

September 12, 2024

VIA E-MAIL

ATTN: The Honorable Los Angeles City Council
200 N Spring Street, Room 395
Los Angeles, CA 90012

RE: Response to Appeal Justification

Address: 10756 W Wilkins Ave, Los Angeles, CA 90024

Case #: CPC-2023-5876-CU-DB-DRB-SPP-VHCA-1A; ENV-2023-5877-CE

Dear Honorable Commissioners,

This firm represents Wilkins Group LLC and FIN Holdings LLC (the “Applicant”) in connection with the proposed demolition of an existing single family dwelling and the construction of a 5-story, 56-foot high, 11,941 square foot 11-unit multi-family building with 2 units reserved for Very Low Income Households (the “Project”) located at 10756 W Wilkins Ave (the “Project Site”) in the Westwood Community Plan area. On May 28, 2024, the City Planning Commission (“CPC”) issued a determination and granted approvals for the Project. The CPC also determined that the Project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines, Section 15332.

On June 7, 2024, Steven S. Carbone (the “Appellant”) appealed the entirety of the CPC determination (the “Appeal”).

This response focuses on the assertions raised by the Appellant related to the Project. As demonstrated below, each of the arguments in the Appeal are meritless, and we respectfully request that the City Council deny the Appeal and uphold the CPC’s determination.

Incorrect Program Referenced: The State Density Bonus Law (SDBL) Applies, Not TOC

The appeal assumes that the project utilizes the Transit Oriented Communities (TOC) Affordable Housing Incentive Program. This is incorrect. The project is utilizing the State Density Bonus Law (SDBL), which permits deviations from specific plan requirements.

The appellants’ argument exclusively relies on the premise that the City of Los Angeles’s TOC program cannot provide incentives that allow development in excess of the limitations and requirements of the Specific Plan. Their assertion largely rests on prior litigation at 10757 W Wilkins Ave. However, that case was dismissed and is moot. Moreover, their assertions that the TOC guidelines override the Specific Plan requirements are irrelevant and misplaced because the project is not using TOC incentives but rather is in compliance with the SDBL, which allows for such deviations.

Project Misrepresentations

The appeal incorrectly states that the project provides only 6 parking spaces, when in fact it is providing 7 parking spaces, exceeding the requirements, which are zero parking. The appellants reference a 33-foot height limit.

However, the correct height limit under the Westwood Community Plan and RD1.5-1 zoning is 45 feet. The project received an approved height waiver for an additional 11 feet, making the total height 56 feet, which is fully compliant under the SDBL provisions. This height increase is a standard waiver under the SDBL and is not in violation of any local specific plan or zoning code. This shows a fundamental misunderstanding of the project details by the appellants.

Appellant Absence at Public Hearings

The appellants were notably absent from the multiple public hearings and community outreach sessions that were conducted in the preceding months. During these sessions, extensive details of the project, including its adherence to the SDBL and not the TOC program, were clearly communicated. The appellant's late involvement and lack of participation in these public processes further diminish the weight of their claims.

Misrepresentation of Specific Plan Jurisdiction

The appellants' argument that the Planning Department lacks jurisdiction over Specific Plan deviations is baseless. Under the State Density Bonus Law, deviations from local specific plans, including those related to height, setbacks, and open space, are expressly permitted. The project's compliance with SDBL is clear, and the Planning Department has the authority to approve such projects.

Conclusion

The appellants' entire argument is founded on the incorrect assumption that the project falls under the TOC program, when in fact it is being developed under the SDBL. The additional claims regarding parking spaces, height limits, and deviations from the specific plan are similarly flawed and factually inaccurate. Given these significant errors, and based upon the clear evidence in the record and the CPC's determination, we respectfully request that you deny the appeal, and allow the Project to move forward.

Thank you for your consideration and please do not hesitate to reach out should you have any additional questions.



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