreover Applicant submitted a revised design, with a new engineer and revised "S" drawings, in July 2019, long past the effective date of the CPIO. (*More information below.*)

FURTHERMORE, this project is not fully in compliance with LAMC Section 12.26, which does grant some vesting rights <u>but only if certain requirements are met</u>, namely:

- The project shall conform with all "adopted policies" in effect on the date the Plan Check fee was paid. However, this project does not conform with all adopted policies; in fact, it conforms with very few adopted policies. Note that we are differentiating between the CPIO ordinance, included within the SLA plan implementation ordinance (effective date December 29, 2018) and the policy adoption and EIR certification, which occurred much earlier, on **November 22, 2017**, before the Subject proposal was submitted to the Planning Department in October 2018, and also before the project building permit was applied for, July 10, 2018.
  - a. The Los Angeles City Council adopted and certified the EIR for the South Los Angeles Community Plan on November 22, 2017. The EIR underscored the importance of historical resources in South Los Angeles, and repeatedly referenced the new Character Residential Overlay CPIO neighborhoods as one means to mitigate against the loss of potential resources, protections against impacts to historic resources, and as well a means to help guarantee compatible design within the ten (10) Character Residential Overlay Zones in South Los Angeles, including the Subject, the Angelus Vista Character Residential Overlay Zone.
  - <u>b.</u> On November 22, 2017, the Los Angeles City Council also adopted the South Los Angeles Community Plan Update, which includes numerous policy statements, specified goals and objectives, and provisions which clearly were meant to support the protection of character multi-family neighborhoods (with specific discussions within the 1,600-plus-page document of Angelus Vista). For example, referencing Table 4.10-6 on page 4.10-40, the Community Plan adopted by the City Council states "Proposed policies and design guidelines are intended to maintain, preserve and protect existing stable single family residential neighborhoods in the CPAs. Additionally, select historic neighborhoods in South Los Angeles would be preserved through the Character Residential CPIO subarea."

Similar language can be found on page 1-10 (Framework Principles: Enhance neighborhood character through better development standards...to improve and enhance existing neighborhood character"); page 1-9 ("Conserve existing residential

neighborhoods"); page 3-3 (South Los Angeles Vision Statement: "South Los Angeles is a diverse community that embraces its history...."); page 3-18 (Goal LU4: Distinct multi-family neighborhoods that preserve physical assets and foster neighborhood character and identity – Policies include LU4.1 "Architectural Compatibility. Seek a high degree of architectural compatibility and landscaping for new infill development to protect the historical and architectural character and scale of existing residential neighborhoods..."); and page 3-37, which describes again the Character Residential districts as one of three new "Special Districts," among other multiple references.

Page 3-42, "Character Residential Districts," describes in more detail the policy being adopted that "provide tailored development and design standards intended to preserve and enhance the historic character of unique single-family and multi-family residential neighborhoods, protecting the existing neighborhood character from incompatible infill development." And, Goal LU20 (LU20.1 – LU20.4) describes policies that create attractive districts while protecting historically-significant architectural features.

c. The Los Angeles City Council also adopted, as policy, the use of "Other Surveys" to help determine which properties are Contributors (including altered Contributors) to the new Character Residential Overlay CPIO. Please note that the Los Angeles Planning Commission had at a public hearing the prior June, 2017 <u>REJECTED</u> the Planning Department's proposal to solely rely on SurveyLA, based upon the written and oral testimony of the local neighborhood council, UNNC, which produced substantial evidence that SurveyLA does not completely include all of the properties within the new Character Residential Overlay Zones, and moreover did not utilize the correct assessment criteria for evaluating properties as contributors to a local "HPOZ-like" district, and therefore was inadequate.

The language adopted by both the Planning Commission and the Los Angeles City Council included "or other surveys," which in this instant case have neither been referred to nor has a new one been conducted (due to the Planning Department's specific efforts to BLOCK avenues for the community to have a new survey).

Again, a Project cannot be vested (meaning excused from) and allowed to proceed with development if it is not in substantial conformance with adopted policies. All of the above-referenced items are ADOPTED POLICIES that this project DOES NOT conform to. <u>Therefore it is not vested</u>.

There are several other issues that revolve around these so-called "vesting" rights, per the Los Angeles Municipal Code.

• The vested rights <u>do not include exemption from approvals that are necessary to entitle</u> <u>the project</u>, including design review and meeting design standards.

Even the TOC ordinance has language actually makes clear that for those projects requesting "Additional Incentives" are subject to design requirements. Specifically: "Design Conformance. Projects seeking to obtain Additional Incentives <u>shall</u> be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance."

In this case, "any" Community Plan design guidelines certainly include the guidelines adopted by the Los Angeles City Council for the Character residential Districts, including but not limited to the requirement that infill projects must meet the prevailing setback; and must start stepping back in height above the third level.

- If there are any vesting rights, those vested rights expire when the permit and/or plan check period defined in the Los Angeles Municipal Code expires. In the instant case, the 18-month Plan Check period expired circa January 10, 2020. The permit "<u>shall</u>" expire not "may" expire, according to the LAMC. Vesting rights elapsed.
- In addition, vesting rights expire if significant (5%) changes are made to the original plans. A new set of plans, with a new design, a new structural engineer and complete new set of "S" drawings were submitted on July 11, 2019 (Permit No. 18010-10001-03493 the "1" in "10001" denoting that it is a new, supplemental application and not a minor change based on a Plan Check correction), after the Angelus Vista Character Residential CPIO overlay had been in effect for more than six months.

#### <u>Historical</u>

Unfortunately, it appears that the Office of Historic Resources (OHR) is only evaluating the century-old homes in our community based on SurveyLA and CEQA – and not based on the role each individual vintage/period/character residence plays as a part of a District (a common way to describe individual Contributors in a District is as a single pearl in a necklace – if you start removing individual pearls the necklace falls apart). In addition, the City has already certified and adopted an Environmental Impact Report that relies, in part, on these new Character Residential Districts remaining intact and protecting their resources.

In contravention of these policies, OHR has been allowing individual developers to select their own consultants, who in turn have created a recent pattern of evaluation in which NONE of the evaluated historic resources are historic. *Not one, it seems*. This pattern is evident in that we have now seen in this specific small pocket neighborhood three recent demolitions of homes dating from the 1903-1910 period; at least three more evaluations by the same two consultants with the same results (e.g., "not historic"); and now this one as well. It is NOT A COINCIDENCE.

Specifically, the historical evaluation by Kaplan Chen Kaplan referenced within the Staff Appeal Recommendation Report did not evaluate the property based on any HPOZ-type criteria (e.g., would the house at 1537 S. Wilton Place be a Contributor or Altered Contributor in a Los Angeles local historic district with criteria matching those of a Historic Preservation Overlay Zone?) This is very important because the community members in South Los Angeles were told at numerous public meetings that these new Character Residential Overlays would be *"the same as"* HPOZs, except without a board, and they were nicknamed "HPOZ-Lite" districts by Planning Staff. Yet now, in the implementation, Planning Staff is ignoring these promises and only evaluating based on National Register standards and Historic Cultural Monument standards – both a much higher bar than the simple criteria of "Does it contribute to the character of the community, was it built during the period of significance, are exterior changes reversible, and does it retain enough integrity to convey its significance?"

Equally troubling, the Kaplan Chen Kaplan evaluation stated that the home at 1537 S. Wilton Place – designed by master architect Charles Whittlesey and built in 1905-1906 – is not eligible to be a Historic Cultural Monument (HCM). Yet the consultants apparently did not enter the home nor take any documentation photographs. Many community members have seen the interior of this home, which displays an intact "Ultimate" Arts & Crafts design with magnificent stained glass windows. It is not possible to determine whether or not a property is eligible as an HCM without actually exploring its interior. If a person nominating a property to be an HCM had not set foot inside, and did not prepare a description of the interior, OHR staff would reject that nomination as incomplete.

#### **CEQA and Cumulative Effect**

A Section 15332 (Class 32) categorical exemption is not the correct nor appropriate level of CEQA review for this Project. Given that the creation of the Character Residential Districts in South Los Angeles were a partial Mitigation measure of the Environmental Impact Report for the South Los Angeles Community Plan Update, and given that this Project appears to have a potentially significant effect on the District itself along with (in our opinion) a historic resource that is a Contributor to that District, a categorical exemption cannot be justified.

In addition, even though the Staff Appeal Report dismisses outright the idea of cumulative effect by stating there are "no similar approved projects" nearby, Staff appears to have not noted the sheer volume of demolitions approved, contemplated and accomplished in the past year. Emphasizing that a part of this "Project" is the demolition of a 1905-1906 house.

Within the past year, multiple homes dating from the same era and within the same Angelus Vista Character Residential District have been approved for demolition and some have already been demolished: 1540 S. St Andrews Place, 1546 S. St. Andrews Place, and 1839 S. Gramercy are gone, and 1310 S. St. Andrews, 1509 S. Gramercy Place and, possibly, 1848 S. Gramercy Place are all pending demolition. 1818 S. St. Andrews is undergoing an evaluation for demolition. Demolition permit applications have been submitted for 1828 S. Manhattan Place, 1619 S. Van Ness and 1623 S. Van Ness. That is ten actual and proposed demolitions all within this one small pocket neighborhood, not including this property, certainly the definition of "cumulative."

Thank you very much for your consideration. We would like to direct your attention *below* to further technical notes that we are supplying (in somewhat random order) for your reference and for the record.

Sincerely,

Jean Frost Vice President, Preservation, West Adams Heritage Association <u>preservation@westadamsheritage.org</u> 213-747-2526

#### Technical Addenda (Yellow Highlights Our Own)

#### From the LAMC:

**Vesting of Development Plan**. **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** Whenever plans sufficient for a complete plan check are accepted by the Department of Building and Safety and a fee is paid, a vested right is granted to the project to proceed with its development in substantial compliance with the zoning, and development rules, regulations, ordinances and adopted policies of the City of Los Angeles in force on the date that the plan check fee is paid as indicated on a valid building permit application. These rights shall not include exemption from other applications or approvals that may be necessary to entitle the project to proceed (*i.e.*, subdivision, zone variance, design review board review, *etc.*) and from subsequent changes in the Building and Safety and Fire regulations found necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis, contained in <u>Chapters V</u> and <u>IX</u> of this Code and policies and standards relating to those chapters or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates.

These rights shall end: (Amended by Ord. No. 182,106, Eff. 5/20/12.)

(a) 18 months after the plan check fee is paid, or if a permit is issued during that time, when the building permit terminates pursuant to Section <u>98.0602</u>;

(b) when subsequent changes are made to those plans that increase or decrease the height, floor area, or occupant load of the proposed-structure by more than five percent;

(c) when the use of the property is changed;

(d) when changes exceed or violate the Zoning Code regulations in force on the date the plan check fee was paid; or

(e) when the discretionary land use approval for the project terminates under the provisions of <u>Chapter 1</u> of this Code or any ordinance adopted pursuant to <u>Chapter 1</u> of this Code.

#### SEC. 98.0603. EXPIRATION OF PLAN CHECK.

If a permit is not secured within 18 months after plans have been filed for checking such plan check shall expire and no permit shall be issued until the plans are rechecked and approved and a new plan check fee paid. (Amended by Ord. No. 167,969, Eff. 7/11/92.)

**EXCEPTION:** The Department or the Board may grant extensions of time if a permit applicant submits in writing sufficient evidence that unusual conditions or circumstances precluded the securing of the permit within the allocated time.

#### SEC. 98.0605. TIME LIMITS OF REQUESTS FOR EXTENSION.

(Former Sec. 98.0606 Redesignated by Ord. No. 165,310, Eff. 12/31/89.)

Requests for extensions of time on the expiration times of permits, plan checks, slight modifications shall not be made not later than 30 days after the expiration time specified in this division.

#### Permit History and Timeline (for permit submittals) for 1537 S. Wilton Place

Demolition permit:

1). Initial demolition permit submitted July 19, 2017. Under vesting rules, this one expired July 18, 2019 or so.

2). 2<sup>nd</sup> demolition permit submitted Aug 22, 2019 – after CPIO is in effect. Staff report indicates that the

demolition permit was "renewed" but that is not the case - this is a new permit number.

3). 3rd demolition permit application submitted Nov 13, 2019 - after CPIO is in effect

4). 4<sup>th</sup> demolition permit application submitted February 4, 2020 – after CPIO is in effect and after Appeal is filed.

Construction/TOC project:

1). Grading permit applied for July 11, 2019 – after CPIO is in effect

2). Original permit application submitted July 10, 2018 (plan check vesting expires 18 months, e.g. circa January 10, 2020)

3). CHANGE/REVISE of design and CHANGE of structural engineer and REVISE all "S drawings" submitted July 11, **2019**. <u>Submittal with changes is after the CPIO is in effect</u>. (The community has not seen the revised design).



To whom it may concern -

My name is Jonathan D. Leeper, I serve as the Community Engagement Specialist at the Hope of the Valley Rescue Mission. I am submitting this letter in support of the development of a new permanent campus for Valley Charter Middle School to be located at 18600 Lanark Street in Reseda, California. Valley Charter Schools have been an institution of the San Fernando Valley for the past 10 years, serving our community through an innovative curriculum that cultivates thoughtful, bright and responsible students.

Service learning is a key focus of the Valley Charter Middle School program, and over the years Valley students have contributed to the area surrounding their current location in Van Nuys through volunteerism, donation drives, and civic engagement. This emphasis will continue when Valley Charter Middle School moves onto their new campus, and I am confident that the school will invest in Reseda through community partnerships and other efforts that will provide a public benefit.

The Valley Charter curriculum places an emphasis on holistic support for their students, creating well-rounded and mature young people. As a small school they can address the individual needs of their students to ensure that everyone is successful, growing, and prepared for the next phase of their education. I have been consistently impressed by the Valley Charter students with whom we have worked.

The Valley Charter staff and administration are easy collaborators, responsive professionals, and conscientious neighbors. Under their direction Valley has cultivated and maintained a number of long-term partnerships, including the relationship with my organization. They have created an environment that brings material benefits to both their students, neighboring community-based organizations, and the San Fernando Valley. I hope to continue our collaboration after they move to their new home in Reseda.

Thank you for your consideration, I urge you to support this project and the work that Valley Charter Schools are doing for our community.

Sincerely,

Jonathan D, Leeper Community Engagement Specialist jonathan@hopeofthevalley.org 805-638-2323

PO Box 7609 Mission Hills, CA 91346 www.hopeofthevalley.org A California Nonprofit EIN: 27-2053273



### Petition of Support for Valley Charter Middle School Campus Proposed for 18600 Lanark Street, Reseda, CA 91335

By signing this petition I am indicating my support for the development of a new campus for Valley Charter Middle School to be located at 18600 Lanark Street in Reseda, California. I understand that this petition will be presented to the Los Angeles City Planning Commission as a demonstration of my support. All of the information included is accurate and verifiable to the best of my knowledge.

### Petición de apoyo para el campus de Valley Charter Middle School Propuesto para 18600 Lanark Street, Reseda, CA 91335

Al firmar esta petición, estoy indicando mi apoyo al desarrollo de un nuevo campus para Valley Charter Middle School que se ubicará en 18600 Lanark Street en Reseda, California. Entiendo que esta petición se presentará a la Comisión de Planificación de la Ciudad de Los Ángeles como una demostración de mi apoyo. Toda la información incluida es precisa y verificable a lo mejor de mi conocimiento.

Valley Charter Middle School Petition / Petición de Valley Charter Middle School					inforn ¿Infor	itional nation? mación ional?	
	Name (Print) Nombre (Imprimir)	Address Dirección	Signature <i>Firma</i>	Email <i>Email</i>	Phone Teléfono	Y Sí	N No
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#### Petition of Support for Valley Charter Middle School Campus Proposed for 18600 Lanark Street, Reseda, CA 91335

By signing this petition I am indicating my support for the development of a new campus for Valley Charter Middle School to be located at 18600 Lanark Street in Reseda, California. I understand that this petition will be presented to the Los Angeles City Planning Commission as a demonstration of my support. All of the information included is accurate and verifiable to the best of my knowledge.

#### Petición de apoyo para el campus de Valley Charter Middle School Propuesto para 18600 Lanark Street, Reseda, CA 91335

Al firmar esta petición, estoy indicando mi apoyo al desarrollo de un nuevo campus para Valley Charter Middle School que se ubicará en 18600 Lanark Street en Reseda, California. Entiendo que esta petición se presentará a la Comisión de Planificación de la Ciudad de Los Ángeles como una demostración de mi apoyo. Toda la información incluida es precisa y verificable a lo mejor de mi conocimiento.

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#### Petition of Support for Valley Charter Middle School Campus Proposed for 18600 Lanark Street, Reseda, CA 91335

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DIR-2019-5388-DB-1A A-6

To: Department of City Planning

From: Michael Higgins, Sar Kotoyan, Pedro Guevara, and neighbors

Re: Response to Director's Determination,

Case: DIR-2019-5388-DB-1A A-6

Date: April 20, 2020

Via: e-mail

Dear Department of City Planning,

We are writing to formally express our concerns with the project at 5817-5823 Lexington Ave. To be clear, we welcome new projects and support increased housing and more affordable housing in Hollywood and East Hollywood. Most importantly, we want to continue the beautification of Hollywood.

Whereas the plan is states only 21 units, it will have 79 bedrooms and only 29 parking stalls. In order for the project to be eligible for a 24.4% Density Bonus which, pursuant to LAMC Section 12.22-A,25(c)(1), it would require 7% of the base density to be reserved for Very Low Income Households.

Looking at the bedroom count, if the units that are set aside for affordable housing are the studio units, the project would *not* meet that requirement.

We are asking the Department of City Planning to reassess this project and ask the following:

1. Please look at the number of people who will live there and not just the number of units. It will be dormitory style units and most likely there will be more than one person per bedroom, but we think there should be a *minimum* of one parking space per bedroom.

2. The project has a rooftop deck, making it 6-stories. It will be towering over our properties. It will have a direct view of most of the units in the adjacent buildings and the houses across the street. We do not think a roof deck should be permitted.

3. We would like to see rendering and plans showing the design of the building. Will there be green space and trees? What is the landscaping?

#### APPEAL POINTS AND STAFF RESPONSES AND APPELLANT RESPONSE

On March 10, 2020, the city re-issued a letter of determination approving a Density Bonus for the proposed project. The northerly abutting property owner, Ahmad Heydar, filed an appeal (Exhibit A) in a timely manner, and in addition, westerly and southerly abutting property owners, Pedro Guevara, Michael Higgens, and Sar Kotoyan, filed an appeal (Exhibit B) in a timely manner.

#### 1 1<u>1-foot height increase is out of scale (Appeal No. 1)</u>

#### Appeal Comment:

The appellant states that the 11-foot height increase (above a 45-foot height limitation) is unacceptable because there are no buildings at this height in the vicinity and it would result to be the tallest building in the neighborhood.

#### Staff Response:

The proposed project consists of a new five-story, 56-foot tall, 21-unit multi-family residential building. As part of the proposed project, the applicant has requested a height incentive to allow an 11-foot height from the otherwise permitted 45 feet. Pursuant to LAMC Section 12.22-A,25, the height incentive allows "[a] percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible." In this case, the requested 11-foot height increase is a 24.4% increase in the by-right permitted 45 feet. Therefore, the project is required to reserve the percentage of affordable units necessary to be eligible for a 24.4% Density Bonus, which, pursuant to LAMC Section 12.22-A,25(c)(1), requires 7% of the base density, or two (2) units, to be reserved for Very Low Income Households.

Therefore, the Director of Planning did not err in approving the 11-foot height increase.

#### **APPELLANT RESPONSE:**

The project has a rooftop deck, making it 6-stories. It will be towering over our properties. It will have a direct view of most of the units in the adjacent buildings and the houses across the street. We do not think a roof deck should be permitted.

#### 2. <u>Preservation of View (Appeal No. 1)</u>

#### **Appeal Comment:**

The appellant states that project will overshadow his building and is visually undesirable. Furthermore, the appellant's building, which is under construction, would have an extensive view from the rooftop deck and the appellant relied on the height limitations within the LAMC to preserving this potential view. The 11foot height increase would impair the appellant's view.

#### Staff Response:

The appellant states that his building, which is currently under construction, was designed with a rooftop deck in order to provide an extensive view, and relied on the height limitations within the LAMC to preserve such a view. The proposed project is consistent with the LAMC [Section 12.22-A,25(c)] in that by providing 7% of the base number of units, the project is entitled to a 25% increase in the maximum permitted height, not to exceed 11 feet, which in this case allows for a maximum 56-foot building.

In addition, the project will be developed on an underutilized lot. The appellant's claim that the project is visually undesirable is subjective and claim that the project will reduce property values is speculative and not substantiated by any evidence. Additionally, it is outside the Director's purview, and the City Planning Commission on appeal, to consider project impacts on neighboring property values.

Therefore, the Director of Planning did not err in approving the 11-foot height increase

#### **APPELLANT RESPONSE:**

We have yet to see any rendering or visuals showing the design of the building. Will there be green space and trees? What is the landscaping? We would like to see the design.

#### 3. Lack of Notification (Appeal No. 2)

#### **Appeal Comment:**

The appellants contend that there was a lack of notification of the Director of Planning's decision.

#### Staff Response:

Pursuant to LAMC Section 12.22-A,25(g), upon making a decision, the Director shall transmit the determination to the applicant and to all owners of properties abutting, across the street or alley from, or having common corner with the subject property, and to the local Certified Neighborhood Council. On February 13, 2020, consistent with Department of City Planning policy, staff utilized the notification list submitted by the applicant to transmit the determination to the applicant and to all owners of properties abutting, across the street or alley from, or having common corner with the subject property, and to the local Certified Neighborhood Council. Subsequent to the transmission of the determination, the

project planner was contacted by Michael Higgins and notified that he did not receive a determination letter.

While the notification list submitted by the applicant at the time of filing was accompanied with a signed perjury statement stating that the "ownership list correctly shows the latest current owner addresses on the City Engineer's land records," upon review, staff found certain inconsistencies with the information provided and therefore requested from the applicant a new ownership list. Staff reinitiated the notification process ensuring that all required parties are notified. The updated determination date is March 10, 2020 and appeal expiration date was extended to March 25, 2020.

#### **APPELLANT RESPONSE:**

Without proper notification, this process has *not* been fair or honest. Without being given the proper time, we have been at a disadvantage in time to respond and gather appropriate evidence. We would like more time in order to acquire the statistics and the details of the development.

#### 4. Inconsistent with Density Limitations (Appeal No. 2)

#### **Appeal Comment:**

The appellant states that the density proposed is inconsistent with the R3 Zone and limitation of the CRA. Furthermore, the dwelling units are in fact considered Flexible Units and should be subject to such provisions.

#### Staff Response:

The project is for a 21-unit, multi-family dwelling. Based upon the 15,000 squarefoot site, and the density allowed by the R3-1 Zone of 800 square feet per dwelling unit, the project has a base density of 19 units. By setting aside 7% of the base density, or two (2) units, for Very Low Income Households, the project is entitled to a 25% bonus which would permit a the maximum of 24 units. As such, the 21-unit project complies with the R3 Zone along with the Affordable Housing Incentives - Density Bonus provisions.

Furthermore, as the proposed project is pursuant is the City's Density Bonus ordinance, which was enacted pursuant to the State's Density Bonus/Affordable Housing Incentives Program, the Community Redevelopment Agency's density limitations are not applicable.

Pursuant to LAMC Section 12.21-A, Flexible Units are dwelling units or guest rooms designed with multiple hall way entrances, multiple toilet and bath facilities, or bar sink installations, so that it can be easily divided into or used for separate apartment or guest rooms, the lot area requirements and automobile park-

ing requirements shall be based upon the highest possible number of dwelling units or guest rooms obtainable from such an arrangement.

The project design includes a residential lobby and parking at the ground level with residential dwelling units located at levels two though five. As shown within the Exhibit C, the unit entrances are all oriented towards the center of the building. Levels three through five include unit entrances via a hallway that overlooks the open to sky courtyard on the second level. Much of the perimeter of the units are open to above/below with the exception of the one entrance proposed for each unit. Concerning the second level, planter boxes are located along the majority of the perimeter of each unit as part of the open space programming. The project as designed, does not propose multiple hallway entrances that would allow it to be easily divided into separate units or guest rooms.

In the event the Los Angeles Department of Building and Safety determines that such units are in fact flexible units, such increase in the number of dwelling units would not be permitted

Therefore, the Director of Planning did not err in approving the Density Bonus

#### **APPELLANT RESPONSE:**

The developer is working together with Common, a New York-based developer and JAM Capital Real Estate to build co-living space. Whereas the units may not be "Flexible Unit" they are dormitory style units where individual bedrooms are rented furnished.

https://labusinessjournal.com/news/2019/mar/08/common-proper-developmentteam-build-seven-co-livi/

https://therealdeal.com/la/2019/03/08/common-ground-proper-developmentteams-with-ny-co-living-firm-on-la-expansion/

https://therealdeal.com/la/2018/11/05/here-are-the-under-50-unit-resi-projects-proposed-in-la-last-week-2/

https://www.multifamilybiz.com/news/8738/common and proper development\_announce\_600coliving...

#### 5. Environmental review has been piecemealed (Appeal No. 2)

#### **Appeal Comment:**

The appellant contends that the environmental review for the project was piecemealed because the applicant concurrently applied for another project at a nearby site

#### **Appeal Comment:**

The appellant contends that the environmental review for the project was piecemealed because the applicant concurrently applied for another project at a nearby site

Lexington 1: The demolition of the two (2) existing single-family structures with associated accessory structures and the construction, use and maintenance of a five-story, 56-foot tall, 21-unit multi-family dwelling. The building will be constructed with four (4) residential levels over one (1) at-grade parking level. The project will provide a total of 29 automobile parking spaces and includes grading resulting in the export of 800 cubic yards of soil.

Lexington 2: The demolition of two (2) existing single-family structures with associated accessory structures and the construction, use and maintenance of a five-story, 56-foot tall, 17-unit, multi-family dwelling. The building will be constructed with four (4) residential levels over one (1) at-grade parking level. The project will provide a total of 17 automobile parking spaces. DIR-2019-5388-DB-1A A-6 The totality of the project will provide 38 dwelling units.

Therefore, as the environmental review for the Categorical Exemption, and the technical studies included as part of the review considered both projects as one (1) and the projects were properly analyzed and not piecemealed.

#### **APPELLANT RESPONSE:**

Both projects have multi-bedroom, dormitory style units. To look at each "Lexington 1" and "Lexington 2" as just a 21-unit and a 17-unit dwelling is deceptive. "Lexington 1" is a 81-bedroom structure and "Lexington 2" is a 94-bedroom structure. This amounts to 175 bedrooms with only 54 parking stalls. With these numbers in mind, the environmental review should be reassessed.

#### 7. Determination of need of incentives for affordable housing (Appeal No. 2)

#### **Appeal Comment:**

The appellant states that the City failed to determine if the incentives are required for provide for affordable housing and the determination letter makes no reference to the requested incentive to increase the project Floor Area Ratio (FAR)

#### Staff Response:

On September 28, 2016, Governor Brown signed AB 2501, AB 2556, AB 2442, and AB 1934 which amended State Density Bonus Law that went into effect January 1, 2017. According to a staff memo dated January 18, 2017 regarding

implementation of State Density Bonus Law, AB 2501 clarified and amended a number of density bonus procedures; one (1) of which is that the requirement for provision of special studies such as financial pro-formas is no longer required in order for an application to be deemed complete. Thus, the applicant is not required to submit financial pro-formas in order for the application to move forward or in order for the Director to act.

Furthermore, the additional 11 feet in height allows for the fifth floor to the constructed. In this case, there are five (5) units on such level. The Director may only deny a requested incentive if it finds that the incentive is not required to provide for affordable housing costs for rents for the affordable units. There is no evidence in the record, and the appellant has not provided any such evidence which would demonstrate that the requested incentive is not required to provide for affordable housing costs for rents for the affordable units.

With regard to the project's total Floor Area, the applicant originally requested an additional incentive to allow an increase in the maximum permitted FAR above three (3) to one (1) (3:1). Subsequent to the applicant's filing, and during staff's review of the project it was determined that the proposed 32,225 square feet of Floor Area is below the maximum 32,400 square feet of Floor Area permitted by-right. Therefore, the requested incentive to allow an increase in the maximum permitted FAR was withdrawn. DIR-2019-5388-DB-1A A-8

Staff therefore concludes that the Director of Planning did not err in approving the Density Bonus

#### **APPELLANT RESPONSE:**

The project is a multi-bedroom, dormitory style structure. To look at the project as just a 21-unit dwelling is deceptive. **It has 81 bedrooms.** 

In order for the project to be eligible for a 24.4% Density Bonus which, pursuant to LAMC Section 12.22-A,25(c)(1), it would require 7% of the base density to be reserved for Very Low Income Households.

*If* the units set aside for affordable housing are the studio units, the project would *not* meet that requirement.

We are asking the Department of City Planning to reassess this project. Please look at the number of people who will live there and not just the number of units. We think there should be a minimum of one parking space per bedroom.

# DAY OF HEARING SUBMISSIONS



Planning CPC <cpc@lacity.org>

#### **Commission Meeting 4-23-2020 Comment**

alejandro mendez <hbact572@yahoo.com> To: "cpc@lacity.org" <cpc@lacity.org> Thu, Apr 23, 2020 at 9:05 AM

Comment on notice and marketing of hearings.

some cases were rescheduled more than 30 days. the notice was not sufficient considering we are living in unprecedented times. we need unprecedented marketing and outreached efforts and not the bear minimum, specially when matters are rescheduled 30 days in advance.

now sure how to provide comment other than via email.



Planning CPC <cpc@lacity.org>

#### Fwd: 4/23/20 Planning Commission Meeting Did Not Recognize Raised Hand

Robin Rudisill <wildrudi@icloud.com> To: cpc@lacity.org

Thu, Apr 23, 2020 at 10:05 AM

Cc: Cecilia Lamas <cecilia.lamas@lacity.org>

HI Cecilia,

In addition to numerous people who "raised their hand" during General Public Comment and didn't get called on, there was at least one member of the Public, likely more, who tried to raise their hand in Zoom for Item 5a but was not recognized to testify.

See email below.

For the Love of Los Angeles and our precious Coast, Robin Rudisill (310) 721-2343

Begin forwarded message:

From: John Smith <jjscalifornia@yahoo.com> Subject: 4/23/20 Planning Commission Meeting Did Not Recognize Raised Hand Date: April 23, 2020 at 9:59:29 AM PDT To: Robin Rudisill <wildrudi@mac.com> Cc: Mona Dallas Reddick <mdalred@gmail.com>

Robin,

Mona Dallas Reddick, the President of the San Pedro Bay Historical Society, messaged me that she tried to raise her hand in Zoom, but it did not recognize her to testify in today's Planning Commission teleconference. Mona wanted to testify today very much.

I suspect that she was not the only one who wanted to testify on the Pacific Ave project, but was not called.

John Smith

#### LAW OFFICE OF JOHN P. GIVEN 2461 Santa Monica Blvd., #438 Santa Monica, CA 90404 john@johngivenlaw.com (310) 471-8485

April 23, 2020

#### Planned Testimony of John Given to LA City Planning Commission re Agenda Item 5a: CPC-2019-4908-DB-SPR / ENV-2019-4909-CE (1309-1331 S. Pacific Avenue, San Pedro)

Good morning, Commissioners.

My name is John Given. I am speaking on behalf of Citizens Protecting San Pedro. Thank you for hearing public testimony on this item.

The City's density bonus ordinance permits an FAR incentive bonus up to a maximum of 35% above the base FAR. Here that would allow slightly more than 2:1 FAR (2.025:1, to be exact). If the project satisfies additional criteria, the FAR can be increased up to 3:1. The applicant requests an FAR of 2.65:1.

Among other requirements, to receive the higher FAR bonus the project:

- Must front on a street designated as a Major Highway; and
- At least 50% of the project parcel must be within 1,500 feet of a "Transit Stop/Major Employment Center." The code definition for that term is complex, but the bottom line here is that a local bus line must be a Metro *Rapid* Bus.

This project does not front on a Major Highway and the Metro Rapid bus requirement is not met. The requested FAR bonus cannot be granted.

The class 32 categorical exemption is not available to projects that do not comply with the zoning code. As I just described, the FAR bonus exceeds what the code allows, so the exemption cannot be used.

The letter submitted earlier this week provides considerably more detail on the FAR bonus issue.

The Waiver of Development Standard is being used to allow a considerably greater project height than the density bonus incentive allows, which is counter to the language and intent of the density bonus ordinance. It also creates a significant conflict with the community plan and a terrible precedent for this and other applicants to ignore the density bonus ordinance limitations on other projects.

The proper maximum height for a density bonus project at this site is 41 feet: the 30 feet permitted in the base C2-1XL zone plus an 11-foot bonus.

LA City Planning Commission Testimony of John P. Given April 23, 2020 Page 2

Applicants may not circumvent the density bonus height limit through waiver. The density bonus ordinance limits requests for waiver of development standards to those standards *not* included in the Menu of Incentives. (See LAMC § 12.22.A.25 subdivisions (f) and (g)(3).) Since height is included in the on-menu bonuses, a waiver of development standards to increase project height is not permitted.

That the waiver is sought under the rationale that the community plan somehow requires it adds insult to injury: there is no reasonable justification to waive the height limit when the waiver could just as well have been used to excuse a lower first story. Either way there is a significant conflict with the community plan, and it makes considerably more sense for the project to be consistent with the height and massing required by the community plan with a lower first floor than with a taller project height, particularly when the project already has a greater than permitted FAR bonus and when the applicant gets effectively a fourth and impermissible on-menu bonus without providing any corresponding benefit.

You might also consider that the project site has an opportunity for ground floor retail that is not being utilized, even though it is strongly favored by the community plan, creates local jobs, and activates the streetscape. The applicant has another project proposed on the 2100 block of Pacific that includes almost 2,000 square feet of retail—that is the primary visible difference between the two projects.

Citizens Protecting San Pedro is not opposed to density bonus projects or affordable housing. Like you, they recognize it is critical to have more affordable housing throughout Los Angeles, including in San Pedro.

The letter submitted Tuesday includes other points not raised here regarding inconsistencies in the recommendation report and proposed findings, as well as cumulative impacts that have not been fully evaluated. I hope the commission will consider all of the submissions and testimony and determine that the project cannot be approved and the environmental clearance not accepted and deny the project.

Thank you.

February 28<sup>th</sup>, 2020

#### **Obando and Associates, Inc.** 1453 14<sup>th</sup> St., Ste. A Santa Monica, CA 90404 tel. (310) 821-7555 fax. (310) 821-749

To whom it may concern,

We have prepared earthwork quantities for the project on 1331 S Pacific Ave, Los Angeles CA 90731. We estimate 20,000 CY of export. This amount excludes any expansion of the soil as a result of the soil becoming uncompacted at the time of removal from the site.

Best regards,

Gaspar Obando, PE Civil Engineer

**Obando and Associates, Inc.** 1453 14th Street, Ste. A Santa Monica, CA 90404 tel. (310) 821-7555 fax. (310) 821-7491 www.ObandoandAssociates.com





Planning CPC <cpc@lacity.org>

#### 1309 S. Pacific Avenue Project (San Pedro)

Marlene <sscyberwatch@yahoo.com> To: "CPC@lacity.org" <CPC@lacity.org> Thu, Apr 23, 2020 at 8:07 AM

Good morning to the commission. My name is Marlene and I have been living in San Pedro for over 30 years.

I have seen a lot of changes during that time, but none as prolific as what we have been experiencing in the last few years.

Regarding the housing project on Pacific Ave, I would like to register my opposition to the height of this plan. Not in regards to aesthetics, although that is a concern to many, but because of current events. The high numbers of COVID-19 cases and casualties, cannot be ignored nor can the packed conditions common to both New York, other American cities, and China.

THIS is the time and chance for our city, state and country to revisit the number of residents living in one structure.

While this project on Pacific pales in comparison to sky scrapers all over our country, including ones already built or on track in San Pedro, we have to start somewhere.

We must change our thinking and approach.

Thank you.

Marlene

#### VOICES

Munik 2020 San Pedro Today Magazini

# **IF YOU THINK TRAFFIC IS** BAD NOW, JUST WAIT

by Steve Marconi



It's an analogy appropriate for

To get a clear picture of the horror

town, check out urbanize.la online and click on San Pedro (warning: graphic

computers, here's a rundown on under-

construction or planned housing for the

· 111 N. Harbor Blvd., 120 units,

descending on our once sleepy little

visuals). For those who don't do

the town that was once the nation's fishing capital, but apparently housing developers want San Pedrans packed in like sardines.

eight stories (The Grinder location) · 222 W. 6th St., 228 units (replacing

- commercial in the Topaz building)
- 1300 block of Pacific Ave., 102 1309 Paritiz units, four stories · 337 W. 7th St., 32 units, five stories
- · 444 W. 5th St., 99 units, eight
- stories
- · 420 W. 9th St., 56 units
- . 500 block of S. Palos Verdes St., 375 units, seven stories
- · 2100 block of Pacific Ave., 101 2111 Pacific units, four stories
- · 200 block of 8th St., 24 townhomes, three stories
- · 1801 Mesa, 22 townhomes, three stories

That's 12 - count 'em, 12 - new housing developments. And it's noteworthy that none of them are in what some real estate agents would call a desirable area. Even those



12 I SAN PEDRO TODAY / MARCH 2020

seven stories · 407 N. Harbor Blvd., 63 units, six stories . 511 N. Harbor Blvd., 137 units,

near future:

with harbor views are bordered by arguably some of San Pedro's more questionable neighborhoods. And 1 doubt that "homeless encampment views" is included in the sales brochure for the townhomes on 8th Street, which reportedly are starting at nearly \$800,000, Good luck with that.

Here's the bottom line: 1.313 apartments and 46 townhomes.

Figuring a minimum of three people for each townhome and two per apartment (some units are studios), that's an increase in population of 2,764.

Figuring two cars for each townhome and just one for each tenant, which you know is low, that's an additional 1,405 cars, and if you're paying attention, all those new units are between Pacific and Harbor Boulevard. You can picture for yourself the parking nightmare, even with the planned garages.

Can you say urban disaster? I used to think San Pedro had a density limit, but apparently not, and as for zoning, I guess some of those developments are getting around it by having retail on the bottom floor. Adding retail to lower San Pedro, where it seems every other storefront is vacant now, sounds like a bad joke.

I'm sure local business is excited by the prospects of all these new customers, but what about the rest of us, the vast majority of San Pedrans who live here and already face gridlock on a daily basis? We all know there is a housing shortage in Southern California and rents, especially in San Pedro, are through the roof, but there is no doubt all these new developments will negatively impact our quality of life. Some will say this is just a NIMBY attitude. It is, because San Pedro's backyards are full and have been for some time.

The road diet on south Pacific already makes life miserable for Point Fermin residents. Gaffey at rush hour is almost impossible now with cars going on and coming off the 110. What will Gaffey be like when all those new residents on the Pacific corridor want to get on the freeway? Or Harbor Boulevard, already a traffic jam for special events on the waterfront and without the Public Market.

Our infrastructure can't handle

the current population. Just look at northwest San Pedro,

I thought maybe I was done ranting about Western Avenue after last month's column, but like Western Avenue itself, I'm far from done.

I almost choked on my morning coffee when I read "the worst is over" in our "local" paper after Western Avenue was down to one lane for most of January for work on medians.

Only someone who doesn't live in the area, like most of our developers, would say something that dumb. The worst is far from over, folks. What's it going to be like when those 800 units open at Ponte Vista? We're talking a minimum of 1,600 cars (two per household) added to Western Avenue traffic, which can't handle the current load. And adding a new light at Peninsula Verde Drive? How's that going to improve traffic flow from Ponte Vista to Palos Verdes Drive North? I'm sure that light is being put in just for the handful of people who live on Peninsula Verde, because without it, how would they ever get out once Ponte Vista is done?

The best we can hope for is that residents of Ponte Vista will resist the urge to drive their children the few blocks to Dodson and Taper Avenue schools and let them walk or ride bicycles (do kids do that anymore?).

And the "genius" traffic engineers who have created this mess have decided that the solution to the congestion at Taper Avenue and Westmont when Mary Star lets out is to close the Taper gate and funnel all of the Mary Star cars onto Western. Of course, that doesn't solve the problem, it just moves it from one street to another.

Is it any wonder more and more San Pedrans are moving away or thinking of leaving? This beautiful town that we love so much is disappearing. Those hilarious tsunami warnings along the waterfront no longer seem so funny: A tidal wave of people and vehicles will soon make this town unlivable.

Steve Marconi can be reached at spmarconi@yahoo.com.



Planning CPC <cpc@lacity.org>

Thu, Apr 23, 2020 at 8:12 AM

#### Item 5.a./CPC-2019-4908-DB-SPR/1309-1331 Pacific

Robin Rudisill <wildrudi@icloud.com> To: cpc@lacity.org Cc: Cecilia Lamas <cecilia.lamas@lacity.org>

Hi Cecelia,

I am worried about timing and whether the Commissioners will be able to hear me well, etc, so here are my remarks for Item 5.so that they can follow along while I am speaking:

Honorable L.A. City Planning Commissioners,

**I have a hot tip for you—when you look at the** applicant's presentation you'll see that it's very clear that they go to great pains not to provide you an elevation that shows the project up against the adjacent residential neighborhood. The only views they provided you are from the side and front, as if there is not an entire block of adjacent homes at all!

**Also, the official Exhibit A plans are grossly misleading as every single page of the plans shows that the two long sides of the project front both Pacific and Grand Avenues! This hides the fact that the project is adjacent to and will tower over an entire block of fairly low scale residences, which is one of the biggest issues of this project!** 

They're not just requesting a little over the maximums allowed, they're requesting a 52% height bonus and a 77% FAR bonus. That is way over the top and outrageous, especially considering the bare minimum of affordable housing they're providing, which clearly does not require the extraordinary level of density bonuses requested.

But the absolute showstopper here is that not only does the project violate the density bonus law, it creates a significant conflict with the recently approved San Pedro Community Plan, both of which prevent the use of a Categorical Exemption under the CEQA law.

The other critical CEQA issue is that cumulative impacts have not been correctly analyzed. There is no analysis of the almost identical simultaneous project by these same developers just up the street and also the ten other local housing developments in the works for San Pedro, as summarized in the recent article "If You Think Traffic is Bad Now, Just Wait" in the "San Pedro Today". The cumulative impacts analysis fails to identify or consider any past projects or any of these numerous, impactful pending projects or likely future projects, and thus it does not meet CEQA's requirements.

We are in favor of a development here but the City must not allow a project that does not adhere to the law and that is so egregious to become a precedent for San Pedro.

PLEASE deny this project as proposed or send it back for an MND or EIR to be prepared and the necessary corrections and changes to the project to be made.

For the Love of Los Angeles and our precious Coast, Robin Rudisill (310) 721-2343



Planning CPC <cpc@lacity.org>

## 1309 S. Pacific Avenue Project

toni m <deartoni@yahoo.com> To: CPC@lacity.org Wed, Apr 22, 2020 at 5:04 PM

Dear Committee Members,

I would like to voice my displeasure in the size and density of the proposed apartment complex on Pacific Avenue. I do not believe it deserves the asked for height increase or the requested lessened set back. The height and the set back will infringe upon the existing neighborhood with less light and more noise for them.

Also, once again we see a proposed property that does not have enough parking. I am sure the majority of your committee doesn't use public transit on a daily basis, why do you assume everyone else does or insist that we all should if you don't?

Lastly, if anything has been made clear to us in the past few months, we need open space to breathe. The last thing we need now is to be living cheek to jowl with each other!

Please reconsider the scope of this apartment complex. I know something will be built there, please make it something the community will be happy to welcome.

Thank you,

Toni Martinovich 1623 Sunnyside Terrace San Pedro 90732

Sent from Yahoo Mail for iPhone



April 20, 2020

Ms. Connie Chauv Los Angeles Department of City Planning 200 N. Spring Street, Room 721 Los Angeles, CA 90012

RE: CPC-2019-4909-CE 1309 – 1331 S. Pacific Avenue, San Pedro 90731 Proposed 102-Unit Residential Project

Dear Ms. Chauv,

The San Pedro Chamber of Commerce strongly supports the 102-unit residential project being proposed at 1309-1331 Pacific Avenue, San Pedro. After careful study and review, the Board of Directors voted to support the project at its February 19, 2020 meeting.

We understand the need for housing in Los Angeles and are advocates for increased housing production in our community to support our workforce. We truly welcome the addition of this mixed income project which provides 12 very low-income units. The developer has proposed a building with a thoughtful design that will be an asset to the neighborhood. It will replace several vacant buildings. We also believe the new residents will help to increase economic activity along Pacific Avenue which is greatly needed.

The developer has committed considerable time and resources to working with the Chamber and has incorporated our feedback into the design and landscaping of the project. We appreciate the partnership and look forward to continuing this relationship as the project moves towards construction and completion.

We encourage the City Planning Commission to approve the requested entitlements.

Sincerely

Elise Swanson President/CEO San Pedro Chamber of Commerce (310) 832-7272



# **Department of City Planning**

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

April 23, 2020

- TO: City Planning Commission
- FROM: Connie Chauv, City Planner

# TECHNICAL CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2019-4908-DB-SPR; 1309-1331 SOUTH PACIFIC AVENUE

The following is a technical correction to the Findings of Approval, to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting on April 23, 2020 related to Item No. 5a on the meeting agenda.

The staff recommendation report inadvertently identified a Density Bonus Incentive for Floor Area Ratio ("FAR") as an On-Menu Incentive, however the Affordable Housing Referral Form dated January 6, 2020 and the Hearing Notice for the January 16, 2020 hearing correctly identify the request as an Off-Menu Incentive.

Therefore, Planning Staff recommends the City Planning Commission approve the project with the requested Density Bonus Incentive as an Off-Menu Incentive for increased FAR from 1.5:1 to 2.65:1.

The technical correction does not modify the project description, grant clause of the staff recommendation report, or the Conditions of Approval. Planning Staff recommends the Findings of Approval be corrected accordingly to reflect the Off-Menu Incentive for FAR.

Pierre Tecon

1731Colby Ave

Los Angeles, CA 90025

#### **DEPT. OF CITY PLANNING**

#### **COUNCIL DISTRICT #11**

Connie.Chauv@LACity.org

Denzel.Henderson@LACity.org

#### RE: RESOLUTION: 1721 S. COLBY AVE. APARTMENT—OPPOSITION TO PROPOSED DESIGN

#### DIR-019-4004-DB-1A

To the City of Los Angeles, Planning Department:

Please accept this written statement as a Secondary Submission on my behalf. As a result of City guidelines imposed for health reasons, speakers could not be heard at the March 12, 2020 hearing in City Hall. We were however informed by Ms Connie Chauv that a written submission could be sent to the Planning Department and would be considered. This statement presents the reasons that I had planned to present at the hearing.

First of all, I would like to thank the department members for their work and for the opportunity to be "heard" during these particular confinement times. It is also a good time to rethink the entire concept of neighborhood and neighborhood community and togetherness, and to step-back and embrace the opportunity to rethink what we would like our neighborhood and future lifestyle to be.

There are 4 reasons I would like to express against this project:

1) The project does not meet the qualification criteria for 3 "by rights" incentive bonuses (IBs)

2) The weight that should be accorded the West LA Sawtelle Neighborhood Council (WLASNC) resolution against this project

3) The current and planned housing availability in our neighborhood, and the character of the neighborhood

4) The direct impact of the building on our block

1) The developers refer to the Los Angeles Municipal Code 12-22A-25 to request a Density Bonus of 35% based on an attribution of Very Low Income (VLI) and Low Income (LI) units in the project. They then include 3 "by right" Incentive Bonuses in their design.

There is a separate test that needs to be met to obtain these "by right" incentives, and it appears to us that the project, as presented DOES NOT PASS the test of part (e) of the Code. On this base only, it appears that the project as presented <u>cannot be allowed as is</u>. We therefore respectfully ask the Planning Commission to check this particular point again.

2) The Planning and Land Use Management (PLUM) of the WLASNC passed a resolution adopted by the West LA Sawtelle Neighborhood Council (WLASNC) on or about, Feb 20, 2020, opposing the project in terms of its height, bulk and impact on the neighborhood.

Particularly at this unique and exceptional confined at home period, ordered by our local authorities in response to the COVID-19 pandemic, the issue of neighborhood and community is coming on the forefront. As a result of home confinement, we are living closer together and rely on neighborhood resources much more. This brings to the fore the essence of what is a neighborhood, of close community and of the value of shared life experience. Each neighborhood has its unique character and at a time like now, this share experience is expressed vividly to all. There is a feeling of community of closeness, of common fate that we all can experience.

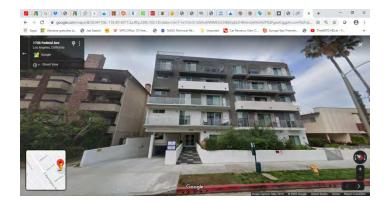
The Neighborhood Councils have been created to be the forefront of our City government, to be close the actual citizens, to be the direct line between Angelinos and City Hall. The NC are in tune with the constituents! As advisory bodies, they help frame decision agencies such as the Department of Planning through a direct measure of the position and opinion of the neighborhood. One of the guiding principle of the NCs is to emphasize good neighbors relationships. NC are made of elected citizens with the experience and their roots in our community.

Why is that significant relevant in this case? The developer, through this project, is joining our neighborhood. This is a big development, in fact the biggest on Colby. Big development means big impact. The project has generated and still generates opposition, opposition that has been expressed through submissions to the Planning Department, and through the Neighboring Council. To be a good neighbor, the developer should have listen to the reaction of the neighbors, however the developer did not attend any of the NC PLUM of NC meetings. We hope that it is not too late for the developer to step-back and be more willing to listen. In any case, we expect that you, esteemed members of the Planning Commission, will adhere to the original intent of the NC, listen to the reactions of our community, and gives all weight due to our NC.

3) We believe that the bulky construction planned, maximizing volume in all directions and height, unfavorably affect adjacent properties including ours. In addition, the large number of units considered, will result in increased traffic and side street parking, and change the overall character of the middensity of the block and the neighborhood. These arguments have been presented in our original appeal.

New information however has now been made public of a large development on the Westside Civic Center under the supervision of the LA county and LA City that will offer hundred of new apartments many for VLI, LI and senior citizen, thus largely responding for the need of affordable in our neighborhood. It can be argued therefore that the need for low income units in our neighborhood is not ignored. This mitigate the necessity to authorize the absolute allowance for maximizing building size, very often, according to a study that showed that the enforcement of renting to low income tenant is not widely followed, as a pretext for developers to maximize profits. This situation offers the Planning Department the opportunity to reconsider the approval of the maximized FRA (we noted above that the project does not meet the criteria for 3 by right IBs).

4) Finally, the issue of direct impact, that is mostly visual impact. It might not be the role of the Planning Department to comment on the relative "beauty" of buildings. There are however "standards" either explicit (the PLUM of the WLASNC has produced a document the "Project Design Standard for Developers), sometime the protection of historical valued sites, etc., that can be considered. An existing neighborhood has exist as an entity that developed along a certain path, a history. Clearly, our Sawtelle area has a Japanese flavor, still recognized as the Sawtelle Japanese town for instance. Many buildings still have Japanese architectural features and landscape. The volumes, shapes, material and colors of many building are still visible for all to see. The new form of urbanistic, utilitarian , oversized, postbrutalist white blocks seen along Santa Monica dont't fit at all in the existing fabric of our neighborhood.







The project is described in the WLASNC PLUM as a large stucco block, a "monstrosity". We think that it will look as a very large white-washed structure with black accents, similar to too many buildings now on Santa Monica Blvd (The Target building, after 1 year the grime and rust dropping on the whitewash makes it look sad already), or the example on Colby (see above). Or it will be a drab grey (see 1731 Federal). The project will look oversized, without transition to adjacent properties, with minimum greenery (no large trees, only shrubs in boxes), maximum brutalism. It is like a sore thumb among smaller structure. It exudes mediocrity of architectural design, maximized crass profit, "m'as-tu vu". There are unfortunately several buildings of this poor design and quality now popping around Sawtelle and Santa Monica Blvd, without any attempt to blend, to be a desirable design, to add something positive to the exiting and historical feel of the block. What a disaster!

No. In our opinion, what can be marginally tolerated in wide transit roads lined-up with a mix of retail, business and mixed-used structures has no place in neighborhood local streets, and in low/mid density blocks with its fabric of various small apartment buildings and private homes. In fact, that is so well

recognized that it is the reason why the West LA Sawtelle NC has come-up with their architectural recommendations.

So we feel that this is as appropriate a project and as good a time as any for the Planning Department to listen to the neighborhood, the the adjacent property owners and to the people living nearby. We should motivate developers to be sensitive of neighborhoods characters, to build projects that will blend. They have an opportunity offered to few, to impact greatly with their production, to improve the environment. Each new structure has the potential to bring something positive to its environment.

As stake-holders in our neighborhood, we hope having the hear of yourselves and of the developer, to send back this project to the drawing board not only because it does not appear to meet the regulatory requirements, but also because of the wide opposition that this project has raised, and because it is a golden opportunity, given its size, to come-up with a design that will be welcome in the neighborhood.

Finally, should all our pleas for relief fail, at a minimum, we ask that various shades and densities of earthly tones be used instead of the dead whitewash, and that some form of roof molding be added to the design to mitigate the feel of brutal cheap monster box unwelcome and misplaced within the adjacent buildings.

We thank you very much for the attention and reflection that you will bring to our plea.



Planning CPC <cpc@lacity.org>

#### Item No 8. DIR-2019-4004-DB-1A

**Kevin Bral** <kevinbral@gmail.com> To: cpc@lacity.org Cc: Connie Chauv <connie.chauv@lacity.org> Tue, Apr 21, 2020 at 2:38 PM

Good afternoon,

We'd like to submit the attached document in response to a Secondary Submission for Item No 8. (DIR-2019-4004-DB-1A) of the upcoming City Planning Commission meeting.

One of the Secondary Submissions mentioned that we, the Applicant, did not attend any neighborhood council meetings. However, please see the attached agenda. We attended the West Los Angeles Sawtelle Neighborhood Council Board Meeting on Wednesday, Sept 25, 2019.

We were Item XII. (d) Motion to approve PLUM resolution re: 1721 S. Colby Ave. apartments.

We met with the Board, and we discussed their feedback and comments in the resolution

Thank you, Kevin Bral Applicant - 1721 Colby Ave., LP

WLASNC+Board+9.25.19.pdf 171K





#### WEST LOS ANGELES SAWTELLE NEIGHBORHOOD COUNCIL BOARD MEETING AGENDA Wednesday, September 25, 2019, 7:00 PM Felicia Mahood Multipurpose Senior Center 11338 Santa Monica Boulevard - Community Room - Los Angeles, CA 90025

#### Please Use the Entrance on Corinth Avenue

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by calling Board Secretary (acting ADA contact) Kory Schmidt at 310-600-2278 or by email secretary@wlanc.com. For reference the Department of Neighborhood Empowerment can be reached at (213) 978-1551 or by emailing NCSupport@lacity.org. All items on the agenda are subject to discussion, possible action and filing of a Community Impact Statement (CIS) to the Office of the City Clerk.

- I. Call to Order (1 minute)
- II. **Community Partner Reports** (10 minutes)
- III. **General Public Comment** (6 minutes)
- IV. **Approvals** (5 minutes)

V.

- a. Outstanding draft meeting minutes (Secretary)
- Outstanding MERs reports (Treasurer) b.
- c. Amend 2019-2020 budget to include rollover of \$816.00
- d. Categorical changes to 2019-2020 budget including moving NPG budget into outreach and additional increase to Outreach by \$816
- e. Motion to approve credit card holders and signers
- f. Motion to approve up to \$5,000.00 for a joint emergency preparedness and public safety/health fair day
- Approval of new committee members/committee chairs for all committees (5 minutes)
- VI. Discussion and Motion to Approve West LA community plan draft survey (20 minutes)
- VII. **Consideration and possible appointment of organizational seat** (10 minutes)
- VIII. Motion to approve getting all documents up on the website prior to Board / Committee meetings - specifically getting development plans up on our website as soon as possible since they keep appearing on Curbed, etc before our stakeholders see them.
- IX. **Officer Reports** (8 minutes) X.
  - **Homeless Committee Report** 
    - Motion to approve Jay Handal as Chair, Mollie Rudnick as Vice Chair a.
    - b. Motion to approve Sandra Trutt to the committee
    - Motion to write a letter to City Attorney, City Council, Captain Goddard requesting strict enforcement of the c. homeless injunctions for our stakeholders including tent hours, amount of personal belongings, and asking that each basic car after roll call i the morning go to each of our districts hot spots and enforce.
    - d. Motion to ask for a joint sheriff and LAPD meeting regarding enforcement of the state building at the civic center
    - Motion to allocate up to 500.00 for design and printing of a homeless information pamphlet e.
    - Motion to request the chair to formally request Council Member Bonin to come to our board meeting and explain f. why he will not authorize funding for a dedicated St. Josephs outreach team for our district.

#### XI. **Outreach Report** (5 minutes)

- a. Motion to require Board members to contact and coordinate with Outreach for use of Outreach made materials, i.e., pins, cups, t-shirts, etc.
- b. Motion to request that parks and rec do a monthly cleaning at the Civic Center
- Motion to approve Outreach Promotional Items c.

- d. Motion to approve September Outreach minutes
- e. Motion to add Kent Kaisaki and Matt Vescovo to the Outreach Committee
- **XII. PLUM report** (25 minutes)
  - a. Motion to approve PLUM resolution re: Letter to community organizations to solicit community benefits
  - b. Motion to approve PLUM resolution re: Elevate Project at Santa Monica/Granville
  - c. Motion to approve PLUM resolution re: 2465 S. Barrington Ave. apartments
  - d. Motion to approve PLUM resolution re: 1721 S. Colby Ave. apartments
  - e. Motion to approve PLUM resolution re: 2415 S. Barrington Avenue Apartments
- XIII. West LA Community Plan Update (5 minutes)
- **XIV.** Bylaws Committee Report (5 minutes)
  - a. Motion to approve Bylaws resolution re: Ex Parte Communications
  - b. Motion to approve Bylaws resolution re: Order of Motions on the Agenda
  - c. Motion to approve Bylaws resolution re: Motion Submittal During Meeting
  - d. Motion to approve Bylaws resolution re: Four Year Terms
  - e. Motion to approve Bylaws resolution re: Nomination of Officers
- **XV.** Motion for the chair to reinforce the rule of nobody speaking about council business at any public hearings unless specifically authorized by the chair. Only speaking as an individual.
- XVI. Discussion and possible motion re: soccer club at Stoner Park
- XVII. Discussion and possible motion re: opposition to hotel tax breaks
- XVIII. Discussion and possible motion re: requesting the City to expand protections under RSO
- XIX. Public Comment for Items Not on the Agenda (5 minutes)
- XX. Board Comment and Announcements (5 minutes)
- XXI. Adjournment

**RECONSIDERATION PROCESS** – Reconsideration of a vote by the Board may be called as a motion by any Board member(s). **GRIEVANCE PROCESS** – A stakeholder, or a group of stakeholders, any present a grievance concerning the legality of actions by the Board during public comment. Substantive grievances will be examined by a panel set by the Board, and the decisions may be appealed to the Department of Neighborhood Empowerment.

**PUBLIC ACCESS OF RECORDS** – In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be reviewed at a scheduled meeting. In addition, if you would like a copy of any record related to an item on the Agenda, please contact the Board Secretary or telephone support at 310-235-2070.

The West Los Angeles Sawtelle Neighborhood Council will hold its regular General Board meetings on the fourth Wednesday of every month and its Executive Committee meetings to be announced, and may also call any additional required special meetings in accordance with its Bylaws and the Brown Act. The West Los Angeles Sawtelle Neighborhood Council complies with Title II of the Americans with Disabilities Act and does not discriminate on the basis of any disability.

**RECORDING MEETINGS** – Note that Board meetings may be sound or recorded for backup to Minutes. We look forward to seeing you!

**SERVICIOS DE TRADUCCION** – Si require servicios de traduccion, favor de avisar al Concejo Vecinal 3 dias de trabajo (72) horas) antes del evento. Por favor contacte a Jamie Keeton al jkeeton@wlanc.com para avisar al Concejo Vecinal.

- DONE: Department of Neighborhood Empowerment
- DOD: Department of Disability
- WLASNC: West L.A. Sawtelle Neighborhood Council



Planning CPC <cpc@lacity.org>

# I was just informed that I need to "register" my phone number by noon today for April 23rd meeting

Laura Meyers <lauramink@aol.com> Wed, Apr 22, 2020 at 3:00 PM To: cpc@lacity.org Cc: irene.gonzalez@lacity.org, cecilia.lamas@lacity.org, jamie.hwang@lacity.org, andrew.westall@lacity.org, elizabeth.carlin@lacity.org

Appreciate the email.

I do want to indicate that I also spoke with the Appellant Ms. Stevenson this morning, after she spoke with Helen Jadali. And I subsequently also spoke with Ms. Jadali.

Appellant was confused about at least one thing Ms. Jadali told her. Ms. Stevenson told me that Ms. Jadali was forwarding an email to her from Gabriel (the Applicant.) In fact that is NOT what Ms. Jadali said to Ms. Stevenson (back to the issue of what she can hear on that darn phone). Ms. Jadali actually said that she, Helen Jadali, was also contacting Gabriel to tell him how to access the new system.

I remain concerned that we have a situation where Ms. Stevenson will not be able to fully participate in (or possibly fully comprehend) the meeting. And I really hope this item can be continued to a future meeting where we can either figure out better accommodations OR would hopefully be meeting in person.

Thank you,

Laura Meyers [Quoted text hidden]

## Case Project: CPC-2019-6269-CA-ACI Proposed 450 Student Middle School Development

Councilmen - John Lee (213-473-7012) and Hannah.lee@lacity.org, Chief of Staff

The document summarizes 1) Review facts in applicant's presentation and 2) summary of key concerns by community gathered through canvassing and petition signatures.

## **Applicant Presentation Review of Statements**

- Applicant Presentation states on page 4 that there are no other middle schools, there are at least 4 middle schools that are underutilized as stated above.

- Applicant Presentation states that this will benefit students of the area, but this is based on feeding availability and lottery of children

- Applicant Presentation on page 14 is not objective in their evaluation and bias to say that this school will alleviate overcrowding. In speaking to the LAUSD regional office, there is not overcrowding of middle schools. The statement is misleading and not factual.

- Applicant presentation on page 15 states there was a neighbor outreach which found 98 neighbors of support. This is far inferior number to demonstrate support for the project considering there are 70+ neighbors that have raised concerns about the project. They have had over 6+ months and they only have 98 neighbors supporting and without an acknowledgement of those that are opposed or have concerns. Immediate neighbors deny having participated in "community meeting" noted by the applicant.

## Petition has been signed by 70+ neighbors with common concerns noted below.

## Safety

There are no sidewalks in the neighborhood. Most of Lanark has no sidewalks between Reseda and Wilbur. People walk on the street. On Feb 1, 2020 a dog was hit by a car on Lanark.

Access to school will be limited to one street which limits emergency responders (i.e. police and fire departments) ability to access the school in the event of a fire or active shooter situation.

## **Existing Schools**

Schools in the proximity including Blythe Elementary, Northridge Magnet Middle School, Cleveland Magnet High school, and Magnolia Charter Academy Middle School. A new High School currently in planning review on Roscoe between Reseda and Wilbur. Reseda High School is adding a middle school that will start in the Fall of 2020.

## **Need of Community**

What study has been done to suggest that another public middle school is need?

This is a project to use public tax payer money. Under what scenario will this additional school benefit the neighborhood and demonstrate an appropriate use of funds.

## **Existing Traffic Issues**

Yolanda is high traffic use with speeding cars that speed bumps don't stop. Neighboring streets are impact with overflow from Yolanda. 400 cars are likely to be circulating in the area increases pollution and noise.

## **High Density Area**

Existing 2 community/religious centers, expected Granny flats (ADA) development, daycare centers, existing schools.

## **Exemption of CEQA**

Unknow impact of the project on the neighborhood in the long term. This is important environmental that all project must comply

## **Project Specific**

School parking does not appear to be enough (51 parking spots for 40 staff + parent volunteer and visits). Need to build underground water reservoir to prevent rain overflow to the surrounding areas. Hours of operation between 8:30-3:15 and afterschool programs will negatively traffic during peek hours. Developers are requesting multiple exemptions including, CEQA, High of buildings, property setback which is an indication that the project is too large for the land in question. Additionally, how will the compliance with the approval conditions be enforced?

## **Neighborhood Council Meeting**

The council has decided on 2/7/2020 to support the project over the objection of neighborhood residents and in favor of out of area parent and student support. Notice of meeting was not sufficient for neighborhood to attend meeting (Received on February 1, 2020).

## Lack of Planning Considerations for the Neighborhood at Large

Institutional development has gone unchecked and unregulated because no at large review of the neighborhood planning has been performed. This needs to be performed.

## Inability to engage Council Office

Through this process we have reached out to the City District #12 for support and guidance through this process but were not able to organize a meeting with the neighborhood and community members to gain a better understanding of the project and impact to the neighborhood.

## **Planning Department Assessment**

- this document was just released and over 700 pages. Its unreasonable to have the public review without any experience and comprehend the intricacies of the assessment in a short amount of time while dealing with a pandemic environment. I have not been able to see how the staff has assessed and considered the community concerns.



## Item #10 on today's agenda

Barbara Roscoe-Graff <br/>
broscoegraff@gmail.com><br/>
To: cpc@lacity.org, "Rubin, Matthew" <mrubin@valleycharterschool.org>

Thu, Apr 23, 2020 at 12:50 PM

Public comment (I could not hold on the phone any longer. I appreciate having multiple ways to participate in this meeting.)

Hi. My name is Barbara Roscoe-Graff. I have one student currently at Valley Charter Schools enrolled in 8th grade.

I'm participating today to share my support for the new facility for Valley Charter Middle School. My child and our family have been so pleased with his academic as well as social and emotional experience for the past 3 years. The new campus will bring so much to our students! I know it will be valuable for families from Reseda (I am one, born and raised. My parents still live there.) and the rest of the valley for years to come.

Valley is such a great school because they teach valuable skills like how to advocate for oneself. My son learned how to formulate an argument and to support his claims. His dad and I were recently "treated" to a presentation on why it makes sense to move his PC into his bedroom.

More than that skill, though, Valley is great because they've created a community of faculty and staff who are guided by a genuine desire to see students succeed.

Thank you so much for your consideration. I enthusiastically urge you to support our school community and our dream for a new, permanent home.

Sincerely, Barbara Roscoe-Graff

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Sent from the computer on my desk - the old fashioned way.



Planning CPC <cpc@lacity.org>

# Item #10 CPC-2019-6269-CU-F-ACI - today's hearing

Patty Pomposo <pspomposo@yahoo.com> To: Cpc@lacity.org Thu, Apr 23, 2020 at 11:03 AM

Hi,

I'm requesting Item #10 CPC-2019-6269-CU-F-ACI be continued. I have lived in the neighborhood over 30 years and along with many neighbors have strong objections to this project due to the increase in traffic and noise that it will bring. Being off of Roscoe, we are already surrounded by several churches and have Cleveland high school next door. The limited quiet time and walkability factor on Lanark Street will be reduced if this project goes thru.

Please continue this item to give us enough time to voice our concerns.

Respectfully, Patty Pomposo

# **ARMEN MAKASJIAN & ASSOCIATES**

5111 SANTA MONICA BLVD #205 LOS ANGELES, CA 90029 Tel. (213) 665-5293 / Fax. (213) 665-0809

April 22, 2020

Los Angeles City Planning Commission 200 N. Spring St. Los Angeles, CA 90012 Re. Agenda item #11. Appeal of Case #DIR-2019-5388-DB; ENV-2019-5389-CE; 5817-5823 Lexington Ave.

**Dear Honorable Commission Members:** 

I am a state of California Certified General Appraiser with over 25 years of experience in appraising apartment and non-residential buildings within the county of Los Angeles. I am also a part-time real estate continuing education instructor of various appraisal topics that include highest and best use, site analysis, and income property appraisal.

The city planning department has taken the position that a pro forma is prohibited as per AB2501. According to the assembly bill subsection (2) "A local government shall not condition the submission, review, or approval of <sub>a11</sub> application pursuant to this chapter on the preparation of an additional repo1i or study that is not otherwise required by state law, including this section.' The verbiage of the bill makes no mention that a proforma is prohibited. A pro forma is neither a report nor a study; it is a projected income and expense statement for a proposed project (source: <u>Dictionary of Real Estate Appraisal</u>, 5<sup>th</sup> <u>edition</u>). It is typically used to determine whether a project will yield the anticipated results. Reports and studies are based on observed facts and therefore do not include projections.

The planning department 's statement that they are prohibited from requesting a proforma as per AB2501 is false; AB2501 does not prohibit the city from requesting a proforma and therefore the director of planning cannot automatically grant an incentive without reviewing the project's viability, which would be justified by the analysis contained in a pro forma. Therefore a pro forma, or projection of income and expenses, does not fall under the bill' s prohibitions. A pro forma is a necessary tool that will assist in determining the economic viability of any project or incentives.

Respectfully submitted

Come Pani

Armen Makasjian Commercial property appraiser Instructor, RET

## INDEPENDENT APPRAISER D.B.A. ARMEN MAKASJIAN AND ASSOCIATES:

(September 1995 to Present)

Independent appraisal work as a private business. Fee appraiser for mortgage lenders, banks, attorneys, and various real estate brokers involving commercial property including apartment buildings, retail stores, industrial buildings, motels, single-family, condominiums, and two-to fourunit properties, including partial and fractional interest valuations. Geographic territory covers Los Angeles County and portions of Orange County. Expertise includes property appraisals involving nonconforming and unpermitted uses, and highest and best use. This includes extensive research with various, city building and planning departments.

-Appraisal instructor with Real Estate Trainers Inc., teaching various courses including Advanced and Complex Appraisals, Highest and Best Use, Expert Witness, Investment Analysis, Cost Approach, Appraising Apartment Buildings, and Report Writing.

-Real estate instructor for the real estate salesperson state exam preparation (Real Estate Trainers). -Course Written: Appraising Apartment Buildings, March 2015

-January 2001 to January 2002)-Review appraiser for HUD focusing in the south-central Los Angeles area.

## ARMEN REALTY INC: (February 1984 to Present)

<u>Real Estate Broker:</u> President of Armen Realty. Family real estate office established in 1963, incorporated in May 2004. Involved in real estate sales specializing in single family and apartment buildings. Provided sellers and buyers with competitive market analyses (CMA's) for property tax and probate considerations, including reports regarding city planning and use code changes. Participated in "canvassing" and solicited for property listings through "cold calls" and door-to-door farming. Rendered market opinions regarding property values based upon market comparisons and interest rate fluctuations.

<u>Property Management:</u> Served as off-site manager for multi-family residences. Engaged in rent collections and deposits, rental agreements/negotiations, and tenant relations. Supervised property rehabilitation and remodeling.

## LANDMARK APPRAISALS: (September 1992 to September 1995)

Fee-split appraiser on single-family and one to four-unit properties. Have prepared "Broker Price Opinions" (BPO's) and full property appraisals for GMAC involving REO's and foreclosures.

During this period, briefly worked at Benjamin Tunnell Inc., preparing employee relocation appraisals.

## EDUCATION:

-Bachelor of Science degree in Finance (real estate option), California State University, Los Angeles, 1987.

Courses included real estate principles, practices, finance, appraisal, and real estate law, Uniform Standards of Professional Appraisal Practice, (Current),Federal and State Regulations in Real Estate Appraisals, FHA and the Appraisal Process (The Appraisal Institute),Statistics, Capitalization, Partial Interests, and Reports, FHA Appraisal Practice, Environmental Issues and Obligations, Marshall & Swift Cost Seminar.

-Current completion of continuing education requirements which include the Uniform Standards of Professional Appraisal Practice (USPAP) and Federal Laws and Regulations.

## **PROFESSIONAL AFFLIATIONS:**

-Los Angeles Board of Realtors -California Association of Realtors To: Department of City Planning

Date: April 21, 2020

From: Ahmad Heydar – Managing member Hollywood Villas, LLC

Re: Response to Director's Determination

Via: e-mail (cpc@lacity.org)

# Case: DIR-2019-5388-DB-1A

Dear Department of City Planning,

I hereby formally express my objection to the proposed project at 5817-5823 Lexington Ave. I am not anti-development, as I am a developer myself, however, there are numerous flaws with what is being proposed. Two main flaws are the building being proposed is too tall and the number of parking being provided is extremely low. Do you really think 29 parking stalls, of which 16 of them are tandem, are enough for 21 units of which 14 are 5-bedroom units and one is a 4bedroom unit? I encourage you to go and try and find a place to park on Lexington Ave. or the surrounding streets one day.

You write in your report that the structures that were demolished at 5817 & 5823 Lexington Ave. were single family homes. In fact there were duplexes on both properties, not single family homes with "associated structures". You can verify this information with LA County Assessor's office. The LA Housing Department requires the number of rent controlled units being removed from the rental market be replaced when the property is being developed and density bonus is being used. The number of low income units should be at least 4, not 2. The Planning Department should require the applicant to first obtain approval for number of units to be set aside for low income from the Housing Department first. It appears the Planning Department is completely ignoring and/or undermining the Housing Department's requirements.

The applicant can simply provide subterranean parking to provide more parking stalls and cut the height of his proposed project by one level. April 22, 2020

Doug Haines P.O. Box 93596 Los Angeles, CA 90093

Los Angeles City Planning Commission 200 N. Spring St. Los Angeles, CA 90012

Re: Agenda item number 11. Appeal of Case Nos. DIR-2019-5388-DB; ENV-2019-5389-CE; 5817-5823 Lexington Ave.

I chair the planning committee for the Hollywood Studio District Neighborhood Council. Since all neighborhood councils are currently prohibited from conducting meetings, my comments regarding agenda item number 11 on the Commission's April 23 agenda are strictly my own and are intended to provide commission members with some background information regarding this project.

In October of 2018, the developer of 5817 Lexington Ave. submitted an application to the planning department for a 21-unit, six level (including roof deck), 56-foot-tall, Transit Oriented Community (TOC) project for the two-lot, 15,000 sq., ft. site in the R3-1 Zone. That TOC project consisted of three 1-bedroom units, 3 two-bedroom units, 1 four-bedroom unit, 3 five-bedroom units, and 11 six-bedroom units. For the 94 bedrooms there were 67 full bathrooms. The applicant further proposed 28 unbundled parking stalls for the 94 bedrooms in an at-grade parking garage. Two of the units were proposed as affordable: one unit for a Very Low Income tenant, and one unit for a Low Income tenant.

This application immediately raised numerous red flags. First, in my nearly two decades serving on neighborhood councils, I had never seen a residential apartment development featuring units with more than three bedrooms. This project had 11 six-bedroom units and 3 five-bedroom units. Second, in June of 2018, the Community Redevelopment Agency had deemed TOC projects within the redevelopment plan areas that exceeded a 35% density increase to be illegal. This project appeared to be skirting that density limitation (as well as the parking requirement and site plan review) by increasing the bedroom count.

When I spoke with the applicant's representative to schedule a hearing on the project, I was informed that the TOC application was being withdrawn so that a density bonus project could be submitted in its place. That "revised" project was filed with the city in September of 2019. Yet the new project plans haven't really changed at all. Instead of 3 five-bedroom units and 11 six-bedroom units, the applicant claimed that he was proposing 14 five-bedroom units. The plans, however, show that the "five" bedroom units are still the same six-bedroom units (with two units having a large, walk-in closet and extra bathroom, potentially being a 7<sup>th</sup> bedroom). The plans show that the unit mix includes 3-five bedroom units and 11 six-bedroom units and 11 six-bedroom units.

In November of 2019, the applicant also submitted plans for a 17-unit project located immediately across the street from the 5817 Lexington site, called Lexington 2. Like the 5817 Lexington project, Lexington 2 is proposed as a 56-foot-tall development on a 15,000 sq. ft., 2-parcel combined lot, with 94 bedrooms and 25 unbundled parking stalls. That project consists of 2 three-bedroom units, 1 four-bedroom unit, and 14 six-bedroom units. There would be 62 full bathrooms. Two units would be set aside as affordable for the incentives for the height and FAR increases, parking reduction, and reductions in rear yard setback and open space.

The two Lexington projects combined therefore have 188 bedrooms with 129 full bathrooms, and just 54 parking stalls. The underlying zoning allows a combined 38 units for the two sites. Under Los Angeles Municipal Code (LAMC) Section 12.21.A.1(b), if multiple toilet and bath facilities within a unit can be utilized as guest rooms, the unit count and parking requirement is supposed to be determined based on the highest possible number of units from this arrangement.

When I expressed my concerns to planning department staff regarding the two proposed Lexington Ave. projects, staff responded that determinations regarding flexible units are the purview of the Department of Building and Safety. There is no such restriction in the LAMC. I therefore ask that the commission use commonsense when reviewing this project and appeals, and recognize that cheating the system benefits no one in our community.

Thank you,

# **TRUMAN & ELLIOTT LLP**

April 21, 2020

## VIA EMAIL AND U.S. MAIL

## Supplement

Honorable President Samantha Millman and Honorable City Planning Commissioners c/o Vincent P. Bertoni Department of City Planning City of Los Angeles 200 North Spring Street, Room 621 Los Angeles, California 90012

## Re: <u>Case No. DIR-2019-5388-DB, CEQA # ENV-2019-5389-CE</u>

Dear Hon. President Millman and Hon. Planning Commissioners:

We represent 5817 Lexington, LLC ("Applicant"), owner of the property located at 5817-5823 West Lexington Avenue ("Property") in the above-referenced land use applications approved by the City of Los Angeles' Planning Director on February 13, 2020 (the "Decision").

A. We wish to clarify our Response to Appeal letter of April 14, 2020.

## 1. <u>Picemealing</u>:

The City's Staff, wisely and out of an abundance of caution, included the proposed project at 5806-12 Lexington in assessing the determination for a Categorical Exemption for the Project. Staff determined that even considering the building of both sites, despite them being developed by separate entities that:

- a) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- b) The proposed Project occurs within city limits on a Project site of no more than five acres substantially surrounded by urban uses;
- c) The Project site has no value as habitat for endangered, rare or threatened species;
- d) Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

Because there are not significant effects relating to traffic, noise, air quality or water quality the Categorical Exemption analysis is accurate.

2. Density Bonus Analysis:

Staff and Applicant's Counsel differ slightly on the interpretation of State Density Bonus Law. Nevertheless, as staff as noted, the applicant could have requested as many as 24 units (which it did not) and is entitled to 11 feet of additional height.

## **TRUMAN & ELLIOTT LLP**

Hon. Pres. Millman and Planning Commissioners City of Los Angeles April 21, 2020 Page 2 of 2

3. Appellants" Supplemental letters of April 20, 2020:

This letter presents no new or substantial evidence. It should be noted that a roof-top is not calculated as part of the height of the project.

Likewise Landscape Plans are part of the Applicant's approved project (see page 65 of Staff Report, page 1 of plans shows rendering and indicates Landscape Plans were provided to City.

Under **California's Housing Accountability Act**, (Government Code 65589.5 (j) (1) A, the City may not deny the Project without finding The development project would have a specific, adverse impact upon the public health or safety. A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Landscaping Plans or renderings, while provided to the City, do not provide a basis for project denial.

With regard to required parking, Staff correctly calculated the number of parking spaces required and the applicant is entitled to a reduction of the required car spaces by providing bicycle spaces.

Finally, Appellants attempt to deny future residents of these units smacks of pretextual discrimination. As stated by the Court in *Santa Barbra v. Adamson* (1980) Cal 3d 123, 30, (quoting *White v. Davis* (1975) 13 Cal. 3d) "The right of privacy is the right to be left alone. It is a fundamental and compelling interest. It protects our homes, our families, our thoughts, our emotions, our expressions, our personalities, our freedom of communion and our freedom to associate with the people we choose. . . . (P) The right of privacy is an important American heritage and essential to the fundamental rights guaranteed by the First, Third, Fourth, Fifth and Ninth Amendments to the U.S. Constitution. This right should be abridged only when there is a compelling public need. . . ." (Italics added.)

The Project was properly approved and Appellants' statements do not support a different result. Appellants fail to meet their burden to demonstrate a sufficient reason to overturn the decision of the Planning Director. Accordingly, we respectfully request you deny the appeals and uphold the Decision of the Planning Director.

Sincerely,

T.E. Todd Elliott of TRUMAN & ELLIOTT LLP

cc: cpc@lacity.org Alexander Troung, City Planning