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All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

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

SECONDARY SUBMISSIONS

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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November 12, 2019

BY EMAIL AND HAND DELIVERY

The Honorable City Planning Commission of the City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attn: Cecilia Lamas, Acting Commission Executive Assistant
cpc@lacity.org

Re: Case Nos. VTT-74564-1A/ENV-2016-3480-EIR and CPC-2016-3479-GPA-VZC-HD-SPR; November 14th Agenda Items 7 and 8: Response to Appeals

Dear Commissioners:

We represent Bay Capital Fund, the Applicant for the 2110 Bay Street Project, located at 2110 and 2130 East Bay Street, and 2141 East Sacramento Street (“Project Site”). The proposed mixed-use project (the “Project”) would replace an existing surface parking lot and a 4,000 square-foot manufacturing building with 110 live/work units (including 11 restricted affordable units). It would also include 113,350 square feet of creative office and 50,848 square feet of new commercial space (that may include retail and/or restaurant floor area). Further, the Project would incorporate the existing open-air warehouse shed into the new development. The Applicant is seeking a General Plan Amendment, Vesting Zone/Height District Change, Site Plan Review, and Vesting Tentative Tract No. 74564-1A (VTT-74564) for the Project (the “Approvals”).

On April 26, 2019, the Advisory Agency certified Environmental Impact Report ENV-2016-3480-EIR (the “EIR”) and approved VTT-74564. Appeals of the Advisory Agency’s decision were filed by the Supporters Alliance for Environmental Responsibility (“SAFER”) on May 3 and by the Southwest Regional Council of Carpenters (“Carpenters”) on May 6 (collectively, the “Appeals”). Subsequently, the Carpenters withdrew their appeal. The issues raised in the two Appeals that pertain to the EIR are addressed and found to be without merit in the Project Errata, October 2019. Additionally, the Appeal Recommendation Report fully addresses the Appeal issues, recommending that the Appeals be denied. This letter supplements the Errata and Appeal Recommendation Report with additional responses to the Appeals. Therefore, we respectfully request that you deny the Appeals and approve, or recommend that the Council approve, the Approvals.

Discussion

SAFER's Appeal

The Appeal Recommendation Report more than adequately demonstrates that the SAFER appeal is meritless. SAFER provides no evidence of an inadequacy in the Project EIR or of an unanalyzed Project impact.

Further, SAFER is represented by the law firm of Lozeau Drury, which has historically represented the Laborers International Union of North America, or LIUNA, which has repeatedly challenged projects and instigated frivolous CEQA lawsuits to induce applicants to make labor concessions. In fact, in March 2019, Lozeau Drury submitted a Draft EIR comment letter regarding the Project on behalf of LIUNA. The submittal of such comment letters has typically been LIUNA's first step in threatening proposed developments, which is followed by administrative appeals and then litigation if a developer does not accede to LIUNA's demands. Planning Commissioner David Ambrose has referred to this practice as "weaponizing CEQA." These two groups have an extensive track record of challenging projects seeking union negotiating leverage. (See Exhibit A¹ [Excerpt of Table of one hundred and twenty one (121) SAFER and LIUNA project challenges in Southern California between 2014 and 2019].)

As a result of its repeated pattern of CEQA abuse, LIUNA currently finds itself defending multiple lawsuits alleging violations of the Sherman Act, the Federal Racketeer Influenced and Corrupt Organizations (RICO) Act, as well as charges of abuse of process and attempted extortion.² Presumably because of these serious claims, LIUNA has become more stealthy in its efforts to oppose projects in the City. LIUNA's law firm began sending letters and filing appeals on behalf of SAFER, a new organization that was formed in early 2019. In fact, that is exactly what has happened here; after submitting its Draft EIR comment letter in 2018, LIUNA did not submit any further correspondence to the City regarding the Project. Instead, starting in April 2019, SAFER began submitting opposition letters and filing administrative appeals of the Project, including the one currently before this Committee.

Although SAFER would like to be seen as not affiliated with LIUNA, the two organizations are one and the same. SAFER has filed a statement of information with the California Secretary of State that identifies LIUNA's business manager as SAFER's Chief Executive Officer and shows that two organizations share the same mailing address in El Monte. (See Exhibits B and C.) Moreover, one of the RICO lawsuits filed against LIUNA names the same officers and agent for service of process that are shown on SAFER's statement of information. (See Exhibit D.)

¹ The full table, compiled by Coalition for Fair Employment in Construction, was submitted to the public record for a recent City of Burbank project that SAFER is opposing.

² The Carpenters, the other appellant here, has also been named in a number of these RICO lawsuits as a co-conspirator.

The Honorable City Planning Commission of the City of Los Angeles
November 12, 2019
Page 3

It is apparent that LIUNA is attempting to hide behind SAFER to shield itself from further liability. However, despite a different name, the same people-and the same law firm-are continuing the same tactics to threaten and oppose development projects that do not meet LIUNA's demand for labor concessions. We respectfully urge the Commission to recognize that the objections filed by SAFER and Lozeau Drury have no merit and represent an abuse of both CEQA and the City's administrative process. The SAFER appeal should be denied.

Carpenters' Appeal

On October 30, 2019, Mitchell Tsai, legal representative of the Carpenters, notified the Planning Department that the Carpenters were withdrawing their Appeal.

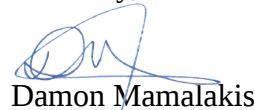
In any event, the issues raised in the Appeal are without merit. The main thrust of the Carpenter's Appeal is a recent trial court opinion regarding the Camden Arts District Project, which case was subsequently dismissed with prejudice. The Appeal Recommendation Report and Errata contain detailed responses to all of the points raised in the Appeal demonstrating that the appeal is meritless.

It is important to note that the Camden decision is not legal precedent; it is merely a trial court statement of decision. Moreover, that case has been dismissed with prejudice. Neither a writ nor a judgment was entered in that case. Thus, the Camden decision has *no* legal value whatsoever.

Conclusion

Based on the responses to the Appeals contained in the Errata and Appeal Recommendation Report, as well as the supplemental responses above, we respectfully request the Commission deny the Appeals and approve, or recommend for approval, each of the Approvals listed above.

Sincerely,



Damon Mamalakis

cc: Sergio Ibarra, Department of City Planning, Major Projects
Debbie Lawrence, Department of City Planning, Major Projects

Exhibits:

- A** - Laborers and or Carpenters Union Submissions on CEQA Reviews 2014-2019 - Southern California - excerpt
- B** - SAFER Secretary Of State Statement of Information
- C** - LIUNA contact information
- D** - Federal Action Civil Case Cover Sheet

EXHIBIT A

Date of Letter	Law Firm	Front Group & Link to Letter	Targeted Project	Stage of Environmental Review	Lead Agency
2018-04-09	Lozeau Drury	Laborers (LIUNA) Union Local 783	Seefried Valley & Catawba Warehouse Project	Notice Request	City of Fontana
2016-04-11	Lozeau Drury	Laborers (LIUNA) Union Local 783	Sierra Lakes Commerce Center	RDEIR Comments	City of Fontana
2015-02-13	Lozeau Drury	Laborers (LIUNA) Union Local 783	West Valley Logistics Center	RDEIR Comments	City of Fontana
2018-06-13	Lozeau Drury	Laborers (LIUNA) Union Local 300	520 Mateo Project	FEIR Comments	City of Los Angeles
2018-08-01	Lozeau Drury	Laborers (LIUNA) Union Local 300	520 Mateo Project	Appeal to City Council of FEIR Approved by Planning Commission	City of Los Angeles
2019-03-04	Lozeau Drury	Supporters Alliance for Environmental Responsibility (SAFER)	3170 West Olympic Boulevard	IS/MND Comments	City of Los Angeles
2019-03-11	Lozeau Drury	Laborers (LIUNA) Union Local 300 and Supporters Alliance for Environmental Responsibility (SAFER)	3170 West Olympic Boulevard	IS/MND Comments	City of Los Angeles
2019-04-12	Lozeau Drury	Supporters Alliance for Environmental Responsibility (SAFER)	3170 West Olympic Boulevard	Appeal to City Council	City of Los Angeles
2017-04-17	Lozeau Drury	Southwest Regional Council of Carpenters and Laborers (LIUNA) Local Union 300	6901 Santa Monica Boulevard	DEIR Comments	City of Los Angeles
2017-03-29	Lozeau Drury	Southwest Regional Council of Carpenters and Laborers (LIUNA) Local Union 300	6901 Santa Monica Boulevard	Notice Request	City of Los Angeles
2017-04-05	Lozeau Drury	Southwest Regional Council of Carpenters and Laborers (LIUNA) Local Union 300	6901 Santa Monica Boulevard	Public Comment Extension Request	City of Los Angeles
2018-11-13	Lozeau Drury	Laborers (LIUNA) Union Local 300	College Station Project	Appeal to Planning Commission of Agency's Adoption of FEIR	City of Los Angeles

EXHIBIT A

Date of Letter	Law Firm	Front Group & Link to Letter	Targeted Project	Stage of Environmental Review	Lead Agency
2019-01-29	Lozeau Drury	Laborers (LIUNA) Union Local 300	College Station Project	Appeal to City Council of FEIR Approved by Planning Commission	City of Los Angeles
2019-02-07	Lozeau Drury	Supporters Alliance for Environmental Rights (SAFER) and Laborers (LIUNA) Union Local 300	College Station Project	Appeal to City Council of FEIR Approved by Planning Commission	City of Los Angeles
2019-03-21	Lozeau Drury	Supporters Alliance for Environmental Rights (SAFER) and Laborers (LIUNA) Union Local 300	College Station Project	FEIR Comments	City of Los Angeles
2019-04-05	Lozeau Drury	Supporters Alliance for Environmental Responsibility (SAFER)	Hollywood & Gower Project aka 6100-6116 W Hollywood Blvd	Appeal to Planning Commission of EIR Approved by Department of Building and Safety	City of Los Angeles
2019-05-23	Lozeau Drury	Supporters Alliance for Environmental Responsibility (SAFER)	Hollywood & Gower Project aka 6100-6116 W Hollywood Blvd	Appeal to Planning Commission of EIR Approved by Planning Commission	City of Los Angeles
2017-10-16	Lozeau Drury	Southwest Regional Council of Carpenters and Laborers (LIUNA) Union Local 300	ICON at Panorama	Revised DEIR Comments	City of Los Angeles
2017-05-22	Lozeau Drury	Southwest Regional Council of Carpenters and Laborers (LIUNA) Union Local 300	ICON at Panorama	DEIR Comments	City of Los Angeles
2018-03-19	Lozeau Drury	Southwest Regional Council of Carpenters and Laborers (LIUNA) Union Local 300	ICON at Panorama	FEIR Comments	City of Los Angeles
2018-12-06	Lozeau Drury	Laborers (LIUNA) Local Union 300	Olympic and Hill Project	Appeal to City Council of MND Approved by Planning Commission	City of Los Angeles
2019-05-14	Lozeau Drury	Supporters Alliance for Environmental Responsibility (SAFER)	Times Mirror Square Project	DEIR Comments	City of Los Angeles
2019-10-16	Lozeau Drury	Supporters Alliance For Environmental Responsibility (SAFER)	Times Mirror Square Project	FEIR Comments	City of Los Angeles

EXHIBIT A

Date of Letter	Law Firm	Front Group & Link to Letter	Targeted Project	Stage of Environmental Review	Lead Agency
2018-05-18	Wittwer Parkin	Southwest Regional Council of Carpenters	520 Mateo Project	FEIR Comments	City of Los Angeles
2018-07-24	Wittwer Parkin	Southwest Regional Council of Carpenters	520 Mateo Project	Appeal to City Council of FEIR Approved by Planning Commission	City of Los Angeles
2018-09-11	Wittwer Parkin	Southwest Regional Council of Carpenters	520 Mateo Project	Complaint to Planning and Land Use Management Committee of Procedural Violations in Appeals	City of Los Angeles
2018-11-13	Wittwer Parkin	Southwest Regional Council of Carpenters	College Station Project	Appeal to Planning Commission of Agency's Adoption of FEIR	City of Los Angeles
2018-11-26	Wittwer Parkin	Southwest Regional Council of Carpenters	Fig & 8th	Appeal to Planning Commission of Advisory Agency Approval of FEIR	City of Los Angeles
2019-03-06	Wittwer Parkin	Southwest Regional Council of Carpenters	Fig & 8th	Appeal to City Council of FEIR Approved by Planning Commission	City of Los Angeles
2018-09-12	Wittwer Parkin	Southwest Regional Council of Carpenters	Selma Wilcox Hotel	Appeal to City Council of MND Approved by Planning Commission	City of Los Angeles
2019-02-26	Wittwer Parkin	Southwest Regional Council of Carpenters	Selma Wilcox Hotel	Appeal to City Council of MND Approved by Planning Commission	City of Los Angeles

EXHIBIT A

Date of Letter	Law Firm	Front Group & Link to Letter	Targeted Project	Stage of Environmental Review	Lead Agency
2018-12-06	Wittwer Parkin	Southwest Regional Council of Carpenters	Veterans Village Residences and Lynwood Transit Area Specific Plan Amendment	DSEIR Comments	City of Lynwood
2018-07-02	Lozeau Drury	Laborers (LIUNA) Union Local 1184	Brodiaea Commerce Center	DEIR Comments	City of Moreno Valley
2016-10-06	Lozeau Drury	Laborers (LIUNA) Union Local 1184	Indian Street Commerce Center	DEIR Comments	City of Moreno Valley
2014-04-23	Lozeau Drury	Laborers (LIUNA) Union Local 1184	ProLogis Eucalyptus Industrial Park	FEIR Comments	City of Moreno Valley
2015-06-10	Lozeau Drury	Laborers (LIUNA) Union Local 1184	World Logistics Center Project	FEIR Comments	City of Moreno Valley
2018-07-02	Wittwer Parkin	Southwest Regional Council of Carpenters	Brodiaea Commerce Center	DEIR Comments	City of Moreno Valley
2019-01-14	Wittwer Parkin	Southwest Regional Council of Carpenters	Newport Crossing Mixed Use Project	DEIR Comments	City of Newport Beach
2019-06-23	Lozeau Drury	Supporters Alliance for Environmental Responsibility (SAFER)	Bridge Acquisitions Warehouse	EIR Addendum Comments	City of Ontario
2017-01-03	Lozeau Drury	Laborers (LIUNA) Local Union 783	Colony Commerce Center Specific Plan	DEIR Comments	City of Ontario
2018-04-30	Wittwer Parkin	Southwest Regional Council of Carpenters	West Ontario Commerce Center Specific Plan	DEIR Comments	City of Ontario
2018-12-31	Wittwer Parkin	Southwest Regional Council of Carpenters	Trails at Santiago Creek Specific Plan	RDEIR Comments	City of Orange
2017-10-24	Lozeau Drury	Laborers (LIUNA) Union Local 1184	Duke Warehouse at Patterson Avenue and Markham Street	Notice Request	City of Perris

EXHIBIT B



State of California

Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

G583248

FILED

In the office of the Secretary of State
of the State of California

APR-17 2019

1. CORPORATE NAME

SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY

2. CALIFORNIA CORPORATE NUMBER

C4236048

This Space for Filing Use Only

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY

CITY

STATE

ZIP CODE

4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731

4. MAILING ADDRESS OF THE CORPORATION

CITY

STATE

ZIP CODE

4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/

ADDRESS

CITY

STATE

ZIP CODE

JON P. PRECIADO 4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731

6. SECRETARY

ADDRESS

CITY

STATE

ZIP CODE

ERNESTO J. ORDONEZ 4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731

7. CHIEF FINANCIAL OFFICER/

ADDRESS

CITY

STATE

ZIP CODE

ERNESTO J. ORDONEZ 4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS [Note: The person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.]

ALEXANDER B. CVITAN

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY

STATE

ZIP CODE

3550 WILSHIRE BLVD., SUITE 2000, LOS ANGELES, CA 90010

Common Interest Developments

10. ☐ Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

04/17/2019

JON P. PRECIADO

PRESIDENT

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

EXHIBIT C

[illegible]

EXHIBIT D
CIVIL COVER SHEET

Case 1:19-cv-00416-LJO-SKO Document 1-1 Filed 03/29/19 Page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Wonderful Real Estate Development LLC

(b) County of Residence of First Listed Plaintiff Los Angeles

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kristina M. Diaz, Roll Law Group P.C., 11444 W Olympic Blvd., Los Angeles, CA 90064, (310) 966-8400; Tom Goldstein, Goldstein & Russell, P.C., 7475 Wisconsin Ave, Bethesda, MD, (202) 362-0636

DEFENDANTS

The Laborers International Union of North America Local 220; Southern California District Council of Laborers; Alexander B. Cvitan; Jon P. Preciado; Ernesto J. Ordonez; Sergio Rascon; Does 1-10

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☒ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. § 1962(c)Brief description of cause:
Civil RICO based on extortion**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

03/29/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Kristina M. Diaz

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset



Tuesday, September 4, 2019

Subject: 2110 Bay Street EIR deficiencies

Honorable City Planning Commissioners
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Dear Commissioners,

Blue Arch Investments Inc. Los Angeles, California opposes certification of the Final EIR for the Bay Street Mixed Use Development CEQA: ENV-2016-3480 EIR SCH. 2017031007 and seeks to challenge the findings.

In summary we are asking to:

- A. Recirculate the Draft EIR to provide “meaningful public review and comment” that were precluded where key CEQA checklist items tier to an Initial Study that dismisses them as “no impact”.
 - Land Use and Planning - Re:Code LA – Cumulative Impacts of Adjacent Proposed Development
 - a Physically divide an established community
 - b Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation
 - Biological Impacts – potential biological impacts in River Overlay Improvement dismissed as “no impact” in Initial study with no substantiating discussion and omitted from discussion in EIR
 - a impacts to sensitive species
 - d interfere with the movement of native species
- B. Postpone approval and certification of the EIR until a comprehensive plan to rezone the industrial area is implemented, allowing community participation and non-preferential treatment for “foreseeable” development expansion.

Discussion for A. Recirculate the Draft EIR

CEQA Item XI Land Use Planning Consistency and Compatibility Thresholds - Zoning Enforcement

Although the General Plan amendment actions that were modified are within the codified exceptions for amendment, we are here for a public hearing because the changes are not minor. As the CPC agenda notes: Pursuant to LAMC Section 12.32, “a Vesting Zone and Height District change from M3-1-RIO (Heavy Industrial Zone) to CM -2-RIO (Commercial Manufacturing Zone in Height District 2) to permit the construction of a new mixed use project containing a maximum of 110 Live/Work Units...”

There are three major projects in this block should have been analyzed together, cumulatively, as a part of a redesigned zoning or special zoning district See Figure 1. Instead, a piece-meal approach circumvented cumulative effects analysis. Hyperloop One to the east of the proposed Bay Street project, fits the context of the industrial area. But it has plans to expand as a research and development campus with commercial restaurant and 8-story creative office workspace and a minimum of 444 parking spaces. This Hyperloop One Campus expansion would be served by the adjacent Bay Street residential complex with restaurants and other amenities and the newly opened Soho hotel and fitness center on the corner of Santa Fe Ave. Hyperloop One already uses all of the buildings between Sutter and Bay Street.

We are asking for a public participation process in rezoning like the Recode: LA promised. Small businesses and developers need to be aware and prepare for the coming opportunities at the same time as the big developers which in this case are driving the plan rather than local government representing a local constituency of people and developers.

The re:Code LA process is languishing due to lack of planning as meetings have been planned and cancelled all summer. So far this year meetings occurred in February, March and May. The Bay Street project requests General plan and Central City North Community Plan amendments to rezone to the developer's needs and violates re:Code LA's promise to,

Zone like we mean it, and in a transparent way. Let's broadcast our intention to get quality development for everyone. Let's streamline the review processes to achieve the outcomes we want with less hassle. Let's upgrade our neighborhood protection. Let's make LA a model of how web-based zoning gets done right. Re:code LA will serve up the Code in smart, functional, and easy-to-use way. <https://recode.la/about>

The Developments on the block bounded by Sacramento Street, Bay Street and South Santa Fe Avenue are an example of the consequences of preferential zoning that lacks transparency and is not a "web-based recode". While these three new developments flourish under the auspices of piecemeal zoning amendments and a statement of over-riding considerations for significant traffic impacts, The Creative Arts Playhouse, on the same block was forced to close after rigorous enforcement of liquor license laws since they had a potluck with a love-donation and alcohol was present.

Considering the matter of dividing the community under CEQA thresholds for land use planning, it isn't just dividing a community, it tacitly displaces the "struggling artist community" in favor of the gentrified high-tech community that will likely be living at Bay Street to work at Hyperloop One. The struggling arts community can serve as vendors and entertainment for the exclusive Soho Hotel and club. But when it comes to developing their own properties the neighborhood has become a high-tech members only club.

The Creative Arts Playhouse was a cooperative resource for local artists and performers to gather and perform their craft and share in the Arts District community. They did not receive the kind of preferential treatment the big money developers received in navigating their entitlements process even after attempts to correct their less-than-egregious error.

The developers of the 3 new projects, Hyperloop One Campus owned By Virgin, the Bay Street Mixed use residential owned by Bay Capital Funds and the Soho Hotel and fitness club, which just opened in October 2019, have effectively re-zoned the entire block without having to analyze or comply with the

zoning regulations as a cumulative effect. Each one was approved independently with zoning amendments.

CEQA Item IV Biology Resources

In response to Initial Study CEQA checklist items IV Biological Resources, a through f, (all checklist items) the EIR states that:

The Site does not contain any natural open spaces, act as a wildlife corridor, nor possess any areas of significant biological resource value. No hydrological features are present on the Site and there are no sensitive habitats present... Therefore, no impact would occur. Further evaluation of this issue in an EIR is not required.

CEQA requires, “Recirculation of an EIR Prior To Certification” when in the case of Biological Resources Section 15088.5 a) (4):

The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

CEQA checklist questions were developed to prevent opportunism in making baseless claims that “no impacts exist”. An unsupported claim that no biological resources exist does not constitute evidence that there are no impacts to habitat or species. The EIR is “insufficient” in its analysis without an evaluation of Biological Resources and the opportunity for meaningful public review and comment.

B Postpone Approval and Certification of the EIR until a plan to comprehensively rezone or design a specific plan for this portion of the Alameda East Redevelopment Study Area is completed.

- Choose alternative 1 No Project, Alternative 2 all commercial/office or Alternative 4 the zoning compliant alternative since the Project Alternative and the Environmentally Superior Alternative both:
 - Exacerbate the conditions of two issue items for the zoning planning in Central City North Plan’s Alameda East Redevelopment Study Area
 - Lack of adequate access to industrial areas due to outdated street design and circulation patterns.
 - Intrusion of commercial and residential uses into previously industrial areas.
 - Have significant unmitigable impacts to traffic
 - Lack transparency and public involvement in the re:Code LA rezoning process
- 5. We object to the selection of the Project Alternative in the EIR that has significant traffic impacts and we also object to the environmentally superior alternative which was not selected since both have significant impacts that would require a “statement of overriding considerations”. In order to adopt a valid Statement of Overriding Considerations there must be specific considerations that make identified mitigation measures or alternatives infeasible. Instead this loophole is being used as an administrative convenience to violate policies and procedures for planned re-zoning.

While the developer justifies meeting the planned growth objectives for downtown redevelopment, it does so at the expense of other developers who can’t get their foot in the door for “spot rezones” with their smaller projects. This Project is within the Central City North Community Plan’s Alameda East Redevelopment Study Area. Where:

Many deficiencies exist in the Alameda East study area which makes the area less than desirable for "modern" industrial activity. These deficiencies include the physical condition of the streets, loading and unloading activities, and parking conditions. Other difficulties include poor design of intersections, the presence of dead end streets, and the lack of continuous north/south corridors.

ISSUES

Lack of adequate access to industrial areas due to outdated street design and circulation patterns.

Intrusion of commercial and residential uses into previously industrial areas.

Outdated warehouse and industrial facilities that can no longer accommodate modern technology. <https://planning.lacity.org/complan/pdf/ccncptxt.pdf> (p-I-6)

The proposed project contributes to and exacerbates all of these issues without proper public participation or meeting the "transparency" goals of re:Code LA. Furthermore, both the proposed project and the environmentally superior alternative, have significant impacts to traffic that can only be resolved with a statement of overriding considerations. Considerations cannot be deemed "overriding" when these impacts conflict with multiple "applicable land use plan, policy, or regulations" in addition to cumulative effects of piecemeal zoning.

The EIR analysis determines Alternative 3 (Reduced Intensity) to be the **environmentally superior alternative**. It has a 45% reduction across all uses as compared to The Project. Alt 3 has 61 DU w/ no affordable housing. Alt 3 has the same FAR 3.9:1 with total 287,137 sq. ft. as The Project and same commercial space, 50,848 sq. ft., as The Project.

However, impacts from traffic in Alt 3 are much less than The Project. Signal system upgrades (mitigation measure 3) would be required at only one of the five locations recommended for The Project. Alt 3 would result in NO intersections with significant and unavoidable intersection impacts.

This issue on signal upgrades that would be overlooked in Alt 3 the "environmentally superior" alternative, just "kicks the can down the road", these issues should be managed at a planning level in zoning not as a case-by-case spot approach to zoning.

"Project-specific zoning" excludes the smaller developers that are not otherwise able to overcome these zoning barriers. If the actual intention is to change the zoning for this area into a mixed-use industrial with residential, then land use planning should let all entrants to the re-development process in at the same time. Currently the development of this area is only open to exclusive developers, with multiple major projects throughout the City or high-profile exclusive developments than can afford to circumvent the planning process.

The Project should not be approved with a "Statement of Overriding Considerations" because these considerations can be met in many other ways, more quickly and with broader participation within the development community. We object to all of the proposed mixed use alternatives for these reasons.

Sincerely,

A handwritten signature in cursive script, reading "Debbie Kinsinger".

Debbie Kinsinger
Owner/Principal Scientist
Kinsinger Environmental Consulting

DAY OF HEARING SUBMISSIONS

UNITE HERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-0550 • FAX (213) 481-0551

November 13, 2019

City Planning Commission, City of Los Angeles
200 N. Spring Street, Council Chamber Rm. 340
Los Angeles, CA 90012
cc: Kathleen King
cpc@lacity.org
kathleen.king@lacity.org

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NOV 14 2019

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

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RE: ITEM 6, CPC REGULAR MEETING OF NOVEMBER 14, 2019; FIFTH & HILL PROJECT (319 – 323 5TH STREET;
440 – 442 SOUTH HILL STREET); DCP CASE NOS. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR, ENV-
2016-3766-EIR, VTT-74593

Dear City Planning Commission:

UNITE HERE Local 11 ("Local 11") respectfully provides the following comments regarding the Transfer Floor Area Ratio ("TFAR") Public Benefit Payment for the mixed-use development proposed by Jeffrey Fish of JMF Enterprises V, LLC ("Applicant") located at 319-323 5th Street and 440-442 S Hill Street ("Site"). The Applicant is proposing a 53-story, 255,812 square foot development with 190-room hotel, 31 residential condominium units, and 29,232 square feet of restaurant uses ("Project"). Among other entitlements the applicant is requesting 155,834 square feet of TFAR to be transferred from Los Angeles Convention Center to the project site to permit the requested 13:1 FAR.

As noted in our earlier comment letter submitted on September 10, 2019,¹ and public testimony at the September 12, 2019 City Planning Commission ("CPC") hearing, Local 11 is concerned that the City of Los Angeles ("City") is being shortchanged by as much as \$3.95 million on the Public Benefit Payment from the transfer of FAR for this Project. At the September 12, 2019 CPC hearing, Local 11 raised 2 issues around the TFAR Public Benefit Payment calculation:

1. The Site appraisal was out of date and did not comply with the Los Angeles Municipal Code ("LAMC" or "Code") §§ 14.9.3, 14.5.9; and
2. The appraisal is undervalued compared to similar TFAR projects in the area.

The Department of City Planning ("DCP") staff agreed with Local 11 that the Applicant's appraisal was out of date and did not comply with Code. Subsequently, the Applicant had the property reassessed and submitted an updated TFAR application. Surprisingly, the new appraisal, which purports to assess the value of the property as of September 30, 2016, 18 months after the original appraisal, was lower than the original. This, despite the Los Angeles County Assessor values for the 3 assessed parcels consistently going up² during 2015-2017, and despite positive indicators in the Los Angeles commercial real estate market during the same time frame³.

¹ Local 11 (9/10/19) Project Comment Letter, <https://www.dropbox.com/home/CPC%20-%20Attachments%2011/14/19?preview=CPC+Comments+Fifth+Hill+9.10.19.pdf>

² Los Angeles County Assessment records as provided by Lexus Nexus Property Records search on 11/12/19.

³ Allen Matkins and UCLA Anderson Forecast (Summer/Fall 2016) Commercial Real Estate Survey Issue No. 19, http://www.uclaforecast.com/allenmatkinscres/2016/amcres_summer-fall_2016_v1.pdf.

Appraisal	Date Submitted to DCP	Date at which Value Was Appraised	Site Valuation
Original Appraisal	September 30, 2016	March 20, 2015	\$5,830,000
New Appraisal	October 7, 2019	September 30, 2016	\$5,750,000

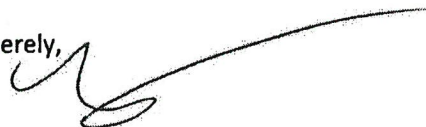
Additionally, the new appraisal report conducted by Valbridge Property Advisors was not located in the DCP files for the Project⁴ and only made available to Local 11 on November 12, 2019 – making adequate vetting of the information before the hearing impossible. Particularly given the complexity of conducting a “retroactive” assessment of the property values nearly three years after the fact, the methodology and assumptions of the appraisal report need to be thoroughly vetted. We request that the decision on TFAR be postponed so that the new appraisal report can be appropriately vetted, and interested parties can further comment on the adequacy of the valuation presented in the report.

Furthermore, as stated in our September 10, 2019 letter, the Site’s original \$5.83 million valuation, and therefore the new \$5.75 million valuation, appears to be very low when compared to nine similar downtown TFAR projects within one mile of the Project Site, which shows the price per square foot varies from \$373 to \$731 with an average valuation of \$527. The Applicant’s new valuation of the Project Site at \$345 per square foot appears inexplicably low. We urge the City to ensure the adequacy of the valuation by requiring the new valuation to be peer-reviewed before approving the Project’s TFAR—millions of Public Benefit Payment funds are at stake, which are desperately needed for vital public benefits like affordable housing.

Lastly, due to the severe housing affordability crisis in the City, and the lack of any affordable accommodations in the proposed Project, we believe that the downtown community would be better served if the entirety of the discretionary allocation of Public Benefit Payment was allocated to the City’s Affordable Housing Trust fund for the creation of affordable housing. This would be consistent with CPC commissioners’ recent recommendations on a similar downtown TFAR project.⁵

Local 11 appreciates the opportunity to provide these comments. Our members have a direct interest in seeing that the Project’s Public Benefit Payment is correctly assessed and remitted to the City because access to affordable housing and improved public infrastructure directly impacts their lives. Substantial evidence demonstrates that the Site was under-valued, which could result in loss of public benefits to the downtown community and residents. We urge the CPC to withhold approval of the Project’s TFAR request until it ensures an accurate appraisal of the Project Site is performed by an independent third-party neither associated with nor under the control of the Applicant.

Sincerely,



Yelena Zeltser
Research Analyst

⁴ As confirmed by Local 11 by reviewing the Project files on November 8, 2019 at DCP offices.

⁵ CPC Hearing Audio (10/10/19) Item 6, Olympic Tower Project (DCP Case Nos: VTT-73966-CN-1A, CPC-2015-4557, ENV-2015-4558), hh:mm:ss 01:12:30 – 01:12:45, 01:27:50 – 01:28:05, <https://planning.lacity.org/StaffRpt/Audios/CPC/2019/10-10-2019/6%20VTT-73966.MP3>.

#78

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LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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November 12, 2019

BY EMAIL AND HAND DELIVERY

The Honorable City Planning Commission of the City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attn: Cecilia Lamas, Acting Commission Executive Assistant
cpc@lacity.org

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NOV 14 2019

CITY PLANNING DEPT
AREA PLANNING COMMISSION

Re: Case Nos. VTT-74564-1A/ENV-2016-3480-EIR and CPC-2016-3479-GPA-VZC-HD-SPR; November 14th Agenda Items 7 and 8: Response to Kinsinger Opposition Letter

Dear Commissioners:

As you know, we represent Bay Capital Fund, the Applicant for the 2110 Bay Street Project, located at 2110 and 2130 East Bay Street, and 2141 East Sacramento Street ("Project Site"). We previously provided you with a detailed response to the appeals filed by the Supporters Alliance for Environmental Responsibility and the Southwest Regional Council of Carpenters and respectfully requested that you deny the Appeals as recommended in the detailed Appeal Recommendation Report. We just received an opposition letter filed by Kinsinger Environmental Consulting on behalf of Blue Arch Investments to which we are responding to herein. None of the allegations have merit and require recirculation of the Project's Environmental Impact Report ("EIR") as requested as demonstrated below.

First, the Project is not part of Re:Code LA as that is a separate Planning Department initiative. And contrary to the commenter's suggestion, the Project and others in Downtown should not be held hostage until the City completes the Re:Code LA initiative or until a specific plan for "this portion of the Alameda East Redevelopment Study Area" is completed.

Second, there is no basis to the comment that the Hyperloop expansion, the Soho House and the Project should have been analyzed as one project. Each of these projects is separately owned, independently proposed, sought, or is seeking entitlement applications and they are not connected such that they should be analyzed as one project; mere proximity or similarity in entitlement requests does not make separate projects one project for CEQA purposes. That said, the Project EIR did consider the Soho House as Related Project #35. As to the Hyperloop expansion, no application was on file at the time the Project's related project list was compiled so it was not analyzed as a related project, and did not need to be.

Third, as the Project site does not contain "an established community," there is no community that the Project could be physically disrupting. Nor does the Project "include

ARMBRUSTER GOLDSMITH & DELVAC LLP

The Honorable City Planning Commission of the City of Los Angeles
November 12, 2019
Page 2

features such as a highway, aboveground infrastructure, or an easement through an established neighborhood community that could cause a permanent disruption in the physical arrangement of that established community or otherwise isolate an existing land use.” (LA CEQA Thresholds Guide page H.2-1.) The EIR determination of no impact is correct (Draft EIR page IV.G-16), and the commenter failed to submit any substantial evidence to the contrary.

Fourth, the commenter is incorrect in asserting that there is no support for the determination that biological resources do not exist on the Project site and also failed to submit any substantial evidence to the contrary. The Initial Study determination was based on a site inspection by the EIR Consultant, CAJA Environmental Services, confirming on NavigateLA that the Site is not within Los Angeles Significant Ecological Area, confirming that the Site is not within a Riparian or Wetland habitat according to the U.S. Fish and Wildlife Service, the Protected Tree Report (Appendix C to the Initial Study) as well as other physical site inspections including the Phase 1 (Draft EIR Appendix G-1 [“The northern portion of the property is occupied by a large, predominately open-sided warehouse building. The southern portion of the site is occupied by a brick building and a partially enclosed shop-type building. The remainder of the site is open space that is covered with asphalt pavement.”].)

Fifth, the commenter provides no reasoned basis to support its objections to the EIR’s alternatives analysis. The fact that the commenter would have liked to see different alternatives considered is of no moment. The Draft EIR properly provided a reasonable range of alternatives to the Project for consideration and analysis.

Sixth, the commenter is incorrect about the lack of transparency and public participation. The Project’s EIR and entitlements have been subject to the standard and required public disclosure and participation process, include publishing the Draft EIR for 50-days to which six public comments were received. In addition, public hearings were and continue to be held.

Seventh, “project-specific zoning” is permitted under the City’s Charter. The commenter’s comment about zone change requests being limited to “exclusive developers” to the exclusion of “smaller developers” is not supported by fact, law or reality. Charter Section 555 and Los Angeles Municipal Code Section 12.32 are available zoning tools for qualifying projects.

As such, there is no merit to the opposition comments, no basis to recirculate the EIR and no reasoned basis to deny the Project approvals, grant the Appeals or delay either. We respectfully request the Commission deny the Appeals and grant the Project entitlements.

Sincerely,



Damon Mamalakis

cc: Sergio Ibarra, Department of City Planning, Major Projects
Debbie Lawrence, Department of City Planning, Major Projects

#7,8

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LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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November 13, 2019

BY EMAIL AND HAND DELIVERY

The Honorable City Planning Commission of the City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attn: Cecilia Lamas, Acting Commission Executive Assistant
cpc@lacity.org

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NOV 14 2019

**CITY PLANNING DEPT.
AREA PLANNING COMM.**

Re: Case Nos. VTT-74564-1A/ENV-2016-3480-EIR and CPC-2016-3479-GPA-VZC-
HD-SPR; November 14th Agenda Items 7 & 8: Response to SAFER 11.13.19 Letter

Dear Commissioners:

As you know, we represent Bay Capital Fund, the Applicant for the 2110 Bay Street Project, located at 2110 and 2130 East Bay Street, and 2141 East Sacramento Street ("Project Site"). We previously provided you with a detailed response to the appeals filed by the Supporters Alliance for Environmental Responsibility (SAFER) and the Southwest Regional Council of Carpenters and respectfully requested that you deny the Appeals as recommended in the detailed Appeal Recommendation Report. We just received a further letter from SAFER, in violation of CPC Rules, which asserts additional meritless arguments. We respond briefly below.

First, CPC Rule 4.3 provides that submissions within 48 hours of a scheduled hearing are limited to two pages including exhibits. SAFER's letter is 12 pages long and should be rejected.

Second, none of SAFER's allegations withstand scrutiny:

- SAFER alleges the Project site is contaminated with toxic chemicals and poses a danger. SAFER fails to acknowledge that following the Phase I Environmental Site Assessment (ESA), a Phase II ESA was conducted and a follow up investigation regarding Underground Storage Tanks (USTs) and a clarifier. (DEIR Appendices G-2, G-3, DEIR pages IV.E-11-14.) The results demonstrated that (1) there are no USTs on site and (2) the clarifier remained intact. The clarifier was subsequently removed and no further environmental action was required. The DEIR concluded: "Based on the analyses in the Phase I ESA, Phase II ESA, and Clarifier Removal documents, the Project would not release hazardous materials. **Impacts will be less than significant and no mitigation measures are required.**"
- SAFER alleges that a soil clean-up plan is required mitigation and the failure to include it in the DEIR was a CEQA violation. However, as noted above, the DEIR determined that there was no threat of a hazardous materials release, including soil contamination and no mitigation was required. In explaining the same to Department of Toxics Substance Control, the Response to Comment merely noted that if unexpected soil contamination were to be

The Honorable City Planning Commission of the City of Los Angeles

November 13, 2019

Page 2

discovered – which is unlikely given the investigations and removals, such removal would be subject to “applicable regulations concerning the release and handling of hazardous substances, as well as the applicable federal and State regulations governing transport, storage, and use of hazardous materials” as is the City’s standard procedure and best practices. (FEIR II-6.) As no mitigation is required, there can be no improper deferred mitigation.

- SAFER alleges the EIR failed to analyze indoor air quality impacts from formaldehyde. However, SAFER provides no credible evidence that the Project will be constructed with building materials with significant amounts of formaldehyde, citing only outdated, unsubstantiated, and/or general information. The unsubstantiated comments regarding the indoor air quality risk levels have no merit, as there is no analysis to assess any risk level as stated in the comment. Moreover, the existing rules and regulations are robust and adequate to ensure that issues related to formaldehyde from building materials will not be an issue for indoor air quality at the project including: (1) Title 24: The Building Energy Efficiency Standards¹ which address the “energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings; (2) The California Green Building Standards Code² which applies to new commercial and industrial buildings; and (3) CARB ATCM³ (Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products).
- SAFER alleges future gauging for sewer capacity is improper deferred mitigation. However, LA Sanitation determined that “it appears the sewer system might be able to accommodate the total flow for the project” based in current gauging and evaluation (FEIR II-18) and the DEIR concludes that there is sufficient capacity at the wastewater treatment facility (HTP). Future confirmatory gauging at the time of permitting is standard City practice, not deferred analysis or mitigation. Moreover, should additional infrastructure upgrades be required, such would be process under the CEQA Class 32 exemption, the cost of which is borne by the developer.
- SAFER makes various allegations concerning the requested General Plan Amendment and Zone change. All of those issues are exhaustively addressed in the October 2019 Errata.

In conclusion, SAFER’s further allegations are meritless and we respectfully request the Commission deny the Appeals and grant the Project entitlements.

Sincerely,



Damon Mamalakis

cc: Sergio Ibarra, Department of City Planning, Major Projects
Debbie Lawrence, Department of City Planning, Major Projects

¹ 2019 Building Energy Efficiency Standards: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>

² California Green Building Standard Code: <https://ww3.arb.ca.gov/research/indoor/greenbuildings.htm>

³ CARB Airborne Toxic Control Measure: https://ww3.arb.ca.gov/regact/2007/compwood07/fro-final.pdf?_ga=2.6233904.2078388042.1564574457-610727980.1563828547

NOV 14 2019

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

November 14, 2019
Los Angeles City Planning Commission Appeal
Case No.: DIR-2019-1971-TOC-1A (Agenda Item No. 12)

Dear Sir or Madam:

FILE COPY

I respectfully appeal the Director of Planning's determination that (1) the project site at 517-525 ½ North Gramercy Place qualifies for a 60% density bonus and increased height incentive on top of the project's other incentives and that (2) the project is exempt from CEQA.

Base Incentives and Even More Incentives for. . .??

First, the staff response on the Appeal Analysis states that the project will develop an underutilized lot (p. A-5). It does not mention that the lot is underutilized because the applicant evicted the former tenants (low-income multi-generational families) from their homes and left the property vacant and open to trespassers for over a year. This visibly vacant and unsecured property attracted criminals and drug addicts, causing the neighborhood to rapidly decline in safety. Surrounding neighbors repeatedly called the city and police to report these trespassers and to alert the applicant to secure their property. In fact, on February 6, 2018, the applicant's negligent failure to secure the property led to a fire in one of the homes on the site which severely impacted our condo building on Maplewood Avenue. Residents of the Maplewood building were evacuated during the fire, and the LA Fire Department entered several of our units (as well as the building roof) to combat the fire in Gramercy Place. Several Maplewood residents returned to their units to find demolished entryway doors and windows, interior & exterior smoke damage, and other damages from the fire. Despite repeatedly going out of our way to work with the applicant and their out-of-state insurance company, the residents of Maplewood were never reimbursed for the damages caused by the applicant's negligence. These are the people to whom the City is awarding multiple entitlements.

Housing Replacement

We appreciate the need for housing in LA, but the City is authorizing the applicant to exploit our residential community for a NET ZERO increase in affordable housing. Under state law, 5 of the 7 tenants whom the owner evicted are presumed to have been low income households. These were 5 homes not 1-bedroom apartments. The law requires any developer to replace those five tenancies with equivalent affordable units. Five affordable units is what the project proposes. It is not adding to the City's affordable housing stock; the applicant is offering the statutory minimum and banking on easy density bonus credits to maximize profits at our expense.

The 60% density bonus for Tier 2 developments granted in the TOC Guidelines wildly exceeds any such bonus granted in state law or city law, which tops off at 35%. These Guidelines were not adopted by the City Council, and they cannot mean that developers effectively get a double bonus on top of a height incentive, parking incentive, setback incentive, and more—for adding net zero to our affordable housing stock. The increased height to the project will leave several Maplewood units in complete darkness, our property values are expected to plummet, and the project will be so close that I could probably stick a broom out my window to touch the adjacent building. During construction, I fear dust will blanket Maplewood, and given the tight space, debris or even rebar could crash into units—we are in for another accident.

Additional Incentives

The City's willingness to rubber stamp project applications is also concerning. The staff report says that the incentives in the TOC Guidelines were "pre-evaluated" such that "the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project." (p. 13-14 of Director's Determination.) This is clearly an invitation to unscrupulous developers to exploit neighborhoods. They know no one is watching.

The officials appointed to guard the public's interest are rubber-stamping approvals. Staff suggests that the state density bonus law requires this, but that cannot be. I urge you, as part of your civic duty, to review the City's obligations when doling out entitlements that will affect neighboring property interests, the public safety, and community members' quality of life.

CEQA This project does not qualify for a Class 32 in-fill exemption for the following reasons:

- An in-fill exemption is conditioned on a project approval not resulting in any significant effects relating to noise or air quality. The project's CEQA analysis seems to be saying that the City is not required to consider the cumulative impacts of surrounding construction projects when determining significance. But Appendix G of the CEQA Guidelines requires analysis of "a cumulatively considerable net increase" of non-attainment criteria pollutants.
- Even if the project qualified for an in-fill exemption, it would be subject to the exception for cumulative impacts and significant effects. The applicant's CEQA analysis acknowledges this, but then summarily concludes that the exceptions don't apply. In fact, the reports states that "There is not a succession of known projects of the same type and in same place as the subject project." THAT IS A MATERIALLY FALSE STATEMENT.

Less than a quarter mile from the project site there are 6 major construction projects; one construction project spans an entire city block and is located on the next street. What's more, the report acknowledges that we are in a nonattainment basin for many toxic air pollutants, including PM10 and PM2.4. (see page 6 of Pomeroy Analysis.) The analysis also recognizes that "Construction activities involving grading and site preparation would primarily generate PM2.5 and PM10 emissions." (p.7.) Given these facts, I do not see how the applicant can conclude that the project's air quality impacts will be less than significant.

- In general, this report is out of line with court decisions saying that CEQA requires an analysis that is adequate to inform the public about the health consequences of air quality impacts, particularly in nonattainment basins. The Supreme Court in Friant Ranch recently affirmed that a reasonable CEQA analysis must inform the public and decisionmakers of the health consequences that result when more pollutants are added to a nonattainment basin. You need to connect the raw numbers with the impacts. Yet here, we don't know the increased risks. The analysis of localized emissions, particularly relevant to residents, is similarly uninformative and inadequate.
- Noise_ All of the numbers in the applicant's noise analysis indicates that the project will have significant noise impacts, and yet the report concludes otherwise by pointing to a "reduction of 20 dBA per code-required noise reduction techniques." (p. 17 of Pomeroy Analysis.) The subsequent analysis is insufficient for us to determine how in fact the noise impacts will be reduced. We cannot tell if this is bona fide mitigation or mere hand-waving.
- Appendix G says you must analyze the "increase in ambient noise levels." This report doesn't. The analysis also notes that "occasional single-event disturbances from construction are possible," but doesn't explain what we residents should be expecting.



ITEM 13

Irene Gonzalez <irene.gonzalez@lacity.org>

Re: Statement for Public Hearing on 1819 W Montrose Street

Cecilia Lamas <cecilia.lamas@lacity.org>

To: Irene Gonzalez <irene.gonzalez@lacity.org>, James Williams <james.k.williams@lacity.org>

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----- Forwarded message -----

From: **Hakeem Parke-Davis** <hakeem.parke-davis@lacity.org>

Date: Wed, Nov 13, 2019, 8:00 AM

Subject: Fwd: Statement for Public Hearing on 1819 W Montrose Street

To: Cecilia Lamas <cecilia.lamas@lacity.org>

----- Forwarded message -----

From: **Kate Briggs** <katerbriggs@gmail.com>

Date: Tue, Nov 12, 2019 at 7:05 PM

Subject: Statement for Public Hearing on 1819 W Montrose Street

To: <hakeem.parke-davis@lacity.org>, <amy.ablakat@lacity.org>, Craig Bullock <craig.bullock@lacity.org>, <coniepn@gmail.com>

Hi Hakeem-

I am unable to attend the public hearing on November 14th, and would like to request that my statement below be read at the hearing, and also provided to the officials making the decision on this item. Thank you!

"I have been an Echo Park resident for over a decade, and my husband and I have owned a home adjacent to the proposed property for the majority of that time. I am also the president of our HOA, and represent the interests of our members as well.

Our primary concern as property owners is the plan to remove the existing hillside in order to make room for the new construction. Due to the very steep incline and seemingly unstable nature of the hillside on which our properties sit, my family, as well as multiple neighbors, were independently inspired to seek out geological assessments of the hillside before purchasing our homes. We were all reassured by different professional geologists that our homes were not in danger due to layers of bedrock in the hillside that sit perpendicular to the slope. According to our geologist, that bedrock has been holding the hillside in place for millenia, and will continue to do so for many more.

The proposed structure will completely remove the bedrock layers from the hillside, and replace them with a retaining wall dozens of feet high. You don't need an engineering degree to understand that no man-made structure will last as long as bedrock. In fact, retaining walls of this size can fail in as little as 50 years, well within the timespan in which we hope to still be living in this home. Take a walk around our neighborhood, and you will see that every retaining wall there is currently failing, despite all being under 10 feet high. It is unfathomable to me that my home, and the homes of all of my neighbors, many of whom have lived in their houses for decades--since our shared driveway was a horse path--will be jeopardized in this way in order to make room for a new development that is much taller than should be permitted.

Our additional concerns include the safety of the neighborhood due to additional traffic impact caused by adding such a high-density development, and also by creating a driveway on Montrose Street, not far from its intersection with Glendale Boulevard. While generic calculations might state that there will not be a significant impact, I can tell you as someone who walks these streets every day that that is simply false. Despite my love of Echo Park's walkability, I have had to refrain from walking on sidewalks during morning and evening rush hour due to the high volume of cars attempting to use Montrose and Bonnie Brae in order to avoid traffic on Glendale. These are the aggressive drivers, doing everything they can to save a minute, including running stop signs, resulting in me nearly being hit as a pedestrian by commuters twice in the span of one month. I cannot imagine how adding dozens of additional drivers, and a driveway to an underground garage on Montrose right at Glendale, a stop sign intersection which is always backed up at least 20 cars deep during rush hour, will further escalate this already extremely treacherous situation.

I would also like to note that many of our neighbors and other Echo Park residents have attempted to contact the city plan checker for this project, as well as his office, a number of times throughout this process in order to acquire more information and voice our concerns, and none of us ever received a response. The minutes from a community meeting with the developers on the subject, during which a great deal of opposition from a variety of stakeholders was voiced, have gone missing. We are also deeply concerned that the city has accepted plans which grossly understate the slope of our hillside. We believe this alone means the entitlement phase should be begun anew, with accurate slope assessments and appropriate considerations of community concerns.

Sincerely,



Irene Gonzalez <irene.gonzalez@lacity.org>

Fwd: Public Hearing Statement for Appeal of Height Increase

1 message

Cecilia Lamas <cecilia.lamas@lacity.org>

Thu, Nov 14, 2019 at 2:06 PM

To: Irene Gonzalez <irene.gonzalez@lacity.org>, James Williams <james.k.williams@lacity.org>

----- Forwarded message -----

From: **Hakeem Parke-Davis** <hakeem.parke-davis@lacity.org>

Date: Wed, Nov 13, 2019, 8:11 AM

Subject: Fwd: Public Hearing Statement for Appeal of Height Increase

To: Cecilia Lamas <cecilia.lamas@lacity.org>

----- Forwarded message -----

From: **Amelia Sims** <amelia.sims@gmail.com>

Date: Tue, Nov 12, 2019 at 11:01 AM

Subject: Public Hearing Statement for Appeal of Height Increase

To: <hakeem.parke-davis@lacity.org>

Cc: <amy.ablakat@lacity.org>, <craig.bullock@lacity.org>, <coniepn@gmail.com>

Hello Mr. Parke-Davis

In reference to the City of Los Angeles' Approval of a 30% Height Increase for the proposed development located at 923 and 929 N Glendale Blvd and 1819 W Montrose St (Case No. DIR-2017-5367-DB-CDO and ENV-2017-5368-CE):

Unfortunately, I will be unable to attend the public hearing scheduled on 11/14/19. In lieu of my attendance, please include my response below to be read at the public hearing and to be provided in writing to the Board of Supervisors and other public officials making a determination on this matter.

I am appealing the decision to approve the Density Bonus On-Menu Incentive of Increasing the Height Limit. The reasons for the appeal of the determination are multiple items are not in compliance with the applicable adopted codes; the omission and incompleteness of the Conditions of Approval that are necessary to ensure public safety; and inaccuracies in the Density Bonus/Affordable Housing Incentives Compliance Findings. Most importantly--

The approval of a height increase will contribute to the degradation of the existing Echo Park Lake and downtown skyline viewshed, which is not in alignment with current City policy for a property that is located within the Hillside Viewshed Protection Area. Furthermore, the approval of the height increase will have a negative impact on the uphill westerly property values that will have a reduction in their view of Echo Park Lake and downtown skyline as a result of the increased height limit.

Per Ordinance 179681 Section 25.f.5, by providing one Very-Low Income Unit out of 15 total units, the development may request a height increase of 22.5%, not 30% which is being approved by the City. Additionally, it states the height increase is not allowed within 15' of an R2 lot. The adjacent lots to the West and South of the proposed property are both R2, however the conditions of approval fail to state this condition. Furthermore, the ordinance requires that for each foot of additional height, the building shall be setback one horizontal foot. Thus, if the City is approving a 9' height increase, the minimum setback is 9', and not the 7' which is stated in the Conditions of Approval.

Moreover, the height increase is in direct conflict with multiple City policies that were adopted to protect the hillside viewshed. These policies include Silverlake-Echo Park-Elysian Valley Community Plan Policy 1-3.1, 1-3.2, and 1-5.1 and the Echo Park Community Overlay Section 5, item 7. The proposed development's three parcels are located in the Hillside Viewshed Protection Area and an approval of a height increase would not be in compliance with the abovementioned policies established specifically to protect the views of Echo Park Lake and the downtown skyline.

The proposed development is requesting the height limit increase for providing one Very-Low Income Housing Unit. The benefit of adding one Very Low-Income Housing Unit does not outweigh the degradation of the Designated Hillside Viewshed Protection Sites nor the corresponding reduction in property values to the westerly residences and therefore an increase to the height limit is not an appropriate Density Bonus On-Menu Incentive.

Thank you,

Amelia Sims Thomas



Irene Gonzalez <irene.gonzalez@lacity.org>

Fwd: Public Hearing Statement for Appeal of Height Increase

1 message

Cecilia Lamas <cecilia.lamas@lacity.org>

Thu, Nov 14, 2019 at 2:06 PM

To: Irene Gonzalez <irene.gonzalez@lacity.org>, James Williams <james.k.williams@lacity.org>

----- Forwarded message -----

From: **Hakeem Parke-Davis** <hakeem.parke-davis@lacity.org>

Date: Wed, Nov 13, 2019, 8:10 AM

Subject: Fwd: Public Hearing Statement for Appeal of Height Increase

To: Cecilia Lamas <cecilia.lamas@lacity.org>

----- Forwarded message -----

From: **Jordan Riggs** <jordanjriggs@gmail.com>

Date: Tue, Nov 12, 2019 at 4:57 PM

Subject: Public Hearing Statement for Appeal of Height Increase

To: <hakeem.parke-davis@lacity.org>

Cc: <amy.ablatkat@lacity.org>, <craig.bullock@lacity.org>, <coniepn@gmail.com>, Greg Iserson <giserson@gmail.com>

Hello Mr. Parke-Davis,

This is in reference to the City of Los Angeles' Approval of a 30% Height Increase for the proposed development located at 923 and 929 N Glendale Blvd and 1819 W Montrose St (Case No. DIR-2017-5367-DB-CDO and ENV-2017-5368-CE).

My partner Greg (copied here) and I will be unable to attend the public hearing scheduled on 11/14/19. In lieu of our attendance, please include our response below to be read at the public hearing and to be provided in writing to the Board of Supervisor's and other public officials making a determination on this matter.

We are appealing the decision to approve the Density Bonus On-Menu Incentive of Increasing the Height Limit, as is currently stated in the proposal. We are aware that our fellow neighbors have outlined multiple reasons for the appeal, and that the Department of City Planning has already submitted an Appeal Recommendation Report, but we would like to focus specifically on the **Staff Responses to Appeal Points 1 and 6** in that report.

Our understanding is that the department maintains the original calculation is based on the 11 base units (as opposed to the 15 total units), and that one Very-Low Income Unit out of 11 base units is 9% -- which allows them a 30% Density Bonus. But if they are allowed an increase of 30% on 11 base units, 30% of 11 is an additional 3.3 units -- not 4 units. Rounding up from 3.3 to 4, which actually allows them a **36%** density bonus, seems egregious.

Furthermore, the approval of the increase of height limit will impact the uphill adjacent properties by significantly reducing their view of Echo Park Lake and the downtown skyline. The reduction in view will have detrimental impacts on the property values who will have their views reduced. The views of Echo Park Lake and the downtown skyline are the main selling points of these existing homes and their property value is directly associated with these views.

The proposed development is requesting the height limit increase for providing one Very-Low Income Housing Unit. **The benefit of adding one Very Low-Income Housing Unit does not outweigh the degradation of the Designated Hillside Viewshed Protection Sites nor the corresponding reduction in property values to the westerly residences and therefore an increase to the height limit as proposed is not an appropriate Density Bonus On-Menu Incentive.**

Thank you,

Greg Iserson (Owner) and Jordan Riggs (Resident)

1814 Montrose St., Unit 4

--

Hakeem Parke-Davis
Planning Assistant



James Williams <james.k.williams@lacity.org>

Fwd: Public Hearing Statement for Appeal of Height Increase (Case Nos. DIR-2017-5367-DB-CDO and ENV-2017-5368-CE)

1 message

Cecilia Lamas <cecilia.lamas@lacity.org>

Thu, Nov 14, 2019 at 2:03 PM

To: Irene Gonzalez <irene.gonzalez@lacity.org>, James Williams <james.k.williams@lacity.org>

----- Forwarded message -----

From: **Hakeem Parke-Davis** <hakeem.parke-davis@lacity.org>

Date: Wed, Nov 13, 2019, 8:08 AM

Subject: Fwd: Public Hearing Statement for Appeal of Height Increase (Case Nos. DIR-2017-5367-DB-CDO and ENV-2017-5368-CE)

To: Cecilia Lamas <cecilia.lamas@lacity.org>

----- Forwarded message -----

From: **Rafael Cassata** <rafael.cassata@gmail.com>

Date: Tue, Nov 12, 2019 at 6:26 PM

Subject: Public Hearing Statement for Appeal of Height Increase (Case Nos. DIR-2017-5367-DB-CDO and ENV-2017-5368-CE)

To: <hakeem.parke-davis@lacity.org>

Cc: <amy.ablakat@lacity.org>, <craig.bullock@lacity.org>, <coni.epnc@gmail.com>

Hello Mr. Parke-Davis!

And hello Commission Secretariat! (PS - can someone please forward this to the Commission Secretariat?)

I hope the City *actually* reads, listens, thinks, and considers the issues we, your residents, are raising! You have errors in your report and you need to correct them.

I am NOT able to attend the public hearing on 14Nov2019 for Case No. DIR-2017-5367-DB-CDO and CEQA ENV-2017-5368-CE re: the City of Los Angeles' Approval of a 30% Height Increase for the proposed development located at 923 and 929 N Glendale Blvd and 1819 W Montrose St (Case No. DIR-2017-5367-DB-CDO and CEQA ENV-2017-5368-CE).

In lieu of my attendance, please allow this response to be read in its entirety at the public hearing on 14 Nov2019. A copy will also be provided in writing to the Commission Secretariat, Board of Supervisors, and other public officials making a determination on this matter.

My name is Rafael Cassata. I am an owner and resident of 1814 Montrose St, Unit 2, Los Angeles, CA, 90026.

FRANKLY, I DON'T HOW OR WHY THE CITY HANDLES THESE ISSUES IN SUCH A TERRIBLE WAY. IT IS CLEAR THAT YOU DO NOT WANT FEEDBACK FROM YOUR

RESIDENTS. First of all, the City gave us very short notice that it was going to approve the variances referenced in this case. This was communicated to us via mail (e.g. snail mail, USPS)! And we had less than 2 weeks to respond / file an appeal.

WE ACTUALLY PREPARED AN APPEAL, WHICH IS NOT EASY. The appeal and these statements take time and energy to research, comprehend, analyze, and debate. And then we found out that there is an associated fee to submit the appeal! AND, an expensive fee, at that! After all of this, we still manage to submit an appeal.

The City then schedules this public hear / appeal. YOU DIDN'T NOTIFY US. IT IS ONLY BECAUSE OF OUR WORK, OUR EFFORTS THAT WE KNOW A SINGLE THING ABOUT THIS APPELLATE CASE and PUBLIC HEARING! AND THEN YOU EXPECT PEOPLE TO HOW SHOW UP "AFTER 830AM" ON THE DATE OF THE HEARING. SERIOUSLY? WE HAVE JOBS AND CANNOT GIVE UP OUR ENTIRE DAY BECAUSE THE CITY CAN EFFECTIVELY SCHEDULE AND EXECUTE A MEETING.

AND NOT THAT THIS STATEMEN WILL MAGICALLY MAKE THE CITY RECONSIDER ANYTHING, BUT HERE GOES!

Appeal Point 1:

Per Ordinance 179681 Section 25.c.1 by providing 6.67% Very Low Income Unit (because 1 Very Low income unit out of 15 total units is 6.67%). The allowable Percentage Density Bonus Increase per of Very Low Income Units is based on the table found in Section 25.c.1 of Ordinance 179681 which does not result in 30% density bonus. At max, it should be 25%. If you round down, it would be 22.5% bonus. The CITY IS APPROVING 30% - explain your math and calculations - follow your Ordinances!

The entire section and table do not mention anything that the percentage calculation is performed utilizing base units. The City's response is this calculation should utilize base units and not total units

The only time the ordinance specifies that base units not total units should be utilized, is section 25.e.1's table used for determining the number of incentives. Thus, by not specifying base units are supposed to be used in section 25.c.1 it is inferred the calculation should be done by total units.

Appeal Point 4:

The Applicant identified one (1) protected Black Walnut tree. The report is still inaccurate. There are two (2) protected California Black Walnut trees on the Applicant's properties subject to this case. The Applicant indicates all trees will be removed. Per Ordinance 177404, such species are required to protect in place or replace 4 to 1. Again, there are two (2) protected black walnut trees. Review the appeal photos. Update the report!

Appeal Point 6:

The City's appeal response addresses the Echo Park CDO design standard 7f of which developers are exempt (this is not contested). However the appeal application directly references design standard 7e which applies to Low Medium Residential hillside properties designated as Hillside Viewshed Protection Areas Fronting the Lake. This standard states buildings or structures shall not substantially exceed 30 feet in height from adjacent finished grade.

The City's appeal response fails to address the three Community Plan Policies directed at a protected lake viewshed:

- Silverlake – Echo Park – Elysian Valley Community Plan Policy 1-3.1: *Program: The Plan recommends that Echo Park Lake and all park facilities be afforded special attention in the context of the above-proposed Supplemental Use District to identify and institute measures that ensure development around the park preserves park facilities and viewsheds of the lake and from the lake to downtown and conserves this defining neighborhood amenity.*
- Silverlake – Echo Park – Elysian Valley Community Plan Policy 1-3.2: *Preserve existing views in hillside areas. Program: Strictly interpret and implement the adopted Citywide Hillside Ordinance to limit heights of buildings, residential both new construction and additions. Program: Require decision-makers to condition new development adjacent to or in the viewshed of Elysian Park, the Los Angeles River, Echo Park Lake and the Silver Lake Reservoir to protect views from public lands and roadways, when discretionary actions are required.*
- Silverlake – Echo Park – Elysian Valley Community Plan Policy 1-5.1: *Program: Include Echo Park Lake in future neighborhood conservation and preservation efforts with the goal of protecting park facilities and significant viewsheds to and from the lake.*

Thank you,

Rafael Cassata
Owner and Resident:
1814 Montrose St, Unit 2,
Los Angeles, CA 90026

--



Hakeem Parke-Davis

Planning Assistant

Westlake / Central City West SP

200 N. Spring St., Room 621

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 978-1487





James Williams <james.k.williams@lacity.org>

Fwd: Public Hearing Statement for Appeal of Height Increase

1 message

Cecilia Lamas <cecilia.lamas@lacity.org>

Thu, Nov 14, 2019 at 2:04 PM

To: Irene Gonzalez <irene.gonzalez@lacity.org>, James Williams <james.k.williams@lacity.org>

----- Forwarded message -----

From: **Hakeem Parke-Davis** <hakeem.parke-davis@lacity.org>

Date: Wed, Nov 13, 2019, 8:11 AM

Subject: Fwd: Public Hearing Statement for Appeal of Height Increase

To: Cecilia Lamas <cecilia.lamas@lacity.org>

----- Forwarded message -----

From: <richard.gagliano@gmail.com>

Date: Tue, Nov 12, 2019 at 2:52 PM

Subject: Public Hearing Statement for Appeal of Height Increase

To: <hakeem.parke-davis@lacity.org>

Cc: Rafael Cassata <rafael.cassata@gmail.com>, <amy.ablakat@lacity.org>, Craig Bullock <craig.bullock@lacity.org>, <coniepncc@gmail.com>

Hello Mr. Parke-Davis

This is in reference to the City of Los Angeles' Approval of a 30% Height Increase for the proposed development located at 923 and 929 N Glendale Blvd and 1819 W Montrose St (Case No. DIR-2017-5367-DB-CDO and ENV-2017-5368-CE).

I will be unable to attend the public hearing scheduled on 11/14/19. In lieu of my attendance, please include my response below to be read at the public hearing and to be provided in writing to the Board of Supervisor's and other public officials making a determination on this matter.

I am appealing the entire decision to approve the Density Bonus On-Menu Incentive of Increasing the Height Limit. The reasons for the appeal of the determination are multiple items are not in compliance with the applicable adopted codes; the omission and incompleteness of the Conditions of Approval that are necessary to ensure public safety; and inaccuracies in the Density Bonus/Affordable Housing Incentives Compliance Findings.

The approval of a height increase will contribute to the degradation of the existing Echo Park Lake and downtown skyline viewshed which is not in alignment with current City policy for a property that is located within the Hillside Viewshed Protection Area. Furthermore, the approval of the height increase will have a negative impact on the uphill westerly property values that will have a reduction in their view of Echo Park Lake and downtown skyline as a result of the increased height limit.

Per Ordinance 179681 Section 25.f.5, by providing one Very-Low Income Unit out of 15 total units, the development may request a height increase of 22.5%, not 30% which is being approved by the City. Additionally, it states the height increase is not allowed within 15' of an R2 lot. The adjacent lots to the West and South of the proposed property are both R2, however the conditions of approval fail to state this condition. Furthermore, the ordinance requires that for each foot of additional height, the building shall be setback one horizontal foot. Thus, if the City is approving a 9' height increase, the minimum setback is 9', and not the 7' which is stated in the Conditions of Approval.

The City failed to identify the existence of two protected California Black Walnut trees nor include the required language per Ordinance 177404, to protect in place or replace 4 to 1.

The Project Findings section of the City's Determination states the existing slope does not exceed 10%, however roughly a quarter of the slope is greater than 60%. This drastic inaccuracy has significant implications on retaining walls, earthwork, site drainage, and several other key aspects of the design.

Moreover, the height increase is in direct conflict with multiple City policies that were adopted to protect the hillside viewshed. These policies include Silverlake-Echo Park-Elysian Valley Community Plan Policy 1-3.1, 1-3.2, and 1-5.1 and the Echo Park Community Overlay Section 5, item 7. The proposed development's three parcels are located in the Hillside Viewshed Protection Area and an approval of a height increase would not be in compliance with the abovementioned policies established specifically to protect the views of Echo Park Lake and the downtown skyline.

Furthermore, the approval of the increase of height limit will impact the uphill adjacent properties by significantly reducing their view of Echo Park Lake and the downtown skyline. The reduction in view will have detrimental impacts on the property values who will have their views reduced. The views of Echo Park Lake and the downtown skyline are the main selling points of these existing homes and their property value is directly associated with these views.

The proposed development is requesting the height limit increase for providing one Very-Low Income Housing Unit. **The benefit of adding one Very Low-Income Housing Unit does not outweigh the degradation of the Designated Hillside Viewshed Protection Sites nor the corresponding reduction in property values to the westerly residences and therefore an increase to the height limit is not an appropriate Density Bonus On-Menu Incentive.**

Thank you,

Richard Gagliano, Owner:
1814 Montrose St
Unit 2
Los Angeles, CA 90026

--



Hakeem Parke-Davis
Planning Assistant
Westlake / Central City West SP

200 N. Spring St., Room 621
Los Angeles, CA. 90012
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T: (213) 978-1487



Abundant Housing LA

November 8, 2019

Hakeem Parke-Davis, Planning Assistant
City of Los Angeles
200 N Spring St
Los Angeles, CA 90012
hakeem.parke-davis@lacity.org

To whom it may concern,

We are writing to you in support of the proposed 15-unit building, with 1 unit set aside for Very Low Income Households, at 923 Glendale Ave, cases DIR-2017-5367-DB-CDO-1A/ENV-2017-5368-CE. We urge the city to reject the appeal, find the project categorically exempt from CEQA, and approve the project with the requested height increases:

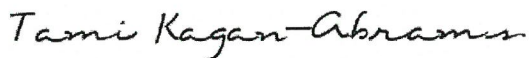
- 30% increase in the height limit pursuant to the Echo Park Community Design Overlay, allowing 39 feet in height from the lowest adjacent grade in lieu of the 30 allowed; and
- 20% increase in the height limit pursuant to LAMC Section 12.21.1, allowing 54 feet in height in lieu of the 45 feet allowed

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, with a bus stop at its corner. Route 92 runs between Echo Park and Sylmar with stops at Burbank Airport, a high school, shopping centers, and Metrolink stations. Route 200, which runs between Echo Park and Exposition Park, stops 4 blocks away, and includes stops at the LA Coliseum, USC, and transit hubs. Elementary schools, a medical center, and many desirable neighborhood amenities such as restaurants and retail are in easy walking distance as well.

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. Again, we urge the city to grant the incentive and find the project Categorically Exempt from the provisions of CEQA.

Best Regards,



Tami Kagan-Abrams
Abundant Housing LA Projects Director