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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.

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

# SECONDARY SUBMISSIONS

# ARMEN MAKASJIAN & ASSOCIATES

**5111 SANTA MONICA BLVD #205**
**LOS ANGELES, CA 90029**
**Tel. (213) 665-5293 / Fax. (213) 665-0809**


September 14, 2020

Los Angeles City Planning Commission
200 N. Spring St.
Los Angeles, CA 90012
Case #DIR-2019-7067-TOC-1A
Project Site: 5806-5812 Lexington Ave.

Dear Honorable Commission Members:

I am a state of California Certified General Appraiser with over 28 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 an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section." The verbiage of the bill makes no mention that a pro forma 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: Dictionary of Real Estate Appraisal, 5th edition). 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 pro forma as per AB2501 is false; AB2501 does not prohibit the city from requesting a pro forma 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

Armen Makasjian
Commercial property appraiser
Lic. #AG018345
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 four-unit 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)

Real Estate Broker: 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.

Property Management: 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.

**Armen Makasjian (cont'd))**

## 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

## LICENSING:

-California Real Estate Appraisal License, #AG018345
-California Real Estate Broker's License, #00861276

## DATA SOURCES:

-Costar Comps.
-Real Quest
-LoopNet
-Multiple Listing Service
-Flood Data Services.
-Marshall and Swift Cost Estimator

## OTHER:

- Served on the East Hollywood Planning Committee, ( East Hollywood Neighborhood Council)
- Served on East Hollywood Council Board between 2012 and 2015 as vice-president and recording secretary.

August 13, 2020

Doug Haines
P.O. Box 93596
Los Angeles, CA 90093

Los Angeles City Planning Commission
c/o Los Angeles City Planning Department
200 N. Spring St.
Los Angeles, CA 90012

Appeal of Case No.: DIR-2019-7067-TOC; ENV-2019-5389-CE; 5806-5812 Lexington Ave.

Please note the following objections to the Department of City Planning Staff Appeal Recommendation Report for 5806-5812 Lexington Ave. (item 6 on the Commission's 9/17/20 agenda).

## I. The project is not 17 units.

The project is a co-living development where the applicant will individually lease out each of the 94 bedrooms as single units. According to the law, the unit count is therefore 94 units, not 17 as claimed by the city.

The 17 "units" claimed by the developer and approved by the city are actually 94 furnished single units with 62 full bathrooms and common living space. Two "units" are dedicated as affordable in exchange for incentives of 11 feet of additional height, a reduction in Code required parking (from 94 dedicated stalls to 25 unbundled stalls, a third of which are tandem), a 30% reduction in the required 15-foot rear yard, and a 20% reduction in the required open space.

Per Los Angeles Municipal Code ("LAMC") Section 12.21.A.1(b): "Whenever a layout within any dwelling unit or guest room is designed with multiple hallway entrances, **multiple toilet and bath facilities** or bar sink installations, so that it can be easily divided into **or used for separate apartments or guestrooms**, the lot area requirements and the automobile parking requirements shall be based upon the highest number of dwelling units or guest rooms obtainable from any such arrangement."

Yet the Recommendation Report states: "*The project as designed, does not propose multiple hallway entrances that would allow it to be easily divided into separate units or guest rooms*." The Report also states: "*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*." These comments are an incorrect interpretation of the language of LAMC Section 12.21.A.1(b).

First, LAMC Section 12.21.A.1(b) does not solely require multiple hallway entrances to determine that a project has flexible units. Multiple toilet and bath facilities and other factors also establish whether the project "<u>can be easily divided into or used for separate apartments or **guestroom**s</u>." As noted on the project plans, of the 17 "units," 14 are six-bedroom layouts with multiple full bathrooms and a common kitchen, allowing for individual singles apartments or guestrooms.

Further, as extensively noted in the appeal: 1) the applicant has acknowledged that Lexington 1 and Lexington 2 are both co-living projects; 2) the applicant leases his other co-living project, called Common Melrose, by the bedroom as "furnished singles;" and 3) the applicant has boasted of his plans to develop several other similar co-living projects in the area.

Also, the Department of Building and Safety does not re-interpret the determination of the planning department when it comes to unit count, and there is no provision in LAMC 12.21.A.1(b) making LADBS the sole arbitrator of such a determination. The decision of the planning department as to whether or not the project consists of flexible units is therefore final unless overturned by the council under Charter Section 245.

## II. Site Plan Review is necessary.

The planning department acknowledges that the applicant has two projects on the same block, and that those two projects need to be considered as one project for environmental analysis. Yet the planning department refuses to review those same two projects as one project for site plan review.

Because the combined Lexington 1 and Lexington 2 projects involve more than 50 units/guestrooms, a *Site Plan Review* is required under LAMC §16.05(C)(1)(b). The relevant portion of LAMC §16.05 reads:

> **C. Requirements.**
>
> 1. **Site Plan Review. (Amended by Ord. No. 184,827, Eff. 3/24/17.)** ***No grading permit***, foundation permit, ***building permit, or use of land permit shall be issued for any of the following development projects unless a site plan approval has first been obtained pursuant to this section***. This provision shall apply to individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project, such as piecemeal additions to a building, or multiple buildings on a lot, as determined by the Director.
>
> (a) Any development project which creates, or results in an increase of, 50,000 gross square feet or more of nonresidential floor area.
>
> (b) ***Any development project which creates***, or results in an increase of, ***50 or more*** dwelling units ***or guest rooms***, or combination thereof.

The applicant previously received approval for another co-living building called Lexington 1, located at 5817 Lexington Ave. Lexington 1 is not a 21-unit apartment building. Like Lexington 2, it instead is a development consisting of 94 bedrooms that will be individually leased out as single units. "Lexington 2," located across the street at 5806 Lexington Ave., is not a 17-unit apartment building, but is in fact another co-living arrangement of 94 units. Combined, the two projects are required to be considered as one 188-unit development. Site plan review is therefore required.

Under LAMC Section 16.05, the purposes of a Site Plan Review are: "*to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting, and to control and mitigate the development of projects which are likely to have a significant adverse effect on the environment*." None of these goals are accomplished here.

Site Plan Review requires a finding under LAMC §16.05 F.2 "*that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities… and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties*." Yet the project's height and massing are incompatible with the surrounding built environment and greatly out of character with the immediate neighborhood. At six stories (w/roof decks) and covering 2 parcels each, the two proposed buildings would dwarf the existing neighborhood.

What's remarkable about planning staff's response to the appeal is its refusal to acknowledge the obvious. What remains to be seen is whether this commission will buy into such doublethink.

**III. The project is inconsistent with the Hollywood Redevelopment Plan.**

The project is located within the boundaries of the Hollywood Redevelopment Plan. The Recommendation Report states that Transit Oriented Communities (TOC) projects are allowed in redevelopment plan areas if the density is consistent with the underlying limitations. The report claims that the CRA/LA's June 27, 2018 memo prohibiting TOC projects in redevelopment plan areas applies only to the project density, and the Lexington 2 project consists of 17 units and therefore is permitted.

The Hollywood Redevelopment Plan restricts more than just density. Section 520 of the Plan prohibits projects that would be incompatible with the surrounding area "*by reason of appearance, traffic, smoke, noise, odor or similar factors*." Section 505 of the Plan requires that projects be "*compatible with the architectural and/or historical features of a neighborhood*," ensure that "*an appropriate amount of parking is provided for residents of the area*," and allow for reductions in "*permitted density of an area below that density otherwise permitted in order to preserve clusters of houses*." None of these factors have been considered by planning staff in their review of the project's qualifications for TOC incentives.


**5**800 block of Lexington Ave., as seen from Google street view. The project site is to the lower left.

**IV. TOC projects are illegal.**

The appeal outlines in great detail how this commission abused its authority by approving TOC Guidelines that are inconsistent with the clear language of Measure JJJ. Planning staff's response is no response at all, and therefore concedes the point.

**V. Planning staff has made no effort whatsoever to determine if the incentives are necessary to provide for the two units of affordable housing.**

The Recommendation Report claims that AB 2501 prevents the planning department from conducting any financial analysis of the project to determine if the incentives are necessary to provide for the two units of affordable housing. Yet AB 2501 merely prohibits a "special study." A pro forma is not special study. Instead, a pro forma is a requirement imposed upon all projects by financial institutions and government agencies in order to receive financial assistance.

Furthermore, the Recommendation Report is silent on the appeal's criticism of the determination letter's statement at page 14 that "*The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project*." As noted in the appeal, this claim is simply not true.

The text of Measure JJJ in no manner "pre-evaluated" the incentives ultimately adopted by the City Planning Commission for the TOC Guidelines. Ordinance 184,745 simply states: "*The City Planning Commission shall review the TOC Guidelines and shall by vote make a recommendation to adopt or reject the TOC Guidelines*."

Under State law and local ordinance, the planning department is required to provide a finding to show that the project's two units of affordable housing are necessary for the project to succeed. The record, however, contains no evidence whatsoever regarding whether or not the TOC incentives are necessary to provide for the minimal amount of affordable housing required by the TOC Guidelines, because the city has never requested such evidence.

The project's determination letter states: "*The base incentives are required to provide for affordable housing costs because the incentives by their nature* ***<u>may</u>*** *result in increasing the scale of the project. The additional incentives requested for a decrease in the required setback, reduction in open space and increase in height would result in building design or construction efficiencies that provide for affordable housing costs*." (Emphasis added).

The project site's underlying zoning allows 19 units. The city and applicant adamantly claim that the project contains only 17 units. How then do the incentives result in an increase in the scale of the project, and what proof is there that the increase in height and reduced yard setback and open space somehow provide "*building design or construction efficiencies that provide for affordable housing costs*"?

Furthermore, if the list of TOC incentives had been pre-evaluated for all factors, then approvals would be ministerial, not discretionary. The Director retains the authority to reject incentives if it can be determined that the incentive is not required to provide for the housing. The fact that the City refuses to determine whether or not the incentive is necessary does not somehow make the approvals mandatory.

The City fails to assess the economic matrix of the Project to determine whether or not the incentives are necessary in order to provide the affordable housing. TOC incentives are required by Measure JJJ to follow the procedures outlined by LAMC Section 12.22.A.25(g)(2)(*i)(*c) and (i), which state:

> c. **Action**. The Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:
>
> (i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Sections 50052.5, or Section 50053 for rents for the affordable units…

The Director must make this financial feasibility assessment as a pre-condition to a decision. The feasibility analysis is not discretionary, yet the Director of Planning has failed to make the assessment at all. Rather, it is a mandatory duty that cannot be waived without showing that the incentives are required to make the housing affordable. Per Measure JJJ, the Director of Planning is required per LAMC §12.22.A.25g(2)(c)(*i*) to review and justify the economic necessity of the Applicant's affordable housing menu incentives and document this analysis in the findings.

## VI. Planning staff ignores the cumulative impacts.

The appeal identified numerous similar developments approved or proposed within proximity to the project site, including the applicant's other co-living project located immediately across the street. Yet the Recommendation Report inexplicitly states that none of those projects are within 500 feet.

A CEQA categorical exemption is inapplicable when the cumulative impact of successive projects of the same type over time is significant. The cumulative impact of the proposed project in conjunction with other developments in the vicinity has not been analyzed. As noted in the appeal, there are numerous TOC/density bonus projects that have been proposed or approved in just the last two years in the East Hollywood area. None of those had environmental review.

## VII. Planning staff ignores the obvious.

Doublespeak distorts words and phrases in order to bury the truth. Yet the truth here is obvious: the project is not 17 units, the applicant is gaming the system, and planning staff and this commission are willing cohorts in the lie.

As a community, we are forced to live with reality, which is an overburdened infrastructure and a diminished quality of life. Please uphold the appeal and deny this project.

Thank you,

# TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

## In response to:
## DIRECTOR'S DETERMINATION
## TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

**TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS**

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, **which it does**:

1. ***On-Site Restricted Affordable Units.*** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*

   a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.*
   b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
   c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
   d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

   The project site is located within a Tier 2 Transit Oriented Communities Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve a total of two (2) on-site dwelling units for Extremely Low Income Households, which is more than nine (9) percent of the 17 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. ***Major Transit Stop.*** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

   As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The subject property is located less than a ½-mile from the Santa Monica Boulevard and Western Avenue regional transit services which includes the intersection of the Metro Rapid Bus 704 and Metro Rapid Bus 757 and is therefore defined as a Major Transit Stop. Therefore, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. ***Housing Replacement.*** *A Housing Development must meet any applicable housing replacement requirements of California Governme[…] by the Department of Housing and Community In[…] of any building permit. Replacement housing units[…] towards other On-Site Restricted Affordable Units[…]*

   Pursuant to the Determination made by the […] Department (HCIDLA) dated May 14, 2020, the […] two (2) replacement units under Senate Bill 330 because there were two (2) Protected

**THIS IS FALSE.**
**Please see next page**

Case No.
DIR-2019-7067-TOC-1A

| | |
|---|---|
| Meeting Date: | Sept 17, 2020 |
| From: | Frankie Holt |
| Project Site: | 5806-5812 Lexington Avenue |

# TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

**In response to:**
**DIRECTOR'S DETERMINATION**
**TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**

*"Transit Oriented Communities (TOC) Affordable Housing Incentive Program became effective on September 22, 2017. The program encourages affordable housing within a half mile of major transit stops by providing additional density, reduced parking, and other incentives for projects that include covenanted affordable units."*

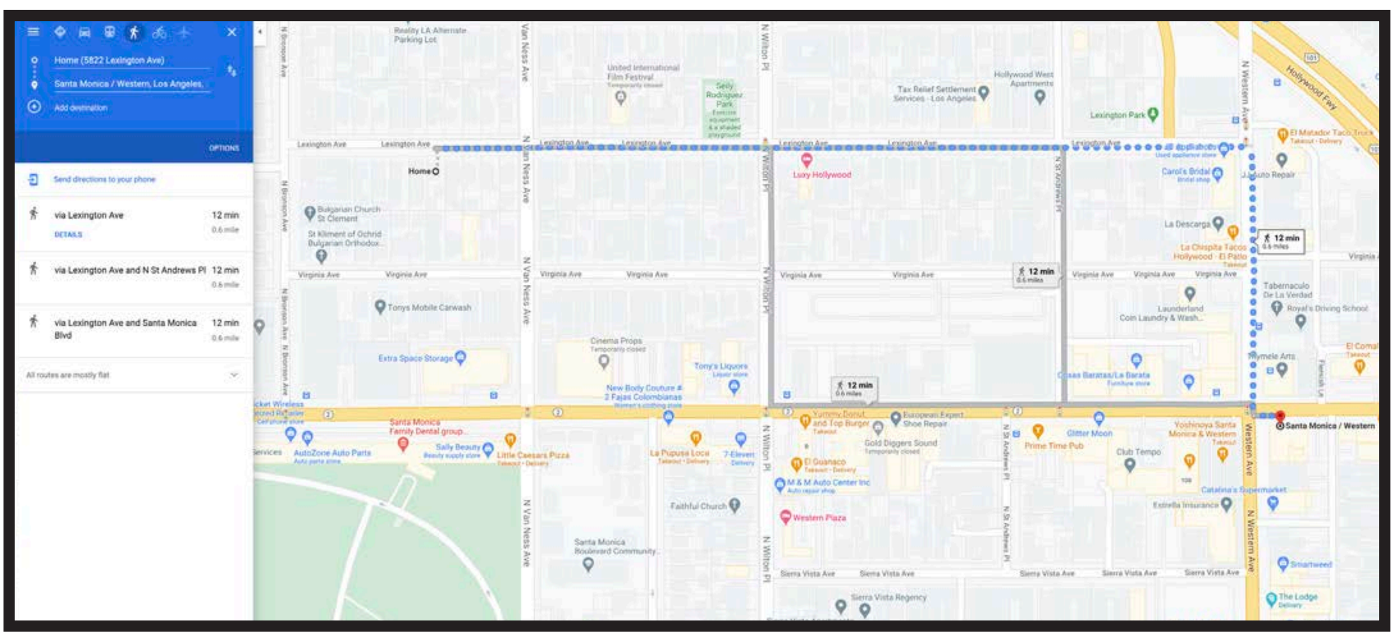
**Page 11 of 18**

2. ***Major Transit Stop.*** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

   As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The subject property is located less than a ½-mile from the Santa Monica Boulevard and Western Avenue regional transit services which includes the intersection of the Metro Rapid Bus 704 and Metro Rapid Bus 757 and is therefore defined as a Major Transit Stop. Therefore, the project meets the eligibility requirement for proximity to a Major Transit Stop.

**2,640 ft equals .5 miles**

## THIS IS FALSE
## The closest Major Transit Stop is 0.6 miles away
## Please note google map below



| Case No. DIR-2019-7067-TOC-1A | Meeting Date:<br>From:<br>Project Site: | Sept 17, 2020<br>Frankie Holt<br>5806-5812 Lexington Avenue |
|---|---|---|

This “Lexington 2” project needs to be studied in conjunction with the “Lexington 1” across the street. It is by the same developer and is already in the approval process from the LA City Planning Commission.

I ask the Los Angeles City Planning Commission to look at the COMBINED effect of these two(2) developments on this one(1) residential block of Lexington Ave.

They will have a SIGNIFICANT effect on the community in addition to similar projects in the neighborhood.

**I ask for a meaningful Site Plan Review of the project in its entirety.**


**Lexington 1**
- 17 units
- 94 bedrooms
- 62 baths
- 25 parking (most tandem)

**Lexington 2**
- 21 units
- 81 bedrooms
- 66 baths
- 25 parking (most tandem)

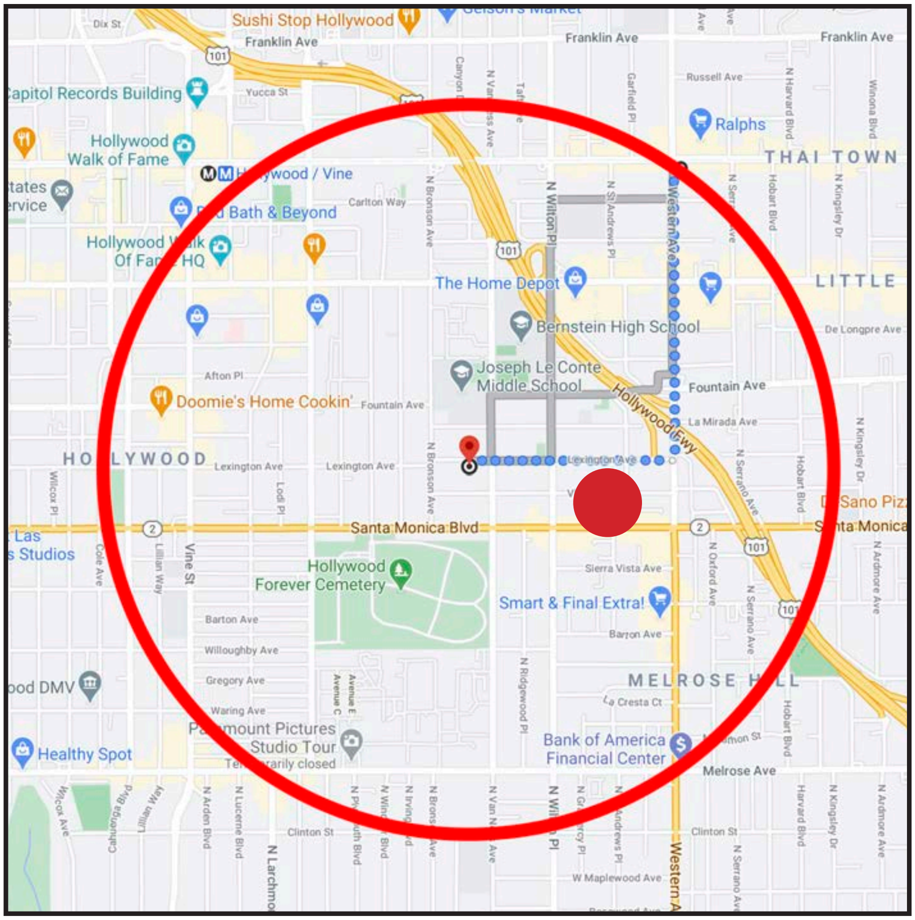
**TOTAL**
- 38 units
- 175 bedrooms
- 128 baths
- 50 parking (most tandem)

| Case No. DIR-2019-7067-TOC-1A | Meeting Date: | Sept 17, 2020 |
| --- | --- | --- |
| | From: | Frankie Holt |
| | Project Site: | 5806-5812 Lexington Avenue |

## PARKING REQUIREMENTS

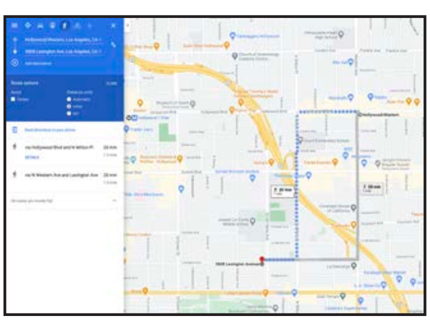
**Will people need cars?**
**With no Major Transit Stop within the TOC required 2,640 feet, the answer is YES.**

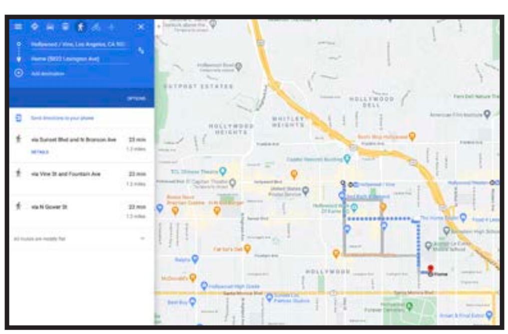
**Let's look at a 1-mile radius.**
**Where are the parks, grocery stores, and Metro stops?**

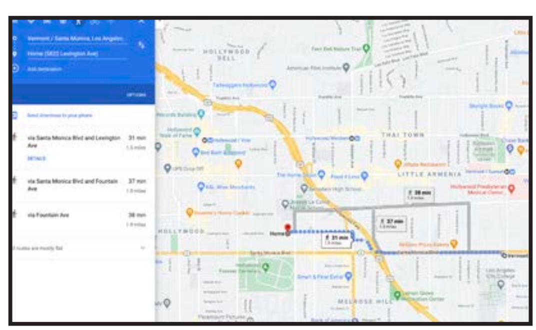



**Closest Metro Stop is 1 mile away**

**Hollywood/Western : 1 mile**
**Hollywood/Vine: 1.2 miles**
**Vermont/Santa Monica: 1.5 miles**







| Case No. DIR-2019-7067-TOC-1A | Meeting Date: | Sept 17, 2020 |
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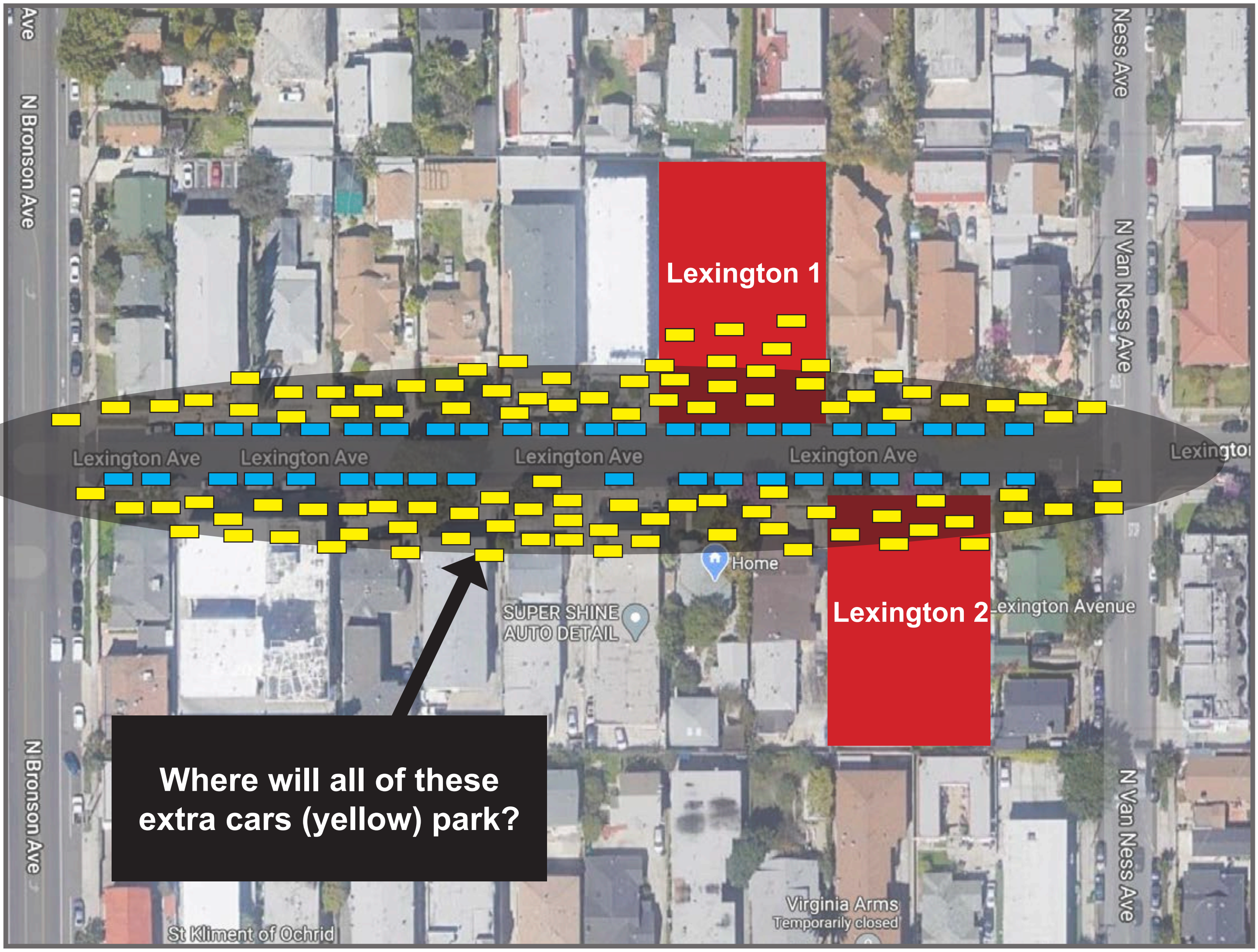
| | From: | Frankie Holt |
| | Project Site: | 5806-5812 Lexington Avenue |

## PARKING REQUIREMENTS

**An environmental study of these two(2) developments should be required to assess the impact they will have on the neighborhood.**




**I'm requesting an Environmental Impact Study for an expert review of this situation.**

**Let's assume:**
**With new 175 bedrooms, there might be 2-people per bedroom in some. (350 people)**
**But for argument's sake, but let's guess lower that, and say *only* 150 residents will have cars.**

| | |
|---|---|
| **150** | **added residents with cars** |
| **- 50** | **parking spaces** |
| **= 100** | **added cars to this residential street (In Yellow above)** |

**There are approximately 40 street-parking spots on this street (in blue above)**

| | | | |
|---|---|---|---|
| Case No. DIR-2019-7067-TOC-1A | Meeting Date: | Sept 17, 2020 |
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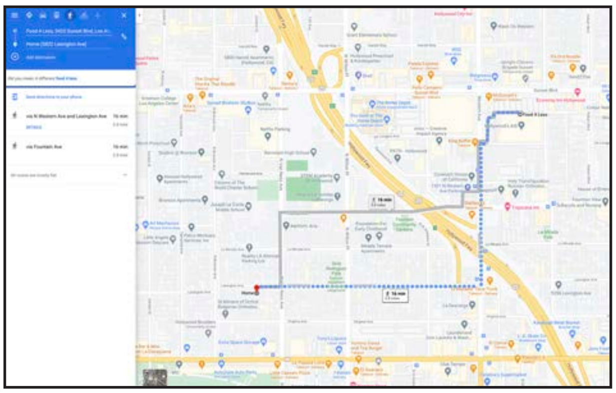
| | Project Site: | 5806-5812 Lexington Avenue |

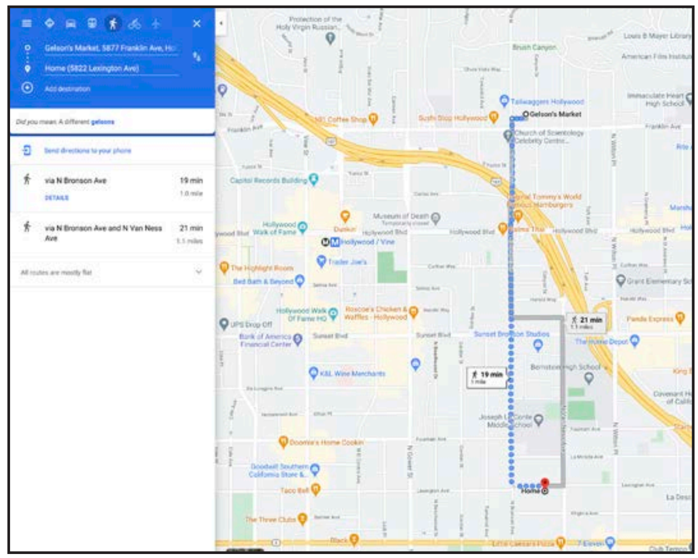
## PARKING SPOTS

**Will people need cars?**

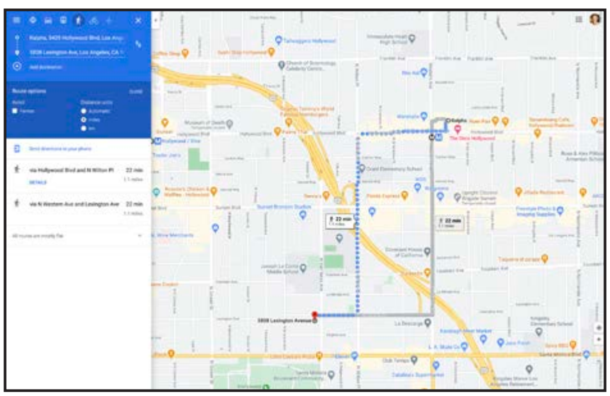
- **The closest grocery store is Food For Less at 0.8 miles away**
- **All others are much farther**



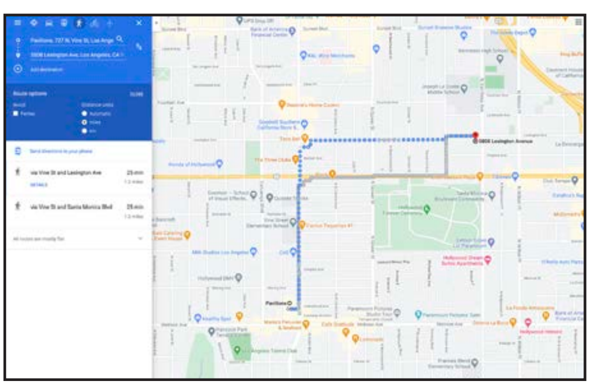
**Food For Less — 0.8 mile**



**Gelson's — 1.1 mile**



**Ralph's — 1.1 mile**



**Pavilion's — 1.2 mile**

| | | |
|---|---|---|
| **Case No. DIR-2019-7067-TOC-1A** | Meeting Date: | **Sept 17, 2020** |
| | From: | **Frankie Holt** |
| | Project Site: | **5806-5812 Lexington Avenue** |

## OPEN GREEN SPACE

**The project is also requesting a DECREASE in green space.**

*a. Yard/Setback. To permit a 30 percent decrease in the required rear yard;*
*b. Open Space. To permit a 20 percent reduction in the required open space*

**We need to more GREEN space in the city. Los Angeles (and especially Hollywood) needs green spaces to reduce the urban heat island effect which will encourage people to walk and cycle.**

**If you are going to approve a higher density building, then you MUST make it habitable for people to walk and bike.**

**Concept of High Density Buildings is more people will walk and bike. To be able to walk and bike in the city we need to reduce the urban heat by ADDING green space.**

**Already, many Angelenos die each year when heat waves strike, and suffer the health effects of polluted air. Trees and open space cool urban streets and reduce disease by filtering the air.**

---

### Take note of the Key Principles Los Angeles Green New Deal Plan (2019)

L.A.'s GREEN NEW DEAL
Sustainable City pLAn 2019
Environment Economy Equity

https://plan.lamayor.org/

***Key Principles:***
***First****, a commitment to the Paris Climate Agreement and to act urgently with a scientifically-driven strategy for achieving a zero carbon grid, zero carbon transportation, zero carbon buildings, zero waste, and zero wasted water.*

***Second****, a responsibility to deliver environmental justice and equity through an inclusive economy, producing results at the community level, guided by communities themselves.*

***Third****, a duty to ensure that every Angeleno has the ability to join the green economy, creating pipelines to good paying, green jobs and a just transition in a changing work environment.*

***Fourth****, a resolve to demonstrate the art of the possible and lead the way, walking the walk and using the City's resources - our people and our budget - to drive change*

---

**We need to hit our emissions targets by adding open space, not reducing it.**

**In addition to adding affordable housing, the city should be looking at the environmental impact of reducing open space. L.A.'s Green New Deal has target to add green, not reduce. The plan has specific targets to improving Public Health by Cooling the Streets.**

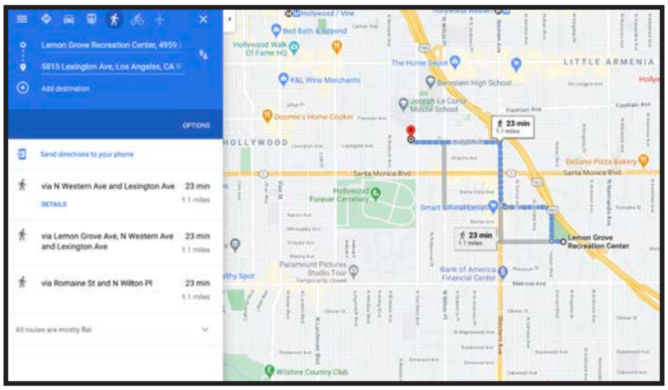
Case No. DIR-2019-7067-TOC-1A

Meeting Date: Sept 17, 2020
From: Frankie Holt
Project Site: 5806-5812 Lexington Avenue

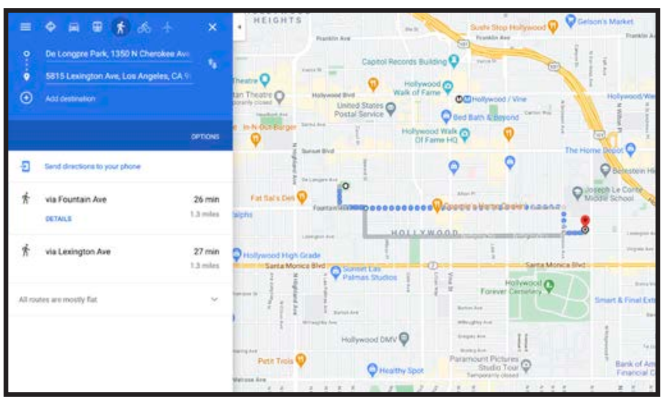
# OPEN GREEN SPACE

**These large building are taking away a significant amount of trees and open space that was once single-family homes, thereby adding to the Urban Heat Island.**

**Note the closest park is 1.1 miles away.**

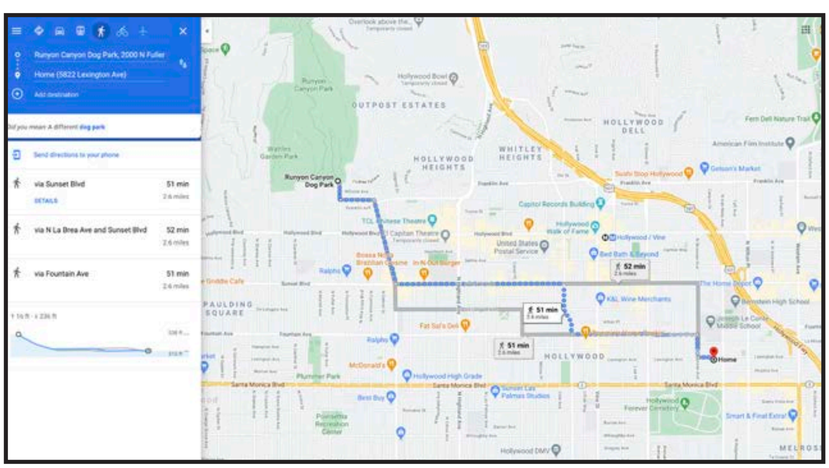



**Lemon Grove Rec Center is 1.1 miles away.**




**De Longpre Park is 1.3 miles away.**

**There are no (zero) dog parks at all. The closest is in West Hollywood at 2.6 miles away**



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TRUMAN & ELLIOTT LLP

September 14, 2020

**VIA EMAIL AND U.S. MAIL**

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: Response to Appeal of Planning Director Approval and TOC (Affordable Housing Incentives);
Case No. DIR-2019-7067-TOC, CEQA # ENV-2019-5389-CE

Dear Hon. President Millman and Hon. Planning Commissioners:

We represent 5806 Lexington, LLC ("Applicant"), owner of the property located at 5806-5812 West Lexington Avenue ("Property") in the above-referenced land use applications approved by the City of Los Angeles' Planning Director on July 23, 2020 (the "Decision"). This letter responds to the appeals of Kimberly Reilly (jointly with Brian Reilly, Michael Higgins, Jacob Ross, and Jesus Rojas) (collectively "Appellants"), who on August 7, 2020, appealed the Planning Director's actions.

In a tortured attempt to conflate the administrative record regarding two buildings on the same street processed together as one project under the California Environmental Quality Act (CEQA) (this case is related to Case No. DIR-2019-5388-DB, CEQA # ENV-2019-5389-CE, (Appeals filed on February 19, and 27, 2020 denied by the City's Planning Commission on April 23, 2020.) After being summarily denied on its Appeal, and filing a CEQA appeal to the City Council Plum Committee, related appellants come now in an attempt to attack the foundation of the City's Transit Oriented Communities Ordinance enacted by Ballot Box Measure JJJ in 2016.

## SAFE HARBOR PROVISIONS

The Appeal contains numerous factual inaccuracies, misrepresentations, and frivolous claims and is an attempt to vex, annoy and frustrate the Applicant's business interests. While the Los Angeles City Planning Commission is not a Court of law, its members should be afforded candor; in the event of litigation the City prepares the administrative record. Any member of the California Bar who seeks to prosecute and action that is frivolous is subject to liability for both attorneys' fees and court ordered sanctions. California Code of Civil Procedure 128.5 (2). "Frivolous" means totally and completely without merit or for the sole purpose of harassing an opposing party. *Id.*

## I. DESCRIPTION OF PROPERTY

The subject site encompasses two (2), rectangular interior lots totaling 15,000 square feet with 100 feet of frontage along Lexington Avenue. The property is improved with a single-family dwelling with associated accessory structures on each of the two (2) lots; both of which are proposed to be demolished.

The subject property is zoned R3-1 and designated for Medium Residential land uses within the Hollywood Community Plan. The subject property is also located within the Hollywood Redevelopment Project Area, Los Angeles State Enterprise Zone and Transit Priority Area.

The proposed project includes 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, 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 25 automobile parking spaces, and two (2) short-term and 17 long-term bicycle parking spaces. Vehicular access to the site is provided via one **(1)** two-way driveway that is accessible from Lexington Avenue.

The Project meets density, height, setbacks, parking and open space requirements. The City's Planning and Engineering Divisions have vetted the Project. The design and landscaping has been reviewed to ensure the Project meets the City's design guidelines. The Project has been conditioned to ensure affordable units comply with all relevant regulations, that parking is consistent with the City's Municipal Code, that open space and any rooftop or podium landscaping meet with City requirements, the solar panels be installed on fifteen percent of the roof area, that electric vehicle parking be accommodated at the Property, that lighting at the Property be shielded so as to not be seen from adjacent residential properties, and that roof-top equipment be screened from view.

The City examined multiple areas of potential environmental impacts, including, potential traffic, noise, air quality and water quality. The City determined that there is "no substantial evidence that the proposed project, and/or the requested incentives, will not have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource." (Director's Determination, pp. 1, 15.)

On August 7, 2020, the designee of the City's Planning Director under the Director's Determination approved (with relevant findings) the Project exempt from the California Environmental Quality Act under the categorical exemption for urban infill development (Director's Determination, p. 1 and 14 Cal. Code Regs. § 15332) and found no substantial evidence of any exceptions to the exemption related to "location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies." (Director's Determination, p. 1 and 14 Cal. Code Regs. § 15300.2.)

## II. APPELLANTS' ARGUMENTS

To aid the City's review of the appeals, we have grouped the Appellants' statements and arguments in the appeals by category and offer responses and comments as necessary. None of the statements and arguments made the Appellants provides an adequate basis for overturning the Decision.

### A. CEQA Arguments (including Cumulative Impacts)

#### 1. *The Project was not improperly "piecemealed"*

This is Appellants' first attempt to convolute the process. CEQA is a state statute regulating the approval of a project based upon procedural and informational guidelines. CEQA asks the lead agency to determine if the project would have any significant effects on the environment. City staff, concerned that opponents might try to claim that two buildings being constructed close together were separate projects elected to consider both buildings as one project. Despite Appellants' mischaracterization of the number of housing units being developed, the total between the two buildings consists of 38 units. The City utilized a Class 32 Categorical Exemption (14 Cal. Code Regs. § 15332) considering the impacts of both building and all 38 units.

#### 2. *The Project does qualify for a Categorical Exemption and no "unusual circumstances" were present.*

Categorical exemptions apply to "classes of projects" that the Secretary of the Natural Resources Agency, with the authorization of the Legislature, has determined are exempt because they do not have a significant effect on the environment. *World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476.

A project may have a significant effect on the environment if it "has the potential to degrade the quality of the environment, ... or to achieve short-term, to the disadvantage of long-term, environmental goals"; is "cumulatively considerable," such that its incremental effects "are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects"; or "will cause substantial adverse effects on human beings, either directly or indirectly." (Cal. Pub. Res. Code § 21083, subds. (b)(1)-(3).) The term "cumulatively considerable" refers to the consideration of impacts both past and present. (*Id.* at 498).

To overcome the categorical exemption, any significant effect must be attributable to unusual circumstances. Neither CEQA nor the Guidelines define "unusual circumstances." (*Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 820; see generally Guidelines §§ 15350-15387 [definitions].) The party challenging an agency's finding that an exemption applies bears the burden of producing evidence supporting that claim. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086, 1105.) In the context of the unusual circumstances exception, that typically requires a two-part showing: "(1) 'that the project has some feature that distinguishes it from others in the exempt class, such as its size or location' and (2) that there is 'a reasonable possibility of a significant effect [on the environment] due to that unusual circumstance.' (*Berkeley Hillside*, *supra*, 60 Cal.4th at p. 1105.)"

The *World Academy* court found that "whether a circumstance is unusual 'is judged relative to the *typical* circumstances related to an otherwise *typically exempt project,*' as opposed to the typical circumstances in one particular neighborhood." (*World Business Academy supra,* 24 Cal.App.5th 476 at 499). *Berkeley Hillside* clarified that a party can show an unusual circumstance by demonstrating that the project has some characteristic or feature that distinguishes it from others in the exempt class (*Berkeley Hillside*, supra 60 Cal.4th at p 1105.) "The presence of comparable facilities in the immediate area adequately supports [an] implied finding that there were no 'unusual circumstances' precluding a categorical exemption." *Walters, supra,*1 Cal.App.5th at 821.

Appellants' assertions that there are "cumulative" impacts to traffic circulation, noise, air quality, water quality and historic resources, are vague and amount to mere conjecture. Not only have Appellants failed to meet their burden of proof on these matters but they have failed to prove that there are any actual identified cumulative impacts at the project site resulting from the project. *See* e.g., *Berkley Hillside Preservation, supra*.) Not only are there numerous other housing projects of similar nature in the vicinity, Appellants fail to provide any substantial evidence of the project being distinguishable from other buildings in the exempt class in the City of Los Angeles.

Appellants has failed to meet their burden of proof regarding either the unusual circumstances or cumulative impacts exception to the in-fill exemption from CEQA, the in-fill exemption holds and the Director's Determination that the project is exempt from CEQA challenge. Any further analysis of any other alleged environmental impact raised by either Appellants is, therefore, moot. The project is consistent with CEQA.s' arguments related to any exceptions to the in-fill CEQA exemption or any analysis of alleged environmental impacts under CEQA are incorrect, without merit, lack substantial evidence and do not present a sufficient basis for granting the appeal.

B. The Project Underwent Proper Site Plan Review

Appellants continues to erroneously argue that the 38 units to be built at 5817-5823 and 5806-5812 Lexington Avenue require a Site Plan review in accordance with LAMC §16.05(C)(l )(b) which requires a site plan review for projects of more than 50 units. This code section refers to units that have multiple entrances from a single hallway. This is not the case with this project. Moreover, the units at the project Likewise the units do not have bar sinks. Finally, multiple bathrooms are common in most apartment units.

Multiple bathrooms are common in most apartment units. However multiple Kitchens are not. "Dwelling Unit is defined by LAMC 12.03 as: "**DWELLING UNIT:** A group of two or more rooms, **one of which is a kitchen,** designed for occupancy by one family for living and sleeping purposes. **(Amended by Ord. No. 107,884, Eff. 9/23/56.) (Emphasis added).** Appellants' argument falls flat when we recognize that only (1) one kitchen exist for each Dwelling Unit.

C. The Planning Department Properly Approved Lexington 2 As A TOC Project In The Hollywood Redevelopment Plan Area

"Preemption" is a concept rooted not only in our United States Constitution, but also in with the California Constitution.s fail to grasp that the City of Los Angeles Redevelopment Agency's rule-making authority is pre-empted by state law.

The general principles governing state statutory preemption of local land use regulation are well settled. "The Legislature has specified certain minimum standards for local zoning regulations (Cal. Gov. Code, § 65850 et seq.)" even though it also "has carefully expressed its intent to retain the maximum degree of local control (see, e.g., *id.,* §§ 65800, 65802).” (*IT Corp. v. Solano County Bd. of Supervisors* (1991) 1 Cal.4th 81, 89, 2 Cal.Rptr.2d 513, 820 P.2d 1023.) “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations *not in conflict with general laws.*” (Cal. Const., art. XI, § 7 (emphasis, italics added.) “ ‘Local legislation in conflict with general law is void. Conflicts exist if the ordinance duplicates [citations], contradicts [citation], or enters an area fully **occupied** by general law, either expressly or by legislative implication [citations].’ ” (*People ex rel. Deukmejian v. County of Mendocino* (1986) 36 Cal.3d 476, 484, 204 Cal.Rptr. 897, 683 P.2d 1150, (quoting *Lancaster v. Municipal Court* (1972) 6 Cal.3d 805, 807–808, 100 Cal.Rptr. 609, 494 P.2d 681); accord, *Sherwin–Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897, 16 Cal.Rptr.2d 215, 844 P.2d 534.)

In 2019 the state of California enacted Senate Bill 330 (“SB330”)—The Housing Crisis Act of 2019. Thereunder, California Government Code Section 65589.5 (Revisions to the Housing Accountability Act), subsection j.4. Section 65589.(j)(B)(2) (A)(4) provides:

> *For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.*

may not by *fiat* avoid State law (California Government Code 65589.5 *et seq*.), which is controlling and prevents the City or it’s Redevelopment Agency from seeking to deny a project that meets the objective General Plan standards.

Moreover, Appellants fail to even provide any argument as to why the project conflicts with the Hollywood Redevelopment Plan other than to say it evades the will of the people. However, Ballot Measure JJJ clearly included a provision that would authorized the City to: “create an affordable housing program for developments near Major Transit Stops.” Appellants’ argument is misleading and disingenuous.

D. The Transit Oriented Communities (TOC) Guidelines Are **NOT** Illegal.

Appellants’ arguments that the TOC Guidelines are illegal are jiggery-pokery. Appellants fill several pages complaining of the illegality of the TOC Guidelines; all without merit.

1. Appellants argue: The TOC Guidelines illegally place limitations on the Zoning Code that can only be achieved by the City Council.

This argument belies the well-understood legal process for adoption of municipal ordinances by initiative. Measure JJJ was legally adopted and represents the will of the people. “When ... the people phrased the foregoing sections pertaining to those powers in such broad, general and unambiguous language, the conclusion seems inevitable that thereby it was intended that legislation on every municipal subject should, unless expressly or by clear and necessary implication excluded by other sections, be subject to initiative actions through the adoption of ordinances by the people. After all, the people through their charter have a right to vest in the voters of the city the right and power to deal through initiative action with any matter within the realm of local affairs or municipal business, whether strictly legislative or not, as that term is generally used. (*Rossi v. Brown (1995)* 9 Cal.4th 688; *Hopping v. City of Richmon*d (1915) 170 Cal. 605).

2. The TOC Guidelines Do Not Conflict With Labor's Objectives

Measure JJJ stated: "Shall an Ordinance 1) requiring 'certain' residential development projects provide for affordable housing and comply with prevailing wage, local hiring and other labor standards;'" (emphasis added).

Appellant confuses the word "certain" with the word "all." The plain meaning of the word "certain" is "some." Some does not mean all—all would mean "every project." Appellants' argument would make the word "certain" in the ballot Measure surplusage.

3. The TOC Guidelines Were Not Illegally Adopted.

Section 31of Los Angeles Municipal Ordinance 184745 adopted by the City of Los Angeles on December 13, 2016, gives the Planning Department authority to draft the TOC Guidelines. It is important to note that all the Guidelines must allow incentives or concessions in accordance with California Government Code section 65915 (State Density Bonus Law). Accordingly, to claim the incentives or concessions are illegal would once again be a *fiat to overriding* the State's housing laws, which Appellants may not do.

E. The City Has Not Failed To Determine Whether Or Not The Incentives Are Required To Provide For The Two Affordable Housing Units.

Once again, Appellants attempt an end run around State law. California Government Code section 65589.5 (The California Housing Accountability Act) specifically references California Government Code section 65941.1: "An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee. Further, Government Code Section 65491.1 (c) (3) states: "A checklist or form shall not require or request any information beyond that expressly identified in subdivision (a). Subdivision (a) of Government Code section 65491.1 in no way requires a developer to submit a financial proforma justifying the need for affordable housing. Appellants' argument is clearly contrary to State law.

F. Insufficiency of Notice

Appellants argue that they were denied due process due to a failure to receive notice of the Decision. Their argument, quite simply, is moot, as their appeal was submitted before the City's deadline to file appeals regarding the Decision and the City has accepted Appellants' appeal. Therefore, Appellants' argument relative to notice is not grounds for overturning the Decision or requiring recirculation thereof.

**III. SUMMARY OF THE APPEAL**

As stated previously, the project is consistent with General Plan/Community Plan policies, zoning regulations State Density Law and CEQA. In general, Appellants are aggrieved by the fact that multi-family residential development in this area of the City is occurring at all, especially in a multi-story design. The approval of this project is protected by the provisions of the Housing Accountability Act (Cal. Govt. Code § 65589.5) which prohibits the City from denying approval of the project unless it were to make findings that the project would have specific adverse impacts on public health or safety and there were no feasible means of mitigating such impacts. The City did not and cannot make such findings regarding the project given the project's overall consistency with the applicable plans, policies, and laws and the fact that it falls within an exemption to CEQA. The Applicant is proud to support affordable housing and provide on-site affordable housing as part of the project.

## IV. CONCLUSION

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.

Should you have any questions or comments regarding this letter, please feel free to contact me at (213) 629-5300.

Sincerely,

*T.E.*

Todd Elliott
of TRUMAN & ELLIOTT LLP

cc: Alexander Troung, Los Angeles City Planning
CPC@lacity.org

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ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

September 10, 2020

***Via electronic mail***

Los Angeles City Planning Commission
Via email to Elizabeth.gallardo@lacity.org

Re: 3117-3119 South Bagley Avenue (DIR-2019-750-TOC; ENV-2019-751-CE)
September 17, 2020 City Planning Commission hearing, Agenda Item 7
Appeal of Margaret C. Fields

To the Honorable City Planning Commission:

This firm represents Appellant Margaret C. Fields, the long-time owner and resident of 3114 Oakhurst Avenue, a property that directly abuts the rear yard of the proposed project at 3117-3119 South Bagley Avenue. The proposed project will significantly impact Ms. Fields and her quiet enjoyment of her property. The project should not be approved in anything close to its proposed form.

Ms. Fields has resided in her home at 3114 Oakhurst Avenue for 50 years. Ms. Fields was 28 years old when she purchased this home to raise her family. This home has been the center of her life from being a young parent to now a grandparent as the focus of her activities with her grandchildren. She has invested significant energy, love, time, and money into her property. The proposed project contains ***five***, not four, stories that will loom over Ms. Fields' yard and her rose bushes, blocking the morning sunrise, and casting shadows over neighboring properties in fall and winter.

The proposed project benefits from massive density increases for being within ½ mile of the entrance to a rail station, but the half mile radius is based on willingness of residents to walk a half mile to access transit. In this case, because the 10 Freeway is an impenetrable barrier along the shortest walking route, the walking route to the station is 0.7 miles, based on walking directions generated by Google maps, as illustrated in Figure 1 below.

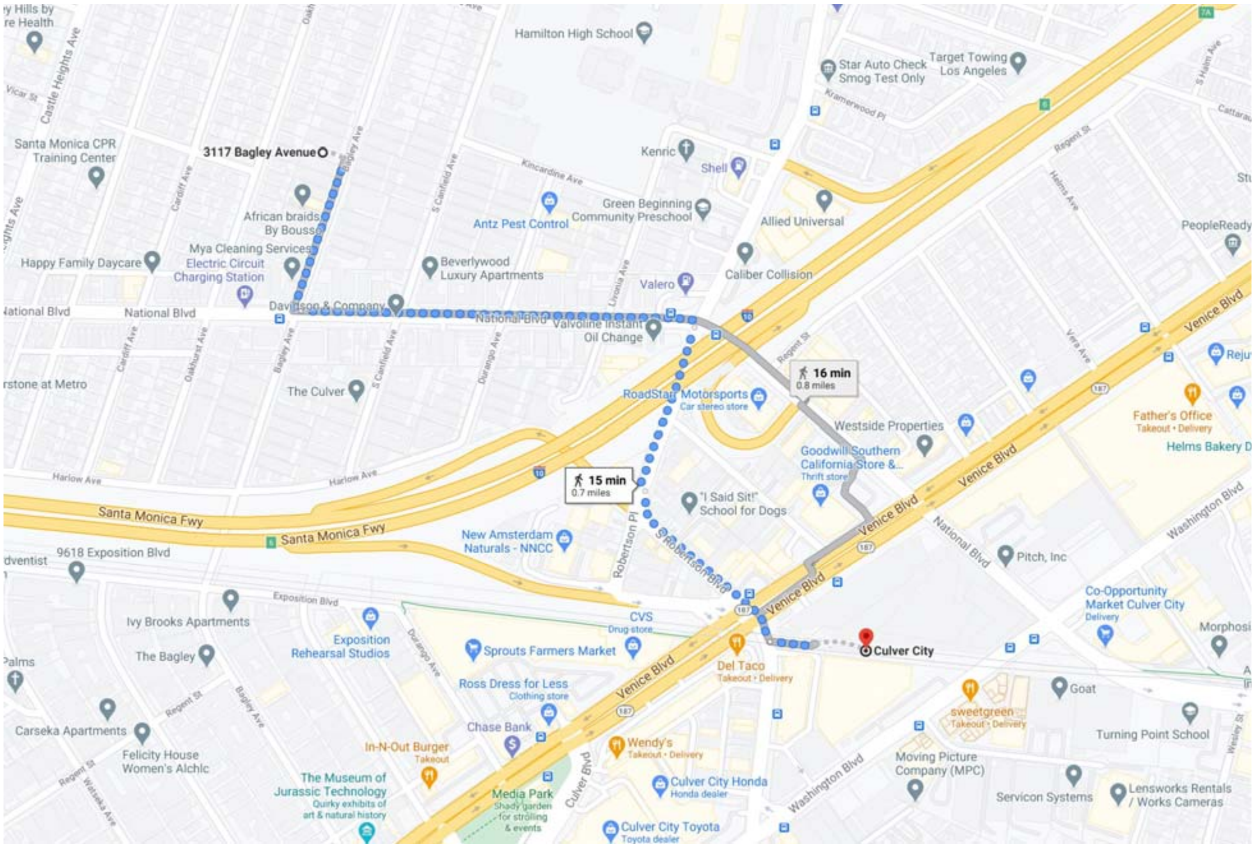



Figure 1: Google Maps Walking Directions from 3117 Bagley to Culver City station

This project, which will so significantly impact the neighboring properties, is simply to allow for two units of extremely low-income housing, and then two *additional* market rate units beyond the 8 units that would be permitted by right. Meanwhile, the request for additional height beyond the generally applicable 45 foot height limit creates significant impacts on Ms. Fields and other neighbors, significantly transforming the appearance of the street, without any demonstration that this excess height is necessary to provide affordable housing – by virtue of the fact that the excess height is used to create an almost entirely empty "mezzanine" level, it is clear the excess height is not necessary to create the two units of affordable housing.

In addition to the statements in Ms. Fields' appeal, we submit the following comments as to why the project should not be approved as proposed.

**Permissible Base Unit Count Overstated and Hearing Notices Inaccurate**

In reviewing the plans for the proposed project, it became clear that the lot area reported in Zimas overstated the square footage of the lot, as represented by the historic maps of the area's original subdivision. Appellant arranged for licensed land surveyor Christopher M. Jones, PLS, of KPFF, to research the map to determine the mathematical area of the property at 3117 and 3119 Bagley Avenue. As Mr. Jones concluded, the record area of the property is 6, 399.997

square feet, not 6400.1 square feet as stated in the Director's Determination. (See Exhibit 1 for Mr. Jones' letter and exhibits.) The discrepancy results in an incorrect conclusion in the Director's Determination regarding the base unit count: it is 8 units, not 9 units. The applicant is not receiving a 33 percent bonus but rather a fifty percent bonus.

Critically, the agenda item for this hearing misstates the proposed increase, reporting it as a 33 percent increase rather than a more significant fifty percent increase. The agenda therefore fails to provide an accurate listing for this item and does not apprise the public correctly of the magnitude of the requested increase. Moreover, the mailing notifying the public and neighboring residents of this hearing failed entirely to include this aspect of the requested incentives, therefore failing to adequately apprise those concerned that the project seeks a *significant* increase in density over what would be permitted according to the zoning.

**Mischaracterization of Neighborhood**

The Director's Decision fails to explain just how out-of-place a five-story building will be in this location. Just three parcels to the north of the project site, Bagley is zoned exclusively for single family homes. All along Bagley in this vicinity, there are no structures that exceed two stories. This five-story structure will establish a dangerous new precedent. Indeed, in this section of Bagley the road is substandard width, so parking is permitted only on one side of the street. The increase in height will be more acutely felt because the street is so narrow. The findings rely on the fact that these incentives are included in the TOC Guidelines to reach the conclusion that the incentive is necessary for the creation of affordable housing, but on these facts, the creation of the mezzanine seems to add additional expense without permitting any additional units. What is the basis for concluding that the extra height is necessary to increase affordable housing? None is provided.

**Unnecessary Incentive to Increase Height**

As the plan for the proposed project reveal, the mezzanine floor begins at 42 feet. The twelve units which are requested would therefore easily be constructed without the additional height increase, as the only use of the mezzanine appears to be small office area. The roof decks above the mezzanine would simply be lower. This would allow the structure to have the appearance of a four-story building, which, while far too high for the street, would significantly reduce the looming mass of the structure for its neighbors.

**Failure to Account for Size of Mezzanine in Floor Area**

The plans for the proposed project contain a depiction of a fifth-floor mezzanine. Although the mezzanine extends across the entire building, the floor area included in the project's floor area calculations is only a tiny portion of the mezzanine. Yet the plans show full walls in this area. Why is the vast majority of the mezzanine excluded from the floor area calculations?

**Open Space Calculations Improper For Roof Deck**

The roof deck for the project contributes the vast majority of the project's 1700 square feet of required open space. However, far too great a portion of the roof deck is included in the open space calculations. Under Los Angeles Municipal Code section 12.21 G, which establishes open space requirements for developments of six or more units, projects constructed at an R3 density can only include roof deck space in the open space calculation if that space is more than 10 feet from parapet. It would appear from the plans that the space up to the parapet is included in the open space calculations. If the calculations were revised the project would not satisfy these open space requirements.

**Balconies Exceed Permissible Rear Yard Projection**

The South Robertson Neighborhood Council requested that the developer not position balconies at the rear of the property where they look directly into Appellant's backyard, master bedroom and bath, a distance of only 19 feet from her rear property line. The developer did not listen. And the oversized balconies at the rear of the property do not conform to the zoning code. By virtue of a two-foot projection wall along the side, the developer claims that the balconies only project 4 feet into the rear yard. In reality, the width of the balcony is six feet. That is the width that the developer uses as a basis for its open space calculations.

The Los Angeles Municipal Code provides at section 12.22, subdivision C.20 d, that a balcony that is not enclosed by a roof may not extend more than four feet into the rear setback. These balconies have a six-foot projection, as shown on the developer's open space calculations.

If the balconies were reduced to a compliant four-foot depth, then the project would have inadequate open space. The project is providing just 9.9 square feet of open space above the minimum required 1700 square feet. The developer would need another incentive for reduced open space or to reconfigure its plans.

**Excessive Openings in Garage**

The design of the openings to the garage appears to conflict with aspects of the California Building Code relating to fire resistance and protection for nearby properties. The large openings in the garage appear to exceed the permissible size for such openings located within five feet of the adjacent property. Addressing this issue may require a significant redesign of the project's driveway and garage. The failure to comply with these building code requirements for fire safety demonstrates the need for significant modifications of both sides of the building in order to comply with these codes. In order to comply with the Building Codes regarding fire resistance, it appears that the developer would have to redesign garage access which creates a new problem regarding sufficient structural support and concerns regarding constructibility of the building.

**Inadequate Information Regarding Replacement Units**

The TOC Guidelines require the provision of replacement units in compliance with Government Code section 65915(c)(3). The Director's Decision summarily concludes that the provision of two units restricted to Extremely Low Income tenants satisfies the replacement requirements, but state law requires more than a simple one-for-one replacement. The units must be of "equivalent size," which means that they must at least contain the same number of bedrooms as the demolished unit. This information is absent from the Director's Decision, so one cannot conclude whether this requirement is satisfied.

**CEQA Exemption Improper**

In addition, the reliance upon a CEQA exemption for this project is improper. The project significantly exceeds the scale and scope of the existing neighborhood landscape. Bagley is a substandard width street, so there is no parking on one side of the street already. A project that provides so little parking as the proposed project, in this particular context, will certain present environmental impacts on the neighboring residents as the residents of this project will surely be searching the streets for places to park their vehicles.

**CONCLUSION**

The proposed project is too large for the site and fails to comply with applicable requirements. The height of the project is entirely unnecessary to provide the two low income housing units and the rear balconies, which were rejected by Neighborhood Council, are far too intrusive to neighboring property owners. The project should not be approved as designed.

Respectfully submitted,

Beverly Grossman Palmer

STRUMWASSER & WOOCHER LLP

# EXHIBIT 1

700 South Flower Street, Suite 2100 Los Angeles, CA 90017 213.418.0201 kpff.com

kpff

August 24, 2020

Ms. Margaret Fields
3114 Oakhurst Avenue
Los Angeles, CA 90034

Re: 3117 & 3119 Bagley Avenue Record Lot Area
KPFF Job #2000667

Dear Margaret:

At your request per our conversation yesterday, we have researched the map creating the underlying lot for the property located at 3117 & 3119 Bagley Avenue in Los Angeles, CA in an effort to determine the mathematical area quantity of said property. The subject property is catalogued as APN 4311-019-014 per the Los Angeles County Assessor and appears to be the southerly forty feet (40') of Lot 81, per Tract No. 625 as recorded in Map Book 18, Pages 125 & 126, records of Los Angeles County. I have attached the County Assessor's Map and the underlying Tract Map hereto for reference.

According to the bearings and dimensions shown on said Tract Map and subtracting the northerly ten feet (10') thereof, I have determined the record area of the subject property to be 6,399.997 square feet. Please reference the area exhibit attached hereto.

Per my research of maps available on the Los Angeles County Land Records Information website, there do not appear to be any subsequent Subdivision Maps or Records of Survey for the subject property.

If you have any questions or should need anything further, please do not hesitate to contact me at chris.jones@kpff.com

Sincerely,

Chris Jones, PLS
Principal

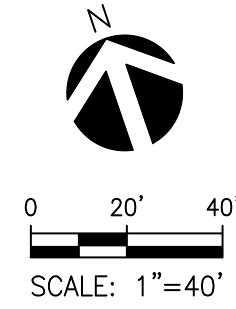
LICENSED LAND SURVEYOR
CHRISTOPHER M. JONES
No.8193
STATE OF CALIFORNIA

Attachments

# EXHIBIT

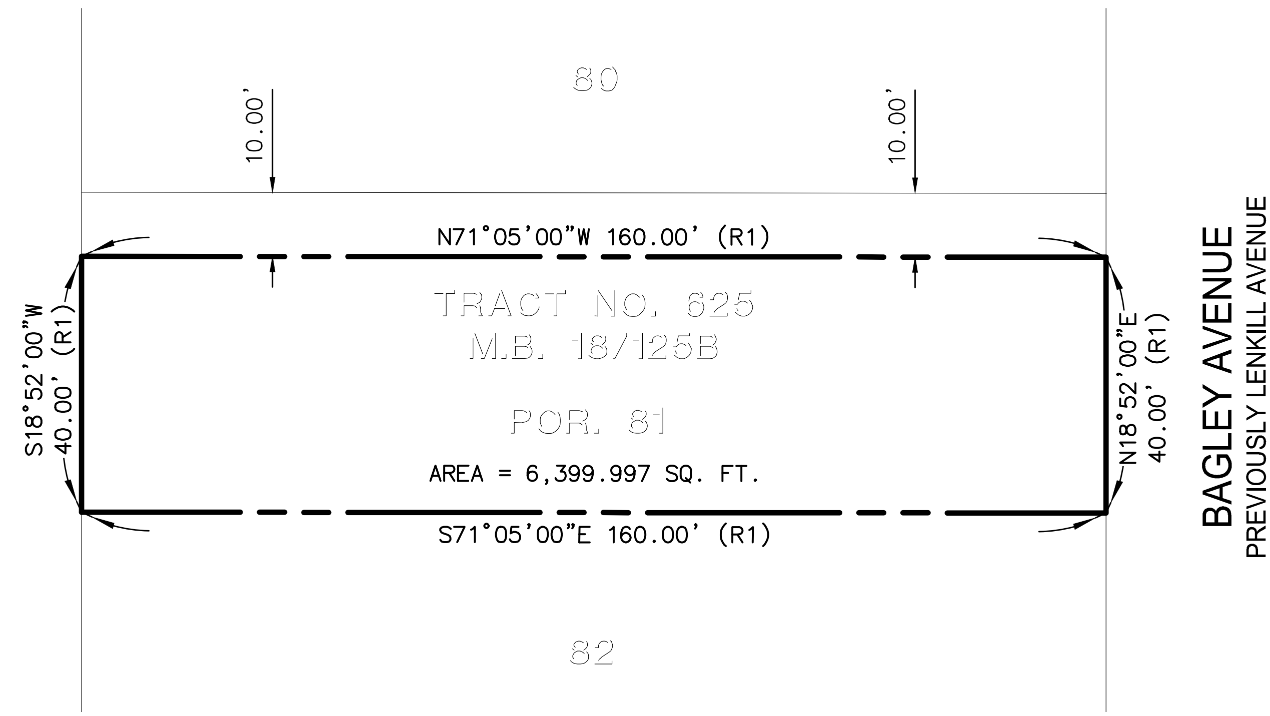
## REFERENCE

(R1) TRACT NO. 625, M.B. 18/125




## COMMENTS

| | |
|---|---|
| SITE ADDRESS . . . . | 3117 & 3119 BAGLEY AVENUE, LOS ANGELES, CA 90034 |
| APN NO. . . . . . . . . | 4311-019-014 |
| BOUNDARY LINES . . . | A FIELD BOUNDARY WAS NOT PERFORMED. BOUNDARY SHOWN HEREON IS BASED ON RECORD INFORMATION. |
| BASIS OF BEARINGS . . | THE BEARING OF N18°52'00"E ALONG THE CENTERLINE OF BAGLEY AVENUE AS SHOWN ON TRACT NO. 625 RECORDED IN MAP BOOK 18, PAGE 125, RECORDS OF LOS ANGELES COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY. |
| LAND AREA . . . . | GROSS AREA 6,399.997 SQ. FT. |




PREPARED UNDER THE DIRECTION OF:

08/21/2020

CHRISTOPHER JONES, LS 8193
CHRIS.JONES@KPFF.COM

LICENSED LAND SURVEYOR
CHRISTOPHER M. JONES
No.8193
STATE OF CALIFORNIA

| | |
|---|---|
| PROJECT # | 2000667 |
| DATE PREPARED | 08/21/2020 |
| DRAWN BY | DB |
| CHECKED BY | CJ |

PORTION OF LOT 81

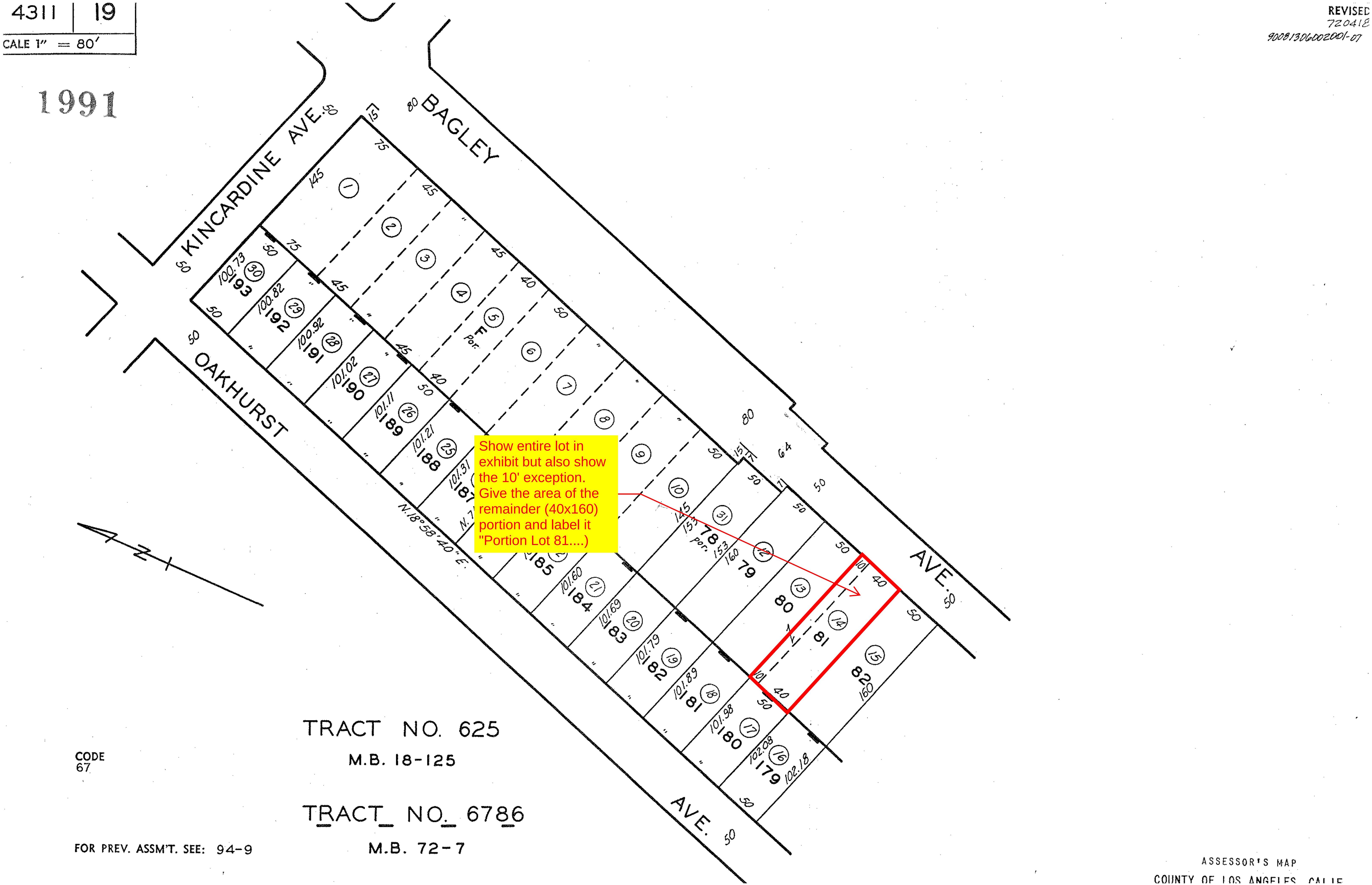
*PREPARED FOR:*

MARGARET FIELDS
3114 OAKHURST AVENUE
LOS ANGELES, CA 90034

kpff

700 FLOWER ST., Suite 2100
Los Angeles, CA 90017
O: 213.418.0201
F: 213.266.5294
www.kpff.com

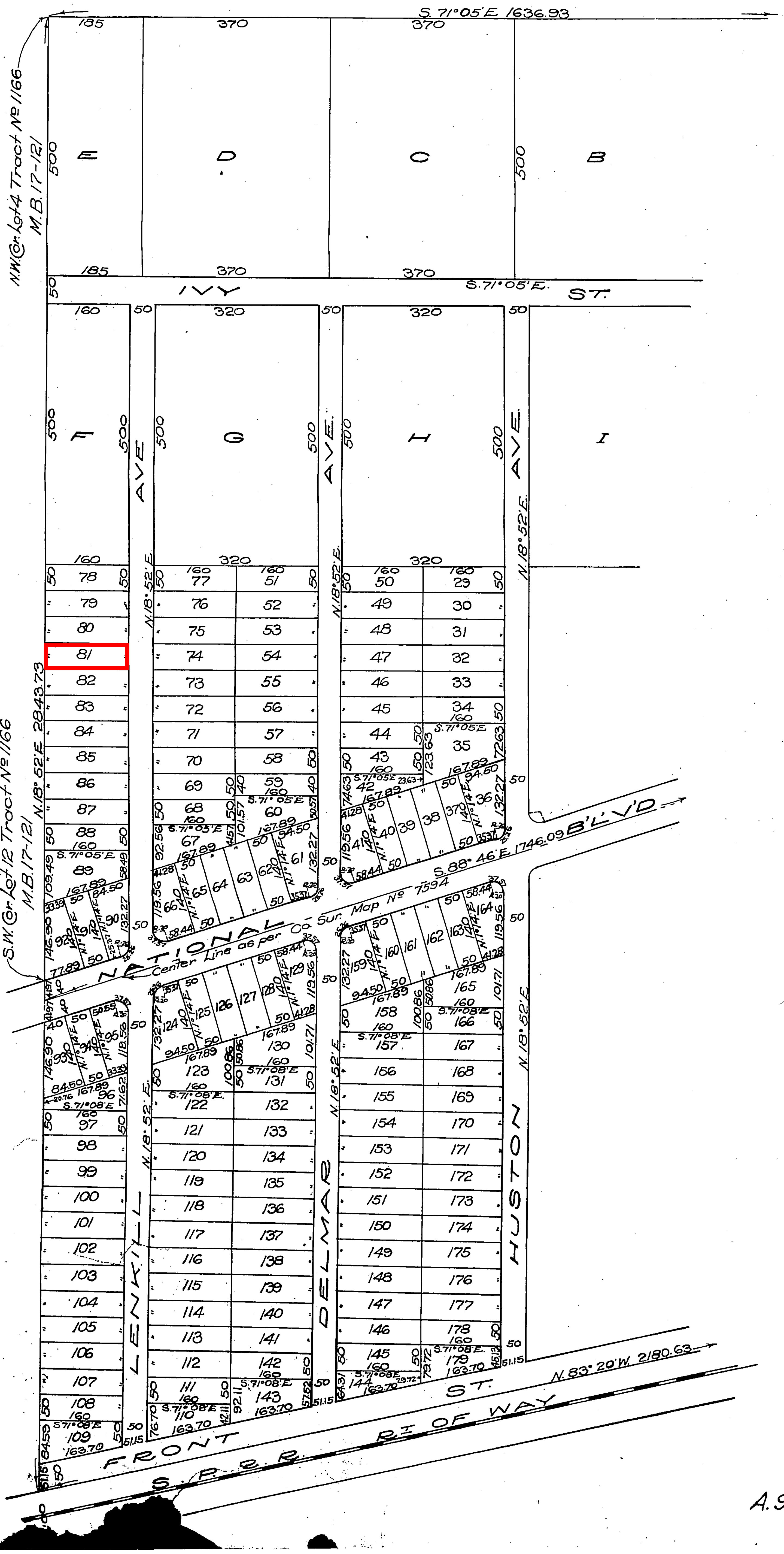
SHEET 1 OF 1



4311 | 19
CALE 1" = 80'
1991
REVISED
720418
900813060020001-07
KINCARDINE AVE.
BAGLEY AVE.
OAKHURST AVE.
N.18°58'40"E.
Show entire lot in exhibit but also show the 10' exception. Give the area of the remainder (40x160) portion and label it "Portion Lot 81....)
TRACT NO. 625
M.B. 18-125
TRACT NO. 6786
M.B. 72-7
CODE 67
FOR PREV. ASSM'T. SEE: 94-9
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

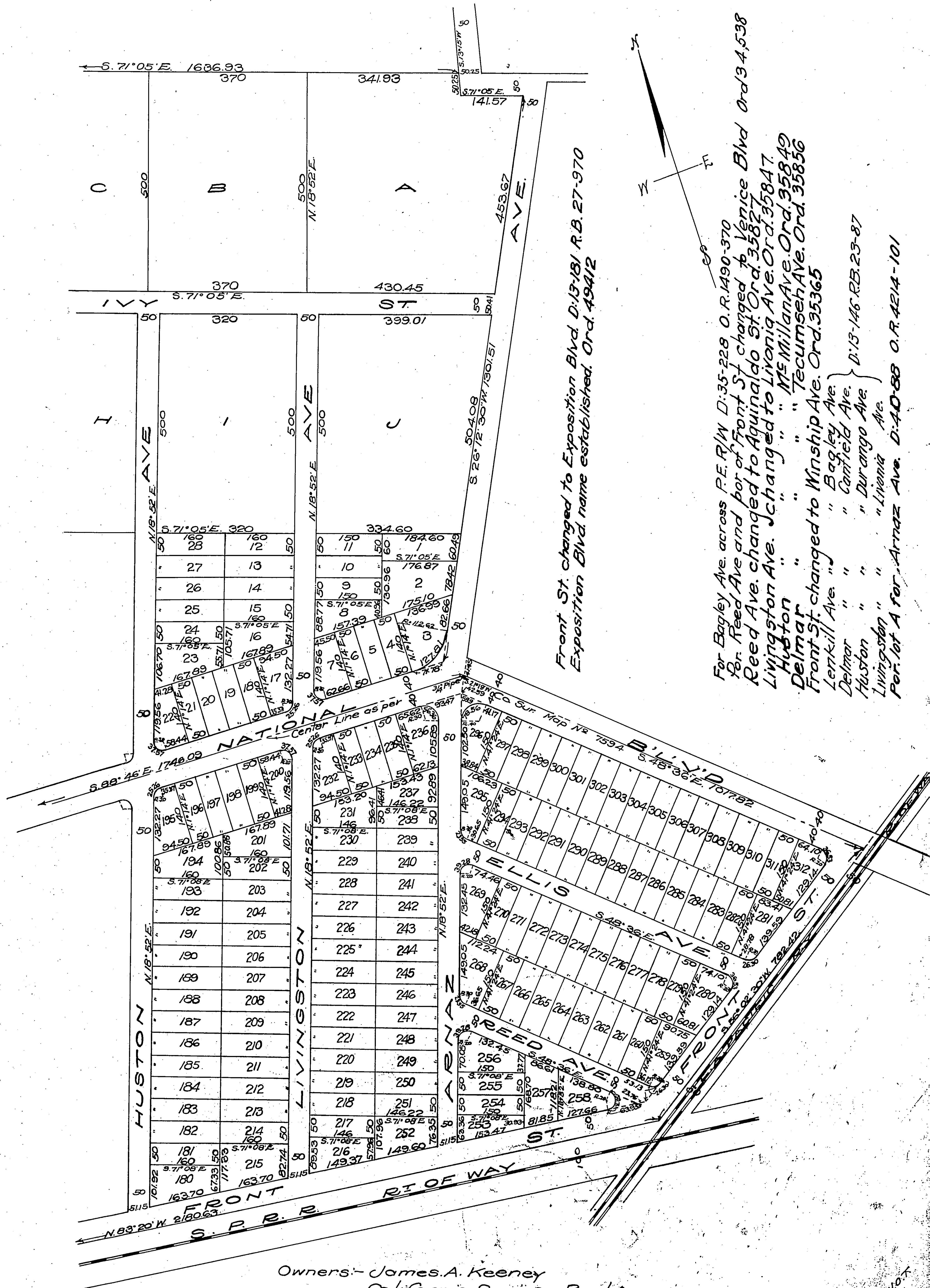
18+125

Plat of
# TRACT No. 625
Being a Subdivision of Tract No 1166 as per Map recorded in Map Book 17 page 121, records of Los Angeles Co, Cal. Also a portion of Rancho Rincon de los Bueyes Book 1, page 207 of Patents, Records of Los Angeles Co, Cal.
Los Angeles County, Cal.
E.T. Wright Sur. August 1911
Scale 1 in = 200 Ft.




A. 94.

18-125
10




Owners:- James A. Keeney
California Savings Bank

Recorded Oct. 4. 1911

Sht. 22.
A. 94.

Comp. H.O.K.

STRUMWASSER & WOOCHER LLP
ATTORNEYS AT LAW
10940 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90024

FREDRIC D. WOOCHER
MICHAEL J. STRUMWASSER
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TELEPHONE: (310) 576-1233
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WWW.STRUMWOOCH.COM

ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

September 15, 2020

***Via electronic mail***

Los Angeles City Planning Commission
Via email to cpc@lacity.org

Re: 3117-3119 South Bagley Avenue (DIR-2019-750-TOC; ENV-2019-751-CE)
September 17, 2020 City Planning Commission hearing, Agenda Item 7
Appeal of Margaret C. Fields

To the Honorable City Planning Commission:

This firm represents Appellant Margaret C. Fields, the long-time owner and resident of 3114 Oakhurst Avenue, a property that directly abuts the rear yard of the proposed project at 3117-3119 South Bagley Avenue. Ms. Fields has resided in her home at 3114 Oakhurst Avenue for 50 years. Ms. Fields was 28 years old when she purchased this home to raise her family. This home has been the center of her life from being a young parent to now a grandparent as the focus of her activities with her grandchildren. She has invested significant energy, love, time, and money into her property. The proposed project will significantly impact Ms. Fields and her quiet enjoyment of her property. The purpose of this letter is to respond to the staff recommendation and revised plans included for the first time in the agenda distributed the Monday prior to the City Planning Commission meeting on Thursday.

First, the ***agenda packet*** distributed to the public is ***incomplete***. The packet contains a staff report that lists "Exhibit F – Appeal Documents and Correspondence." However, ***there is no Exhibit F included in the packet.*** The packet goes straight from Exhibit E to Exhibit G. This means that ***the public has not been provided the appeal materials***. And the reference to "Correspondence" implies additional documents beyond those in the appeal, presumably including the supplemental response provided by Ms. Fields prior to the deadline provided to her for such materials.

Moreover, it is unclear whether the City Planning Commission members themselves received this material. If the City Planning Commission members received it and the public did not, this is a violation of the Brown Act. And if *no one* received the appeal and the additional correspondence within 72 hours of the meeting, this also violates the Brown Act. The appeal was within the agency's possession, as was the additional material provided by Ms. Fields to the City Planning Commission by the deadline set by the City Planner. Yet none of this material was included. This item is of concerns to others in the community beyond Ms. Fields. For instance, the South Robertson Neighborhood Council voted against supporting the project, as shown in the minutes attached as Exhibit 1 (see item VII a, showing 9 no votes to 5 yes votes). ***This item should be continued so that proper notice is provided, consistent with the Brown Act.***

Second, and relatedly, the agenda packet contains *significantly revised* plans. While Ms. Fields appreciates that the plans appear to call for some reductions in the project, it is simply inconceivable that an appellant, who is a direct neighbor of this property, would not be informed of the revisions in the plans and to the proposed project. While planning staff made a courtesy call to Ms. Fields to see if she had been informed that the plans were revised, such call was provided at 3:00 PM on Monday! Ms. Fields is elderly and her access to technology is limited. Providing such minimal notice of the revised plans is particularly troubling because these are large files and therefore more challenging to download and view. As a neighbor of the proposed project, Ms. Fields has due process rights in this appeal. Clearly, staff was well aware of the proposal to revise the plans – in response to the appeal, no less – yet no one bothered to inform the appellant of the fact. The Conditions of Approval are not even provided in a redline format that would facilitate identification of changed conditions, a simple task that is done as a matter of routine when revisions are made to projects. Moreover, because the staff report does not address any of the items raised in Ms. Fields' timely supplemental submission, such as the failure to address replacement housing for the units in the duplex to be demolished, there is no way that the public or the Planning Commission will even know that these issues were raised in this matter. ***The matter should be continued to provide Ms. Fields time to evaluate the revised plans and project, along with the conditions of approval.***

**Rear Yard Setback**

To the merits of the staff report, it is notable that Ms. Fields was required to spend her own funds and invest significant time and energy to appeal a decision premised on an entirely improper incentive – the rear yard reduction. It is outrageous that citizens are required to be on constant alert because they cannot trust their appointed officials to properly apply the laws and policies of the City. It raises the question in how many other instances incentives are misapplied and awarded to improperly, because neighboring property owners are unable to appeal or unaware that they may bring an appeal. It should not fall to citizens to enforce the laws.

Nevertheless, Ms. Fields is pleased that her appeal has been granted on this issue and that the rear yard setback will be increased to the legally-required 15-foot setback.

However, the revised plans still show that the balconies have a depth of six feet, not four feet, when the area closest to the apartments is included in the width. This area is included in the open space calculations so appears to be part of the balcony. Note also that the staff response refers to balconies on the second, third, fourth, ***and fifth floors*** which is not consistent with the plans provided. There should be no reference to balconies on a fifth floor.

**Height**

Ms. Fields appreciates that the mezzanine floor of the proposed project has been eliminated. This area of the building simply added height without contributing in anyway to the provision of affordable housing and its removal reflects how unnecessary this design feature was. However, the staff report's height references and the revised plans are difficult to reconcile. The revised plans show a roof height of 45 feet, and a height of 53 feet 6 inches on the portions of the roof where the enclosed stairs to the roof deck have access to the roof. Neither of these values reflects the 49 feet 10 inches discussed in the staff report. Again, this a product of the hasty manner in which the public and Ms. Fields have been required to review these plans that results in an inability to properly evaluate the proposal.

**Floor to Area Ratio**

Against, Ms. Fields recognizes that the project's revised plans show a reduced Floor to Area Ratio from 3.0:1 to 2.65:1 FAR. In the time available, it is impossible to review and verify these calculations. In light of the error with the rear yard incentive, further scrutiny of the plans is appropriate.

**Roof Decks as Open Space**

Again, the revised plans, which reduce the overall room count of the units, were not provided with sufficient time to review and ascertain these calculations. There is no response to the observation in the appeal and elaborated in the supplemental submission, that more of the roof deck is being counted for open space than is appropriate. Under Los Angeles Municipal Code section 12.21 G, which establishes open space requirements for developments of six or more units, projects constructed at an R3 density can only include roof deck space in the open space calculation if that space is more than 10 feet from parapet. It would appear from the plans that the space up to the parapet is included in the open space calculations. The staff response simply discusses the LADBS verification process, which will not help if the project is approved with insufficient open space as required by code. Staff should respond to the question whether the project's open space calculations are as required by the Municipal Code.

**CEQA Issues**

As Ms. Fields has pointed out in her appeal and her supplemental submission, parking is a significant local concern. Bagley Avenue is a substandard width street and parking is permitted on one side only. Pursuant to the TOC Guidelines, the project proposes to provide a parking space for only one half of the 12 units.

The staff report dismisses parking concerns as an environmental issue under CEQA, arguing that "pursuant to CEQA, the adequacy of parking for a project, in and of itself, is not an environmental impact."

The Court of Appeal in *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, elaborated upon the required CEQA analysis for parking. As the Court of Appeal explained, "CEQA does not provide that a project's direct impact on parking cannot constitute a significant impact on the physical environment." (215 Cal.App.4th at p. 1050.) The court rejected as dicta language in a different case that parking shortfalls are simply an inconvenience to drivers, observing that "cars and other vehicles are physical objects that occupy space when driven and when parked. Therefore, whenever vehicles are driven or parked, they naturally must have some impact on the physical environment. The fact that a vehicle's impact may be only temporary . . . does not preclude it from having a physical impact on the environment around it." (*Id.* at p. 1051.) Moreover, "[v]ehicles, whether driven or parked, in effect constitute man-made conditions and therefore may constitute physical conditions in an area that may be affect by a proposed project, thereby requiring a lead agency to study whether a project's impact on parking may cause a significant effect on parking and thus the environment. Furthermore, to the extent the lack of parking affects humans, that factor may be considered in determining whether the project's effect on parking is significant under CEQA." (*Id.* at p. 1053.)

The analysis of the proposed project's CEQA exemption fails to consider the circumstance that the project is located in a neighborhood in which parking is more constrained than usual, due to the substandard width street and the parking restrictions on one side. There has been no consideration of the impacts of the at least six, if not likely more, vehicles that will not have parking spaces in the building.

As set forth in the supplemental appeal submission, from 3117 Bagley to the Expo line is more than a half mile walk. The location is not near significant bus service – the Big Blue Bus on National is routed to the Expo station. The nearest routes going north/south are on Robertson. Many residents will likely own a vehicle to travel places that are not served by the Expo line. Yet the project provides parking for only half of its units. In this situation, the lack of parking is an unusual circumstance that renders a CEQA exemption improper.

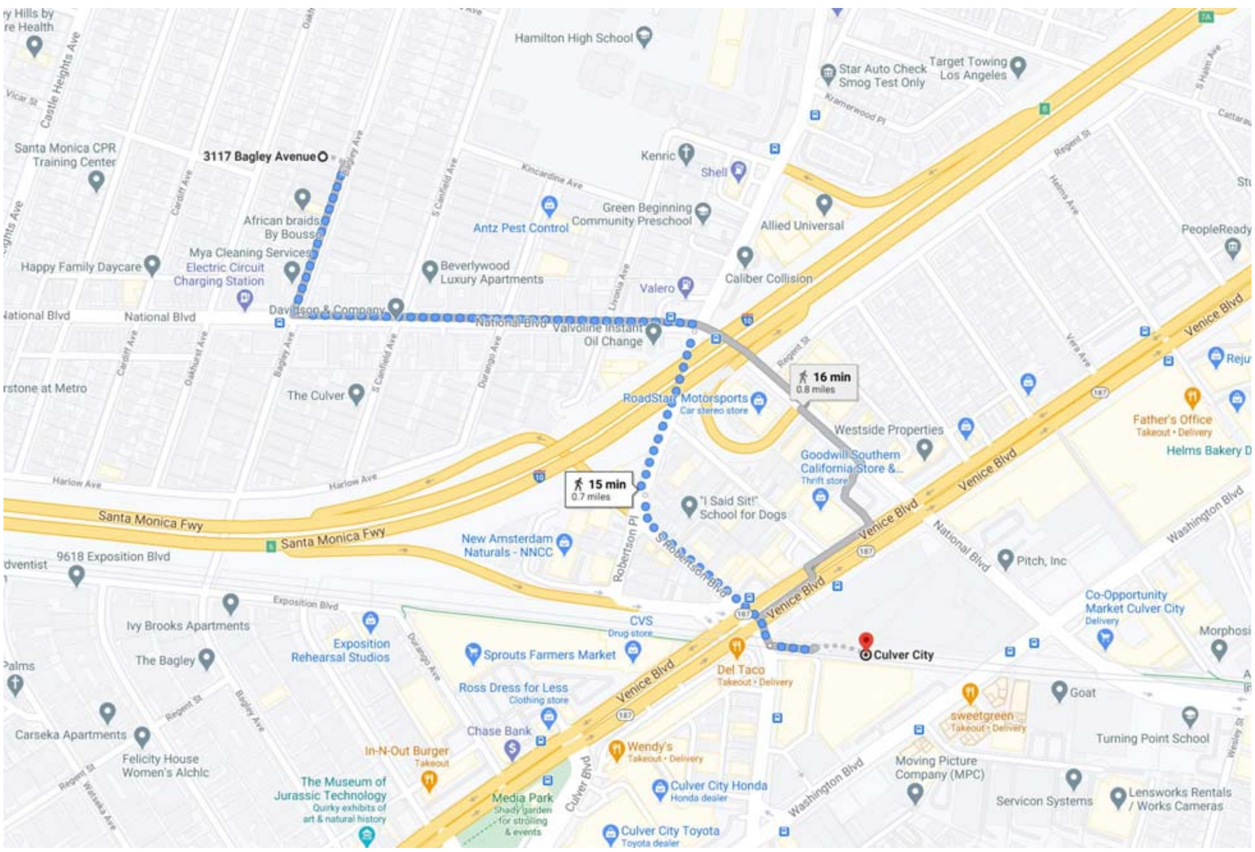


Figure 1: Google Maps Walking Directions from 3117 Bagley to Culver City station

**CONCLUSION**

While the revisions to the project are appreciated, they are not enough. Moreover, the process by which the revisions were made public is not acceptable. Ms. Fields is rightly concerned that the Director of Planning approved a project with an incorrect and improper incentive. What other issues are being swept under the rug by this hasty release of the revised plans?

Respectfully submitted,

Beverly Grossman Palmer

STRUMWASSER & WOOCHER LLP

# EXHIBIT 1

# General Board Meeting Minutes

**Thursday, August 22, 2019, 7:00pm**
Note change of date.
Simon Wiesenthal Center, 3rd Floor
1399 S. Roxbury Dr., Los Angeles, CA 90035 (northwest corner of Pico)

---

I. **Call to Order & Roll Call:** SORO NC Board President Krystal Návar called the meeting to order at 7:08pm.

**Board Members Present:**
Richard Bloom, Jonathan Brand, Jarred Weston, Linda Theung, Jon Liberman, Gloria Dioum, Bianca Cockrell, Ken Blaker, Krystal Navar, Jason Van Over, David Menkes, Barry Levine, Terrence Gomes, Martin Epstein, Sarah Nachimson, Paula Peng, David Reiman, Michael Lynn, Steve Chocron, Jessica Barclay-Strobel
**Board Members Absent:**
Charlie Stein, Adam Rich, David Liberman, Susan Burden, Dan Fink, Gary Kasparian

II. **General Public Comment & Brief Board Announcements** *(6 minutes)*

III. **Community Partner Reports** *(15 minutes – 3 minutes each)*
   a. LA Police Department (Kirk & Baker)
   b. Office of Council President Wesson (Carlin)
   c. Office of Councilmember Koretz (Garcia)
   d. Office of Mayor Garcetti (Fields-Meyer)
   e. Office of Assemblymember Bloom (Kaufler)
   f. Office of Assemblymember Kamlager-Dove (Montoya)
   g. Office of State Senator Mitchell (Lopez)
   h. Department of Neighborhood Empowerment (Elbarbary)
   i. Other Neighborhood, City, and State offices

IV. **Consent Agenda** *(5 minutes)*
   a. Draft meeting minutes of May 16, 2019 (Epstein / GB082219-1)
   b. Draft meeting minutes of June 20, 2019 (Epstein / GB082219-2)
   c. Draft meeting minutes of July 18, 2019 (Stein / GB082219-3)
   d. Motion to support Conditional Use Beverage (CUB) at 8879 W Pico Blvd (Case number ZA-2019-4071-CUB) (Land Use / GB082219-4)

      - Moved by Jon Liberman, seconded by Ken Blaker.
      - **Motions Passed by consent.**

V. **Committee Reports** *(20 minutes)*
   a. Changes to Board committee membership
      - **Krystal Navar, Ken Blaker, Martin Epstein and Richard Bloom requested to be added to the BAED Committee**
   b. Treasurer's report, July Monthly Expenditure Report (MER) (Liberman / GB082219-5)
      - Moved by Martin Epstein, seconded by Jared Weston.
      - **Vote: 15-Y, 0-N, 0-A. Report accepted.**
   c. Committee and liaison reports, events, and legislative issues
      i. Board Development: Board Retreat scheduled for Sunday, Sept. 22


**Krystal Návar**
President

**Ken Blaker**
Vice-President

**Jon Liberman**
Treasurer

**Martin Epstein**
Secretary

**Charlie Stein**
Corresponding Secretary

**South Robertson Neighborhoods Council**

PO Box 35836
Los Angeles, CA 90035

P: (310) 295-9920
F: (310) 295-9906
E: info@soronc.org

**soronc.org**

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- **VI. Special Orders** *(30 minutes)*
  - a. Vote to fill vacant School Representative 1 seat / interim appointment until 2021 NC election (GB082219-7)
    - i. Candidates: Ellen Lanet, Steve Chocron
      - **Steve Chocron – 12 Votes "Winner"**
      - **Ellen Lanet,- 6 Votes**
      - **Ballots added to the SORONC meeting binder.**
  - b. Vote to fill vacant At-Large Representative 2 seat / interim appointment until 2023 NC election (GB082219-6)
    - i. Candidates: Jessica Barclay-Strobel, Kat Karimi, Ellen Lanet
      - **Jessica Barclay-Strobel – 9 Votes "Winner"**
      - **Kat Karimi - 5 Votes**
      - **Ellen Lanet - 4 Votes**
      - **Ballots added to the SORONC meeting binder.**
  - c. Confirmation of Committee Chair nominees
    - i. Education: Barry Levine, Chair (GB082219-8)
      - **Motion withdrawn and will be placed on September's agenda due to no meetings confirming committee chairs**
    - ii. Green Team: Martin Epstein, Chair (GB082219-9)
      - **Motion withdrawn and will be placed on September's agenda due to no meetings confirming committee chairs**
    - iii. Outreach: Linda Theung, Chair (GB082219-10)
      - **Passed by consent**
    - iv. Parks & Recreation: Jon Liberman, Chair (GB082219-11)
      - **Motion withdrawn and will be placed on September's agenda due to no meetings confirming committee chairs**
    - v. Public Safety: Michael Lynn, Chair & Adam Rich, Vice Chair (GB082219-12)
      - **Motion withdrawn and will be placed on September's agenda due to no meetings confirming committee chairs**
    - vi. Robertson Revitalization: David Menkes, Chair (GB082219-13)
      - **Passed by consent**
- **VII. New Business** *(90 minutes)*
  - a. Motion to support proposed 16-unit Transit Oriented Communities (TOC) apartment building at 3117 S Bagley Ave (Case number DIR-2019-750-TOC) (Land Use / GB082219-14)
    - Moved by Ken Blaker, seconded by Linda Theung.
      **Vote: 5-Y, -9-N, A-2, R-1. Motion fails.**
  - b. Motion to submit a Community Impact Statement (CIS) asking the City to study a pathway to 100% renewable energy by 2030 (Green Team / GB082219-19)
    - **Vote: 14-Y, 3-N, A-0. Motion passes.**
  - c. Motion to increase funding for SORO NC business cards from up to $700 to up to $3,000 (Exec / GB082219-15)
    - Moved by Jon Liberman, seconded by Ken Blaker.
      **Vote: 17-Y, 0-N, A-0. Motion passes.**
  - d. Motion to reimburse Jon Liberman for items paid on NC behalf (Exec / GB082219-16)
    - Moved by Jon Liberman, seconded by Krystal Navar.
      **Vote: 16-Y, 0-N, A-1 Motion passes.**
  - e. Motion to fund up to $500 to sponsor RYLAN Presentations (Public Safety / GB082219-17)
    - Moved by Ken Blaker, seconded by David Menkis.
      **Vote:17-Y, 0-N, A-0. Motion passes.**
  - f. Motion to increase funding of Board Retreat from up to $1,000 to up to $2,000 (Exec / GB082219-18)

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- Moved by Jon Liberman, seconded by Ken Blaker.
  **Vote:17-Y, 0-N, A-0. Motion passes.**

## VIII. Vote Tally

**1:** moved | **2:** seconded | **Y**: yes | **N**: no | **A**: abstain | **R**: recuse | **X**: missed vote **I E:** ineligible to vote | **C**: passed by general consent | **B:** ballot

| Votes Taken | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Gary Kasbarian | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Jessica Barclay-Strobel | | | | | | | | C | C | Y | Y | IE | IE | IE | IE |
| Ken Blaker | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Jason Van Over | C | C | C | C | Y | B | B | C | C | Y | Y | Y | Y | Y | Y |
| Krystal Navar | C | C | C | C | Y | B | B | C | C | Y | Y | Y | Y | Y | Y |
| David Menkes | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Barry Levine | C | C | C | C | Y | B | B | C | C | Y | Y | Y | Y | Y | Y |
| Martin Epstein | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Susan Burden | X | X | X | X | IE | X | X | X | X | X | X | X | X | X | X |
| Terrence Gomes | X | X | X | X | X | B | B | C | C | N | N | Y | Y | Y | N |
| David Reiman | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Dan Fink | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Paula Peng | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Charlie Stein | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Richard Bloom | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Jonathan Brand | C | C | C | C | Y | B | B | C | C | A | N | Y | Y | Y | Y |
| Jared Weston | C | C | C | C | Y | B | B | C | C | N | Y | Y | Y | Y | Y |
| Linda Theung | C | C | C | C | Y | B | B | C | C | A | Y | Y | Y | Y | Y |
| Michael Lynn | X | X | X | X | X | B | B | C | C | N | N | Y | Y | Y | Y |
| Jon Liberman | C | C | C | C | Y | B | B | C | C | R | Y | Y | Y | Y | Y |
| Gloria Dioum | C | C | C | C | Y | B | B | C | C | Y | Y | Y | Y | Y | Y |
| Adam Rich | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Bianca Cockrell | C | C | C | C | Y | B | B | Y | C | Y | Y | Y | Y | Y | Y |
| Steve Chocron | | | | | | | B | C | C | A | A | IE | IE | IE | IE |
| Sarah Nachimson | C | C | C | C | IE | B | B | C | C | X | X | X | X | X | X |

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**Votes taken**

1. Draft meeting minutes of May 16, 2019 (Epstein / GB082219-1)
2. Draft meeting minutes of June 20, 2019 (Epstein / GB082219-2)
3. Draft meeting minutes of July 18, 2019 (Stein / GB082219-3)
4. Motion to support Conditional Use Beverage (CUB) at 8879 W Pico Blvd (Case number ZA-2019-4071-CUB) (Land Use / GB082219-4)
5. Treasurer's report, July Monthly Expenditure Report (MER) (Liberman / GB082219-5)
6. Vote to fill vacant School Representative 1 seat / interim appointment until 2021 NC election (GB082219-7
7. Vote to fill vacant At-Large Representative 2 seat / interim appointment until 2023 NC election (GB082219-6)
8. Outreach: Linda Theung, Chair (GB082219-10)
9. Robertson Revitalization: David Menkes, Chair (GB082219-13)
10. Motion to support proposed 16-unit Transit Oriented Communities (TOC) apartment building at 3117 S Bagley Ave (Case number DIR-2019-750-TOC) (Land Use / GB082219-14)
11. Motion to submit a Community Impact Statement (CIS) asking the City to study a pathway to 100% renewable energy by 2030 (Green Team / GB082219-19)
12. Motion to increase funding for SORO NC business cards from up to $700 to up to $3,000 (Exec / GB082219-15)
13. Motion to reimburse Jon Liberman for items paid on NC behalf (Exec / GB082219-16)
14. Motion to fund up to $500 to sponsor RYLAN Presentations (Public Safety / GB082219-17)
15. Motion to increase funding of Board Retreat from up to $1,000 to up to $2,000 (Exec / GB082219-18)

## IX. Adjournment

- **Meeting adjournment at 9:58**

# DAY OF HEARING SUBMISSIONS

| | | |
|---|---|---|
| Case No. DIR-2019-7067-TOC-1A | Meeting Date: | Sept 17, 2020 |
| | From: | Frankie Holt |
| | Project Site: | 5806-5812 Lexington Avenue |

# TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

**In response to:**
**DIRECTOR'S DETERMINATION**
**TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**

2. ***Major Transit Stop.*** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

**THIS IS FALSE.**

**THIS IS FALSE**
**The closest Major Transit Stop is 0.6 miles away**
**Please note google map below**

## The closest Major Transit Stop is 0.6 miles away 0r 3168 feet

This "Lexington 2" project needs to be studied in conjunction with the "Lexington 1" across the street. It is by the same developer and is already in the approval process from the LA City Planning Commission.

I ask the Los Angeles City Planning Commission to look at the COMBINED effect of these two(2) developments on this one(1) residential block of Lexington Ave.

They will have a SIGNIFICANT effect on the community in addition to similar projects in the neighborhood.

**I ask for a meaningful Site Plan Review of the project in its entirety.**

**With no Major Transit Stop within the TOC required 2,640 feet, people will need cars. The closest grocery store is:**
**Food For Less — 0.8 mile; Gelson's — 1.1 mile; Ralph's — 1.1 mile; Pavilion's — 1.2 mile**

**The project is also requesting a DECREASE in green space.**


**Take note of the Key Principles Los Angeles Green New Deal Plan (2019). We need to hit our emissions targets by adding open space, not reducing it.**

**In addition to adding affordable housing, the city should be looking at the environmental impact of reducing open space. L.A.'s Green New Deal has target to add green, not reduce.**

**The plan has specific targets to improving Public Health by Cooling the Streets.We need to add more GREEN space in the city. Los Angeles (and especially Hollywood) needs green spaces to reduce the urban heat island effect which will encourage people to walk and cycle.**

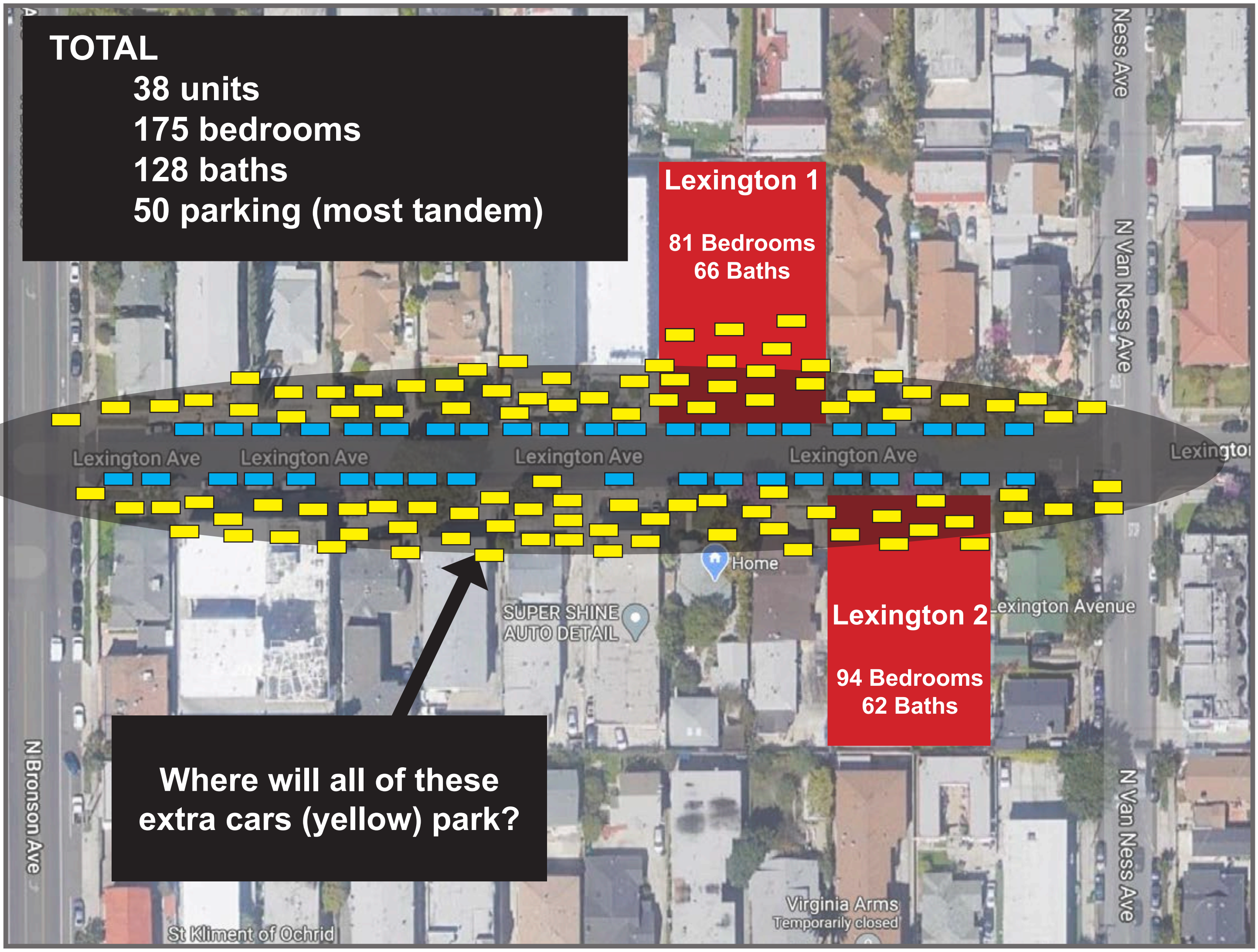
**If you are going to approve a higher density building, then you MUST make it habitable for people to walk and bike.**
**Concept of High Density Buildings is more people will walk and bike. To be able to walk and bike in the city we need to reduce the urban heat by ADDING green space.**

**Already, many Angelenos die each year when heat waves strike, and suffer the health effects of polluted air. Trees and open space cool urban streets and reduce disease by filtering the air.**

| Case No. | Meeting Date: | Sept 17, 2020 |
|---|---|---|
| DIR-2019-7067-TOC-1A | From: | Frankie Holt |
| | Project Site: | 5806-5812 Lexington Avenue |

# PARKING REQUIREMENTS

**An environmental study of these two(2) developments should be required to assess the impact they will have on the neighborhood.**




**I'm requesting an Environmental Impact Study for an expert review of this situation.**

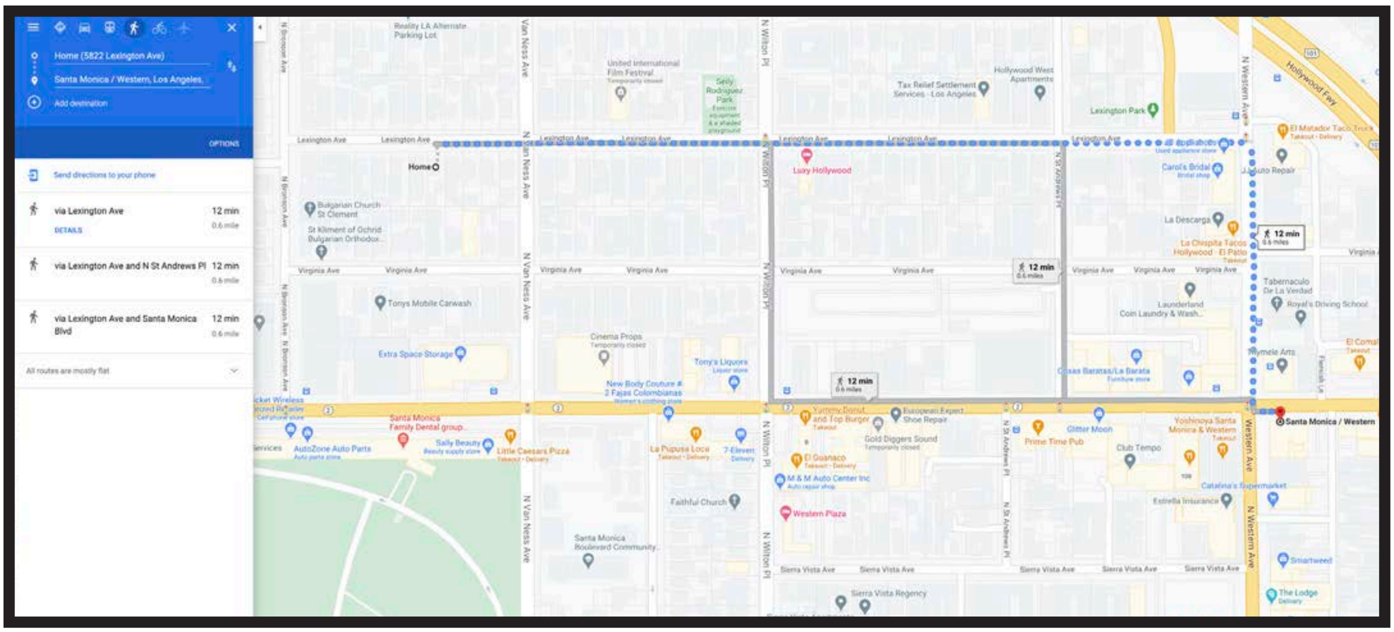
**Let's assume:**
**With new 175 bedrooms, there might be 2-people per bedroom in some. (350 people) But for argument's sake, but let's guess lower that, and say *only* 150 residents will have cars.**

| | |
|---|---|
| **150** | **added residents with cars** |
| **- 50** | **parking spaces** |
| **= 100** | **added cars to this residential street (In Yellow above)** |

**There are approximately 40 street-parking spots on this street (in blue above)**

| | | |
|---|---|---|
| Case No. DIR-2019-7067-TOC-1A | Meeting Date: | Sept 17, 2020 |
| | From: | Frankie Holt |
| | Project Site: | 5806-5812 Lexington Avenue |

## SANTA MONICA $ WESTER TRANSIT STOP



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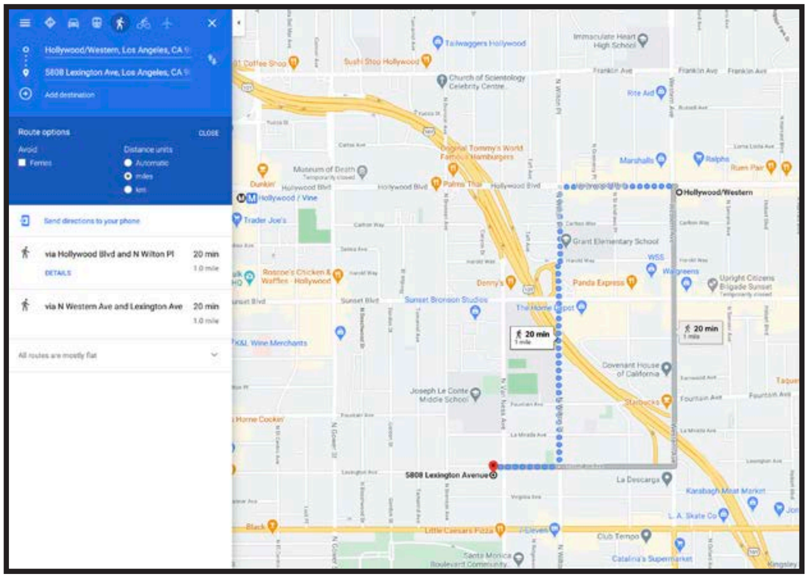
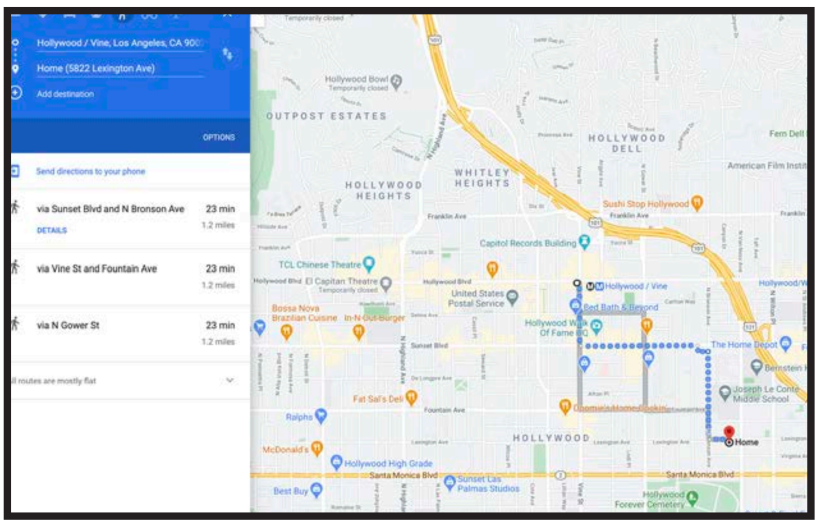
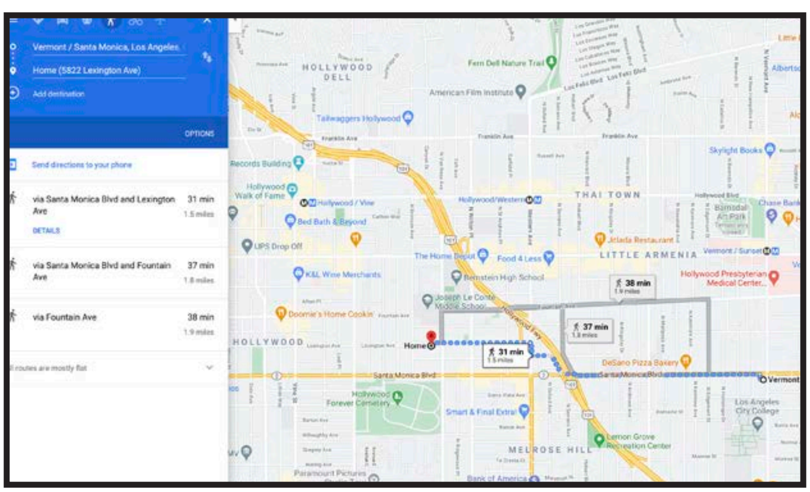
| Case No. DIR-2019-7067-TOC-1A | | Meeting Date: | Sept 17, 2020 |
| | | From: | Frankie Holt |
| | | Project Site: | 5806-5812 Lexington Avenue |

# METRO STOPS



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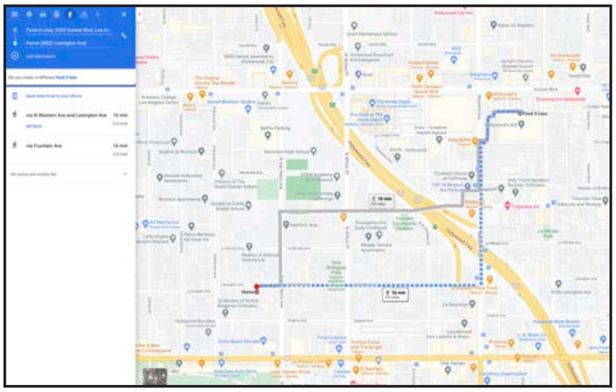
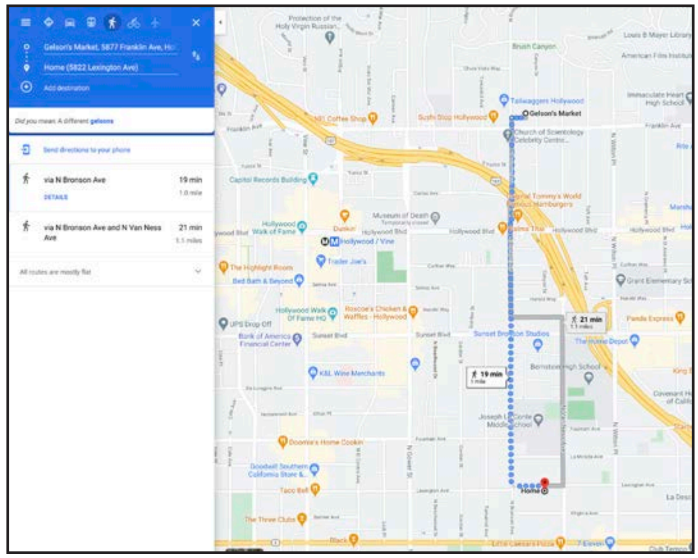
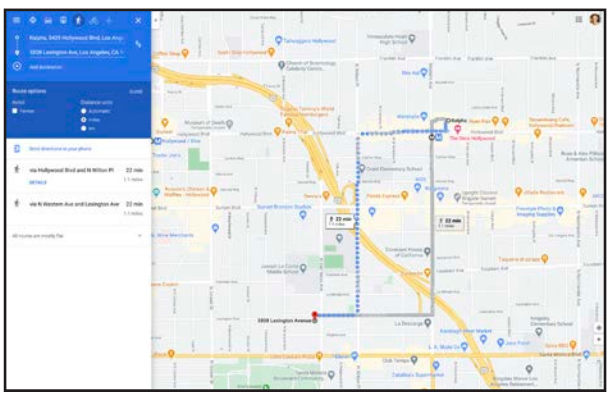
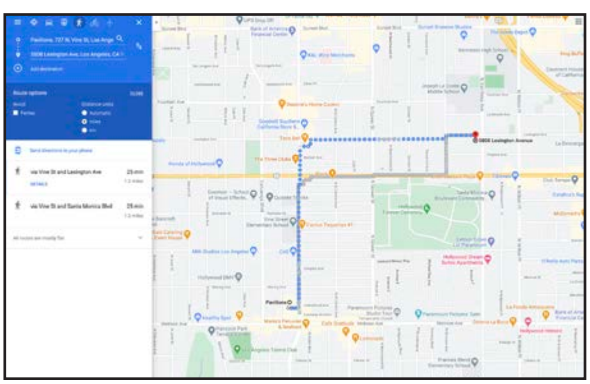
|---|---|---|
| **Case No. DIR-2019-7067-TOC-1A** | **Meeting Date:**<br>**From:**<br>**Project Site:** | **Sept 17, 2020**<br>**Frankie Holt**<br>**5806-5812 Lexington Avenue** |

## Grocery Store



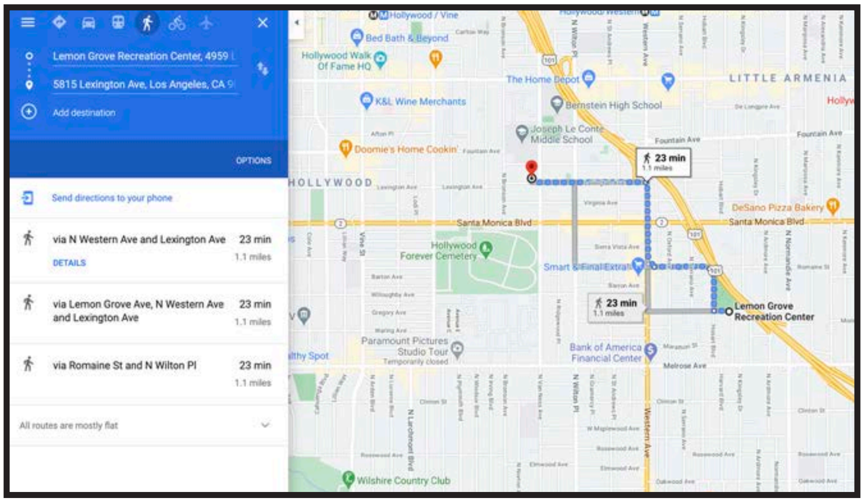


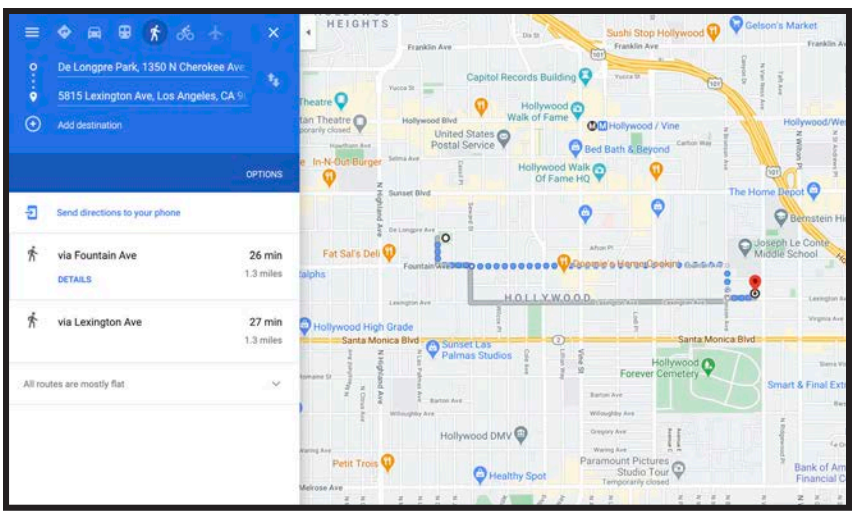



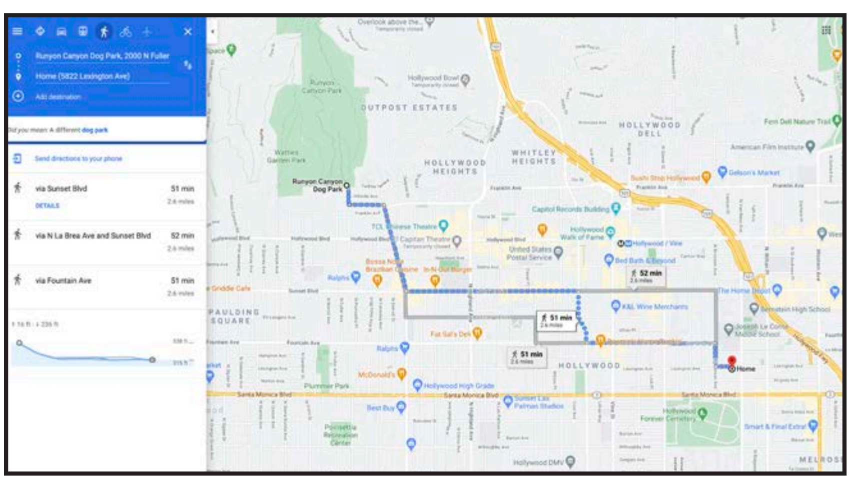


| Case No. DIR-2019-7067-TOC-1A | Meeting Date: From: Project Site: | Sept 17, 2020 Frankie Holt 5806-5812 Lexington Avenue |
|---|---|---|

# PARKS: OPEN GREEN SPACE



# Michael Higgins : 5822 Lexington Ave
# Los Angeles : California : 90038

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Sept. 16, 2020

Los Angeles City Planning Commission
200 N. Spring St. Los Angeles,
CA 90012
Case #DIR-2019-7067-TOC-1A
Project Site: 5806-5812 Lexington Ave

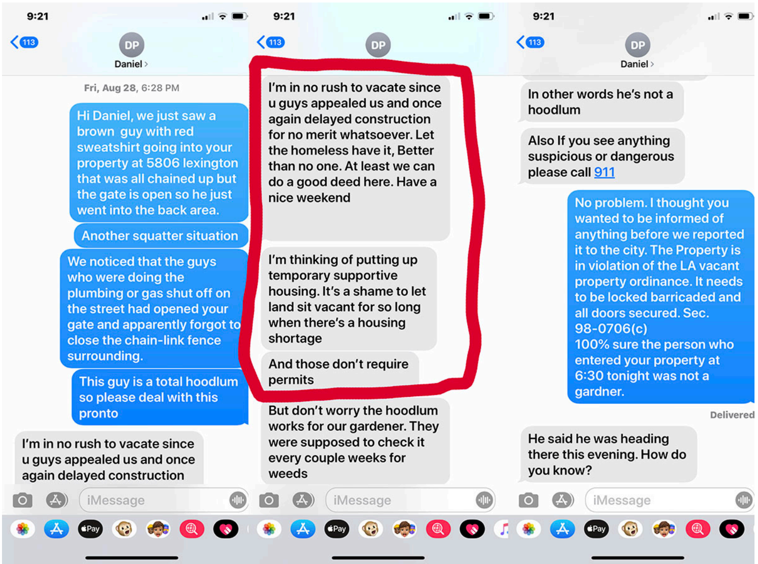
re: Citywide City Planning Commission Meeting notes. Sept 17, 2020

Dear Los Angeles City Planning Commission,

I have concerns about the developer's interest in our neighborhood when I received antagonistic texts like the ones shown here.
I'm sharing with you his text response when his property was left open to the public and we saw a transient person illegally gain access to his property this month. It shows he doesn't care about the neighborhood and even made a threatening and un-true comment about supportive housing not needing a permit.

*"I'm in no rush to vacate since u guys appealed us and once again delayed construction for no merit whatsoever. Let the homeless have it. Better than no one. At least we can do a good deed here. Have a nice weekend"*
*"I'm thinking of putting up temporary supportive housing. It's a shame to let land sit vacant for so long when there's a housing shortage. And those don't require permits."*

You might also be aware of the series of fires that have been happening in vacant homes recently. This heightens our concern that Daniel Pourbaba does not seem to be concerned with the Hollywood neighborhood.




Why I oppose the development:
1. The two proposed developments have a total of 188 individually leased units with just 54 parking space (half of which are tandem spots). Only 4 units are set aside as affordable housing.
2. 5817 - 5823 Lexington Ave is a co-sharing building where units will be leased furnished, like an AirBnb, co-living or Dorm units.
3. The city has failed to to consider the cumulative impacts both projects have on the neighborhood.

Sincerely,
Michael Higgins