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VIA ELECTRONIC MAIL

Planning and Land Use Management (PLUM) Committee
Marqueece Harris-Dawson, Chair
councilmember.harris-dawson@lacity.org
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Re: Appeal of Harvard-Westlake Project; 4047-4155 N. Whitsett Ave.; 12506-12630 W. Valley Spring Ln.; Council File 23-1101; CPC-2020-1511-VCU-SPR and ENV-2020-1512-EIR

Honorable Chair Harris-Dawson and Committee Members:

This office represents Appellant Save Weddington in its appeal of the City Planning Commission's approval of the Harvard-Westlake Project. This letter supplements the initial appeal submittal to demonstrate that the Project is not consistent with Community Plan Note 6.

I. THE PROJECT DOES NOT CONFORM TO THE DEFINITION OF OPEN-SPACE LANDS IN COMMUNITY PLAN NOTE 6

Community Plan Note 6 requires that land designated Open Space, such as the Project site, shall conform to the definition of "open space land" in Government Code Article 10.5.¹ This definition in Section 65560(b) requires that open space land shall be "essentially unimproved and devoted to an open-space use as defined in this section[.]"

First, the existing portion of the Project site *will no longer be* "essentially unimproved" after the Project constructs gymnasium, surface and subterranean parking level, turf field with bleachers, sprawling tennis courts, swimming pool and vast associated paved and artificial surfaces. The Merriam-Webster Dictionary defines the word "essentially" to mean: "in essence: fundamentally; used to identify or stress the basic or essential character or nature of a person or

¹ Community Plan, Footnote 6: Open Space designation on the Plan map conform to the definition of "Open Space Land" set forth in Article 10.5 of the State of California Government Code and to the City's Open Space Plan.

thing or to say that a description is basically true or accurate.” Cornell University’s Legal Information Institute provides the following real estate definition of “improvement”:

In property and real estate law, an improvement is any positive permanent change to land that augments the property’s value. An improvement will cause positive change to the land, increase the value, and will allow the landowner to make productive use of the property. Common examples are adding permanent buildings and other structures, or making an addition to an existing building. Renovating or repairing an existing structure would also be an improvement. Examples typically include the addition of foundations, driveways, utility services, other engineering structures, etc. . . .²

Thus, the mandate that open-space lands shall be “essentially unimproved” requires that the basic character of the open space is that it remains without permanent buildings or structures.

Here, the Project proposes permanent changes that augment the Property’s value in the form of (1) permanent buildings (the 80,249 square-foot gymnasium); (2) permanent structures (the swimming pool); and (3) other engineered structures (paving throughout the Project site). These improvements redefine the essential characteristics to focus on recreation in or within engineered structures – not the unimproved outdoors. The Open Space would not be “essentially unimproved.”

Second, the proposed indoor gymnasium *will no longer be “devoted to an open-space use as defined in this section[.]”* Section 66560(b) enumerates six categories of open space uses. The uses of the Project’s indoor gymnasium fall clearly outside the scope of any of these six categories.

II. THE PROJECT’S INCONSISTENCY WITH THE COMMUNITY PLAN PRECLUDES AFFIRMATIVE FINDINGS

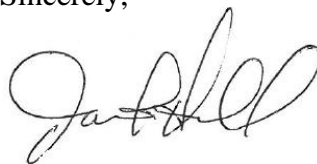
As noted above, the Project is inconsistent with Community Plan Note 6. Therefore, it cannot be found consistent with the General Plan as required by the Vesting Tentative Tract or Site Plan Review findings (that the project “substantially conforms with the purpose, intent and provisions of the . . . applicable community plan”).

III. THE PROJECT FAILS TO COMPLY WITH CEQA

The EIR must be revised and recirculated to address the Project’s inconsistency with Community Plan Note 6. 14 Cal. Code Regs. § 15125(d). Note 6 directly addresses environmental impacts by requiring the maintenance of unimproved open space land. The Project’s inconsistency impacts the physical environment by depriving the public of outdoor recreation opportunities on unimproved natural areas.

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Sincerely,



Jamie T. Hall

² <https://www.law.cornell.edu/wex/improvement>