

## Communication from Public

**Name:** Allen Franz  
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**Council File No:** 20-0680  
**Comments for Public Posting:** Please include the attached document [1309 Pacific appeal letter 101520] in Council File : 20-0680. Council File 20-0680 Title: 1309-1331 South Pacific Avenue/Density Bonus (DB)/Site Plan Review (SPR)/Appeal Reference Numbers: Case: CPC-2019-4908-DB-SPR-1A Environmental: ENV-2019-4909-CE

To Whom it May Concern:

Thank you for the opportunity to state our concerns regarding the project proposed for 1309 Pacific Ave. in San Pedro.

Our coalition has invested our time and energy into this because we care about the future of San Pedro. We don't have a public relations specialist, political liaison, or planning strategist to make our case—but we think you should find it compelling, nonetheless.

To repeat a point we've stressed previously, we aren't against redevelopment—but we want to see development that conforms to our community's thoughtfully developed plans and which accommodates the real housing needs of the community, while maintaining and enhancing the quality of life and distinct identity of our town. We're not just another generic bedroom community—San Pedro is a town with its own history and character!

We endorse LA City Planning Department's current Housing Element, which sets the goal that residential development must contribute to safe, livable, sustainable communities, without overcrowding. If adhered to, standards established by CEQA, LAMC, the San Pedro Community Plan/CPIO, the Pacific Corridor Redevelopment Plan, and other applicable rules would serve the goal of the City's Housing Element. The problem here is that this project misrepresents and repeatedly violates the standards articulated in our guiding development documents. We look to the Council Office to represent *our* interests when outside interests seek to manipulate the planning process for their benefit, at the expense of our community.

The project at 1309 Pacific Ave. was initially approved by all three San Pedro neighborhood councils. However, all three then became aware of a consistent pattern of deception and misrepresentation in the project's application materials, and apparent negligence or malpractice on the part of the agencies responsible for certifying and approving the applicants' deceptive claims and arguments. As a result, all three of San Pedro's Neighborhood Councils have subsequently voted to support the appeal of the project's Planning Commission approval and joined an appeal to the Council Office to support the appeal and help preserve San Pedro's historic identity.

*Not too long ago, San Pedro was desperate for market-rate housing—but there are now several thousand units at various stages of planning and development—and hundreds languishing, empty. San Pedro is no longer so desperate for market-rate housing that it needs to support whatever extravagant concessions developers may request. San Pedro IS an attractive investment, thanks in large part to your efforts in attracting investment to the Public Market/West Harbor project, AltaSea, the marinas, and other developments. The proposed project, on the other hand, is a poor solution to a problem that no longer exists. It fails to meaningfully address current needs for affordable housing, and sacrifices the interests of the local community for out-of-town, GoFundMe*

*investors whose only interest is to cram in as many entitlements as possible in order to maximize their profit when they flip the property.*

Unfortunately, the current project would not contribute to the betterment of San Pedro, but would instead impose an unjustifiable burden on the surrounding community while providing minimal benefit in addressing the community's current needs for affordable housing, open space, adequate parking, and safe streets. Despite proposing to offer over one hundred living spaces, there are no meaningful provisions for open space or facilities for children—nor, indeed, is there ANY significant open space within safe walking distance of the parcel for children, seniors, or other residents.

Here's a bullet-point summary of some of the factual and procedural flaws in the proposed project and its application process.

- The California Environmental Quality Act requires findings that projects be consistent with applicable General Plan specifications, yet in this case project proponents submitted incomplete and inaccurate CEQA applications--in an attempt to evade a requisite MND or EIR analysis—and city staff rubber-stamped the flawed CEQA applications, and failed to perform due diligence--approving a far too limited cumulative impact analysis--amounting to an error or abuse of administrative discretion.
- The initial application—which contained a string of errors of both commission and omission--initially sought eligibility for TOC incentives by falsifying proximity to an appropriate transportation nexus--and city staff improperly accepted the claim of eligibility without verifying the claim, as specifically required in the Density Bonus Ordinance.
- The applicants improperly retained TOC density bonus incentives in their project plan even after acknowledging they were ineligible, and switched multiple on-menu/off-menu density bonus incentives—and city staff negligently failed to detect or justify eligibility for the claimed incentives, or to enforce the bonus limits established in the municipal code. Project proponents then claimed—and city staff erroneously concurred--that their project's interim approval was not subject to appeal, despite the terms of LAMC 12.22 A.24(g)(3)(ii) and LAMC 12.36, which stipulate that all entitlements—including off-menu items--are appealable.
- To qualify for a Class 32 categorical exemption from CEQA review, the applicants—and city staff, in Site Plan Review—falsely claimed that the project “is in substantial conformance with the purposes, intent, and provisions of the General Plan and applicable community plan.” However, the project as submitted simply ignores multiple elements of community plan documents—including the Density Bonus Ordinance--and exceeds virtually every specification—floor area ratio, height, setbacks, ground floor retail, etc., as set forth in LAMC and local community plans. The most egregious example of this is the project's handling of the city's regulations affecting the project's floor area ratio (FAR). In the interest of retaining some minimum level of open space for recreation, greenery, child play, and the like, City code stipulates a MAXIMUM

FAR of 1.5:1. In a clear violation of both the letter and the spirit of the Density Bonus Ordinance—which is authorized to relax code specifications by up to a MAXIMUM of 35%, this project’s proponents propose that, in exchange for providing the MINIMUM number of very low income units, they should be entitled to take the MAXIMUM density bonus incentive available under terms of the DB Ordinance—and not just to ask for the maximum allowable incentive, but to EXCEED that MAXIMUM variance by a whopping 30%! Under the DB Ordinance (12.22A.25 (f)(4), the maximum FAR should be 1.5:1 plus 35%, or 2.025:1—yet their project incorporates a FAR of 2.65:1!

- FAR is among the standards eligible for on-menu density bonus—which explicitly renders it INELIGIBLE for off-menu bonus incentives—yet City staff improperly approved an excessive off-menu bonus incentive. In violation of the Brown Act, the Planning Staff Recommendation Report to CPC approved the maneuver without question.
- Project proponents sought—and City staff improperly approved--waiver of the CPIO standards regarding both open space and commercial uses on extensive street frontage: The San Pedro CPIO requires that “development projects occupying more than 50% of a length of one side of a street block should provide open space in the form of a plaza, outdoor dining area, or another similar space.” More specifically to this project, the CPIO designates Coastal Commercial Subareas—including the property at 1309-1331 Pacific Avenue—and specifies that “Commercial Uses are required at the Ground Floor for a minimum of 75% of the length of any new Primary Frontage.” These provisions are entirely absent from the proposed project, in order to maximize density of residential units and quick profit for the flippers. Project proponents have suggested that ground floor apartments could run commercial operations through their front doors, but this would require different construction standards and would violate restrictions on the commercial use of residential properties.
- The Pacific Corridor Redevelopment Plan—which, as the City acknowledges, has co-equal weight to the San Pedro Community Plan/CPIO—mandates Residential Design Standards (RDS)—which are completely ignored by the applicant and City staff. For example, the RDS requires that new construction within existing neighborhoods will be compatible with its surroundings, and that the scale and character of new residential construction needs to be especially sensitive to the height, massing, and orientation of existing residences—which the previously mentioned variances for FAR, height, and setback clearly violate.
- The Pacific Corridor Redevelopment Plan’s Streetscape Design Standards mandate that new construction enhance the project area’s commercial streets, contribute to the area’s identity, and support pedestrian orientations and activity. But this project fails to comply with the requirement for ground floor commercial use, and is oblivious to the fact that the City has designated the Pacific Corridor a “High Injury Network” for pedestrians and bicyclists—and adding the congestion from 102 new residential units (with grossly insufficient open space) to an already dangerous stretch of road won’t “support pedestrian orientations and activity.” This is a gross violation of the CPIO and the PCRCP and should not have been approved.

- The City approved a grossly inadequate assessment of cumulative impacts, addressing only one of a number of projects within a half mile of this project site. This violates both the letter and the spirit of CEQA and is simply not fair to the community.

*The project as approved by the City incorporates excessive variances from virtually all the key standards laid out in CEQA, LAMC, the San Pedro Community Plan/CPIO, the Pacific Corridor Redevelopment Plan, and the Density Bonus Ordinance. These standards were in place when the developers acquired the property—and when the City approved the project--and are not some sort of “surprise” to either the developers or City staff, if they performed their due diligence. They have no inherent right to ignore and override the legally established will of the state’s voters, of community members who negotiated the local land use standards--including surrounding residents whose quality of life and property values would be degraded by the project in its current form.*

In considering how Councilman Buscaino can help all of us resolve this issue, here are a couple of thoughts along those lines.

1. Councilman Buscaino can step out to the community as a leader who has vision, not just for any type of development, but for development that fits San Pedro and its proud heritage and identity. We want to work with him to do just that, but this particular development does NOT meet the requirement that the historic and family-friendly nature of the town is being met on several levels: traffic, parking, affordability, open space, aesthetics environmental quality. It's purported goal of meeting AB744's mandate to provide "affordable housing" fails on every level, and so should not be considered under that law. The project must meet the intent of the law, or it should be discarded.
2. The project sponsors have engaged in sleight-of-hand deceptions in their original application, under TOC—which contained numerous "errors of omission or commission"—and which were simply grandfathered into the new application without changing the requested entitlements--which should render the new application inadmissible. How can anyone, much less either the Planning Commission or Councilman Buscaino, put a stamp of approval on false applications (if not downright corrupt, if the deceptions were intentional)?
3. The unique geographic location is essential to any development on that corner. Accumulative effects are critical in any analysis of land use, but especially here, because emergency access to and from Point Fermin neighborhoods must be considered. The posted Tsunami Evacuation Route would mean that people would have to use Pacific Avenue to go SOUTH (UPHILL) in an emergency. More development on that corner, without corresponding road improvements, can and will prove catastrophic to many thousands of people. It is not a small concern.

4. What will the economic benefits or losses be to the existing businesses, and how will future business become viable if there is a bottleneck on Pacific? It will not be a place people are drawn to; it will be a place to be avoided if at all possible. Flipping real estate properties cheats the system, and increases the cost of housing--providing a quick profit for the flippers, but imposing a long-term burden on the community and its amenities and resources.

OK. At a time when City Controller Ron Galperin has identified over a billion dollars' worth of development incentives—without any evidence to indicate that the incentives resulted in any measurable benefit for the citizens of Los Angeles—do projects like this really make sense? At a time when unscrupulous developers like Samuel Leung have been documented bundling hundreds of thousands of dollars in campaign contributions, and city officials like Mitch Englander and Jose Huizar have fallen under a cloud of suspicion for unethical conduct, we need our councilman to take a clear stand to best serve the interests of our community. Tacking the word “Sea” or “Harbor” onto the name of an ugly, over-crowded blockhouse (“Sea Breeze,” “Seaport Homes,” “Harborfront,” etc.) doesn’t automatically make it a good fit for our community.

We can’t stand for corrupt projects getting a stronghold in San Pedro, and we think it’s also bad for our councilman to be involved in supporting this kind of corruption. If the City approves this project as is, then other developers will claim precedent and seek approval of the same violations—including the sister project at 2111 Pacific, and on and on. The precedent, and the cumulative impact, will make San Pedro a less desirable place to live and undermine property values.

So, our take is that Councilman Buscaino should step up for the community by declaring that the "new" project—and its approval--is based on flawed information, or lack thereof, and therefore, he is asking the Planning Commission to delay any further consideration of this project until the application is thoroughly vetted and our concerns are addressed and remedied. He should not hesitate; he should TAKE the LEADERSHIP NOW and do what is right for his constituency, not for GoFundMe investors from far away. People are sick and tired of being used by rapacious interests; we want control of the development that shapes our lives. If Councilman Buscaino won't lead the way, the citizens will have to think of how they can do it by themselves. Does that mean a lawsuit?

We don’t have a public relations specialist, political liaison, or planning strategist to make our case—but we think you should find it compelling, nonetheless.

Sincerely,

Allen Franz, Ph.D.