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VIA E-MAIL (clerk.plumcommittee@lacity.org)

Hon. Chair Marqueece Harris-Dawson and
Members of the Planning and Land Use Management Committee
Attention: Armando Bencomo, Legislative Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Re: Property Address: 1427-1433 South Greenfield Avenue
Case: DIR-2019-277-TOC-DRB-SPP-1A
Environmental: ENV-2019-278-CE-1A
Council File 20-1596
Hearing: March 2, 2021, Agenda Item TBD.

Hon. Chair Harris-Dawson and Hon. Members of the PLUM Committee:

Our office represents the owner of 1427-1433 S. Greenfield Ave., Los Angeles, 90025 (the "Property"), and the applicant for case number DIR-2019-277-TOC-DRB-SPP, a Director of Planning approval for a 29 unit Transit Oriented Communities ("TOC") development located within walking distance of the future Westwood/UCLA Station of the Metropolitan Transit Agency's "D" Subway Line (the "Project"). Of the Project's proposed 29 units, five (5) will be deed restricted affordable units, including three (3) Extremely Low Income, (1) Very Low Income, and (1) Low Income, and the balance of the units will be rent controlled and subject to the City's rent stabilization ordinance. Accordingly, this project will not only add new much-needed restricted affordable units, it will also add 24 new rent controlled units to the City's inventory.

After submitting for project entitlements in January of 2019, our client and the project team have gone to great lengths to work with the neighboring residents and community organizations to assure that the Project's design is responsive to the desires and feedback of the community. This resulted in several Project redesigns - at least 5 different re-designs - which were crafted and modified in response to four (4) Westwood Design Review Board ("DRB") meetings, three (3) Westwood Neighborhood Council meetings, and additional meetings with the Westwood Homeowners Association ("HOA"). Through this collaborative effort, the Project design has evolved dramatically since its original submittal, and the result is a design that effectively balances the need for new housing with the community's desires for attractive and thoughtful architecture. Ultimately, after this extensive outreach effort, the Director of Planning approved the Project in September of last year. Later, in November of last year, the City Planning Commission upheld

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the approval, and dismissed three separate appeals on the grounds that they lacked merit and failed to provide substantial evidence in support of their claims.

Now, a single appellant has brought a CEQA appeal to the City Council challenging the Project's Class 32 Categorical Exemption. This appeal once again lacks merit, and primarily raises general objections to the TOC program as a whole and/or attacks any project element that benefited from an incentive provided by the TOC program (e.g., height, stories, density, floor area, etc.). For instance, the appeal contends that the project is "out of scale" and will represent a "massive increase in density compared to the existing use of the site." These arguments miss the point. First, the "scale and density" being objected to is precisely the scale and density contemplated under the City's zoning code, the specific plan, and the TOC program for this area. Accordingly, the Project is not out of scale, if anything, the existing density on the site is out of scale. This Project provides density and affordable housing adjacent to transit, which is precisely the type of development the community plan, the zoning code, and state housing laws, seek to encourage.

The appeal also raises other general concerns about traffic circulation in the area, as well as other conditions not being impacted by this Project. With respect to the general claims that this project will worsen traffic circulation in the area, the appeal fails to provide substantial evidence that this relatively small 29 unit building will have any traffic impacts whatsoever, let alone significant impacts. (*See 14 CCR § 15384, "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."*) There is no basis in law or fact to support the appellants claim. As to the concerns raised about parking, the project specifically did not take advantage of the full parking reduction incentive provided by the TOC program, primarily to be responsive to community concerns over limited street parking. The Project, therefore, provides more than sufficient parking to accommodate its future residents and their guests, especially considering its location within walking distance to transit, UCLA, and several nearby commercial centers.

Finally, the appeal's curious attempt to rely on Government Code § 65455 to support its position that the project is inconsistent with the City's zoning and general plan also unpersuasive. This provision of the Government Code concerns the adoption of a *local public works project or a zoning ordinance*, which has absolutely no relevance to the approval of a private multi-family development at issue in this appeal. Moreover, the "project" being appealed here is not the City's TOC program as the appeal suggests, nor is this the appropriate venue for the appellant to challenge the City's TOC program. If the appellant wanted to challenge the City's adoption of the TOC program, it had its opportunity to do so when it was adopted. (*See Government Code § 65860, establishing a 90 days statute of limitations to challenge a zoning ordinance's consistency from its enactment.*) Having failed to do so, the appellant has no legal or factual basis to argue that this Project approval is inconsistent with the City's zoning ordinances or

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the specific plan. Government Code Section 65455 simply has no relevance to this project or this CEQA appeal.

The general attacks on the City-wide TOC program aside, the appeal fails to provide substantial evidence that the Director erred in approving the project or issuing its Class 32 exemption. Moreover, the appeal fails to establish any of the findings required by the Housing Accountability Act ("HAA") to deny a housing development project, i.e., that the project has a specific, adverse impact upon the public health or safety, and there is no feasible method to mitigate or avoid the impact. Accordingly, we urge the City Council deny this appeal, and to permit this affordable housing development to proceed forward consistent with the Director of Planning and City Planning Commission's approvals.

Thank you in advance for your consideration and for your service to the City. We look forward to presenting the project to you in greater detail, and answering any questions you may have, at the upcoming hearing.

Very truly yours,



BENJAMIN M. REZNIK and
DANIEL FREEDMAN of
Jeffer Mangels Butler & Mitchell LLP

CC: Daniel Skolnick, Senior Planning Deputy, Council District 5.
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Kristen Gordon, Planning and Econ. Dev. Deputy, Councilmember Harris-Dawson.
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