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March 2, 2021

VIA E-MAIL

Chair Harris-Dawson and Honorable Members of the
Planning and Land Use Management Committee
Los Angeles City Council
200 N Spring Street, Room 395
Los Angeles, CA 90012

clerk.plumcommittee@lacity.org

Re: Belmont Village Senior Living Westwood II Project
Council File No. 20-1624

Dear Chair Harris-Dawson and Honorable Committee Members:

This firm represents Belmont Village Senior Living in connection with the above-referenced project (“Project”), which is to be developed upon a surface parking lot owned by the Westwood Presbyterian Church at 10822 Wilshire Boulevard. Specifically, the Project would include the demolition of the Church’s existing preschool and administrative spaces; the development of a new eldercare facility offering senior independent living, assisted living, and Alzheimer’s/Dementia care units; and the construction of a replacement Church preschool and administrative building.

At today’s meeting, the PLUM Committee will consider the adoption of the Project’s Sustainable Communities Environmental Assessment (“SCEA”), which has been prepared by the City’s Department of City Planning pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA streamlining provisions of Senate Bill 375 (“SB 375”). The Project qualifies for preparation of a SCEA because it meets SB 375’s criteria for a transit priority project (“TPP”): it is consistent with the applicable regional Sustainable Communities Strategy plan, it is predominantly residential, it meets minimum density requirements, and it is located near transit. Moreover, as set forth in the SCEA, the Project implements all relevant mitigation measures from prior applicable environmental impact reports, and all Project-related environmental impacts will be less than significant. Accordingly, the Department of City Planning has recommended that the City Council adopt the SCEA.

We are in receipt of a March 1st letter from Corin Kahn (“Kahn Letter”), which contains numerous incorrect assertions regarding the Project and the SCEA. Below please find brief responses to the claims made by the Kahn Letter.

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I. The Project Contains More than 50 Percent Residential Uses.

The Kahn Letter claims that the Project does not qualify as a TPP because it does not contain at least 50 percent residential uses.¹ To make this claim, the Kahn Letter asserts that the Project's assisted living and Alzheimer's/Dementia care units should be considered "non-conventional" residential uses because these residents will receive care and services while living in their units, and therefore those units, as well as the areas associated with the provision of such care and services, should not be counted as part of the Project's residential floor area. The Kahn Letter then purports to calculate the Project's "conventional" residential floor area as only constituting 32.5 percent of the overall Project.

However, this argument is specious, as SB 375 does not contain any such concept of "conventional" versus "non-conventional" residential uses. Furthermore, the City has already clearly defined eldercare facilities and each of their constituent senior housing types as residential housing types that include specialized amenity areas, care, and services, as set forth in the following LAMC Section 12.03 definitions:

- **Eldercare Facility:** One functionally operated facility, *which provides residential housing for persons 62 years of age and older*, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing.
- **Senior Independent Housing:** *Residential housing* that consists of dwelling units for persons 62 years of age and older *and may include common dining areas or other community rooms*. Full time medical services shall not be provided on the premises. It may be a component of an Eldercare Facility.
- **Assisted Living Care Housing:** *Residential housing* that is licensed by the California Department of Social Services and provides assistance to people 62 years of age or older *who require assistance with two or more non-medical activities of daily living* as defined in the Department of Social Services licensing requirements. The residential units may consist either of dwelling units or guest rooms. Full time medical services shall not be provided on the premises. The housing may be a component of an Eldercare Facility.

¹ On page 11, the Kahn Letter also cites to Public Resources Code Section 21159.25, which does not pertain to TPPs, to erroneously claim that a TPP must contain at least two-thirds residential uses.

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- **Alzheimer's/Dementia Care Housing:** *Residential housing* that is licensed by the California Department of Social Services *and provides 24-hour care for people suffering from Alzheimer's disease or other disorders resulting in dementia*. The residential units shall be guest rooms only. The housing may be a component of an Eldercare Facility.

The Kahn Letter, on page 8, paraphrases the above definitions so as to eliminate their repeated references to “residential housing.” But as shown by the full text of each definition, it is clear that each of the Project’s senior living unit types, along with amenity areas such as community rooms and common dining areas, as well as areas associated with the provision of care and services to residents, are properly considered residential uses under the City’s zoning code.

Furthermore, even if the tabulation of the Project’s residential areas eliminated all Church-affiliated uses, all senior resident amenity, dining, and support spaces, and all corridors, restrooms, storage rooms, and administrative spaces, such that only the floor area within each of the 176 individual senior dwelling units and guest rooms was considered, the Project would still meet the criteria for a TPP, as this sum on its own (104,220 square feet) would represent approximately 53 percent of the total new floor area being developed by the Project (196,283 square feet, consisting of the 176,580 square foot eldercare facility and the 19,703 square foot replacement Church preschool and administrative building). This hypothetical methodology has no bearing on how the City actually considers residential uses, but even under these highly conservative constraints, the Project clearly meets SB 375’s criteria to contain at least 50 percent residential uses.

II. The Project is Consistent with the General Use Designation, Density, Building Intensity, and Applicable Policies Specified for the Project Area in the RTP/SCS Prepared by SCAG.

The Kahn Letter notes that another required criterion for a TPP is the proposed project’s consistency with the general use designation, density, building intensity, and applicable policies specified for the project area in the applicable Sustainable Communities Strategy, which for the Project, is the Southern California Association of Governments’ (“SCAG”) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (“2020 RTP/SCS”). Pursuant to this requirement, the SCEA contains an extensive analysis of the Project’s consistency with both the 2020 RTP/SCS and the previously adopted 2016 RTP/SCS, and demonstrates that the Project’s eldercare facility and Church preschool and administrative building would be consistent with the Urban and City Residential place types under the 2016 RTP/SCS, and would also be located

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within a Priority Growth Area, Transit Priority Area, and a High Quality Transit Area, as well as along a Livable Corridor as identified by the 2020 RTP/SCS.

Notwithstanding the above, after citing this same TPP criterion, the Kahn Letter solely objects to the Church preschool and administrative building's alleged incompatibility with the City's R1 zoning standards, and makes no mention of the 2016 or 2020 RTP/SCS forecasted development projections for the Project area. However, SB 375 clearly requires the assessment of a TPP's consistency against the applicable regional Sustainable Communities Strategy, which the SCEA provided in great detail. An assessment of a TPP's consistency with local zoning standards is not a required criterion under SB 375's CEQA streamlining provisions, and is more appropriately part of the City's consideration of the Project's requested conditional use permit for the Church preschool and administrative building, which will occur as part of the Project's entitlement review process. As such, the Kahn Letter again fails to demonstrate how the Project fails to meet the TPP criteria.

III. The Project Does Not Result in Significant Land Use Conflicts.

The Kahn Letter spends several pages claiming that the SCEA improperly utilized a "consistency" analysis regarding potential land use impacts, when a "conflict" analysis was a more appropriate form of analysis. However, it is unclear how such a "conflict" analysis should be performed, for after making this argument, the Kahn Letter fails to identify examples of the Project conflicting with specific land use goals, objectives, or policies adopted for the purpose of avoiding or mitigating an environmental effect.

For example, the first alleged land use conflict simply repeats the claims that the Project doesn't contain a sufficient amount of residential uses to qualify as a TPP, which as described above, is not correct. As two other examples, the Kahn Letter claims that the Project's proposed height presents an "obvious" conflict with the Wilshire-Westwood Scenic Corridor Specific Plan, and also objects to the SCEA's description of allowable residential dwelling unit density under the Specific Plan and the applicable City definitions of dwelling unit and guest room. However, the SCEA describes each of these applicable land use provisions in detail, describes how the Specific Plan specifically authorizes increased building height when granted via discretionary approval and when evidence is presented that shade and shadow impacts will not occur (and includes a shade study to demonstrate the absence of such impacts), and accurately describes the full density of the Project by including the full number of both dwelling units and guest rooms in all relevant impact analyses. By disclosing this detailed information and providing the corresponding analyses of the Project's potential effects upon the environment, the SCEA demonstrates why the Project will not result in a conflict with a land use policy intended

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to avoid or mitigate an environmental effect. As a result, the Kahn Letter fails to demonstrate that the SCEA's land use analysis is deficient in any way.

IV. The Project Does Not Result in Significant GHG or Traffic Impacts.

The Kahn Letter asserts that the Project would result in greenhouse gas ("GHG") impacts because it fails to qualify as a TPP. As described above, contrary to this assertion, the Project does qualify as a TPP, but even if it did not, the letter provides no evidence whatsoever of a potential GHG impact.

Similarly, the Kahn Letter claims that the Project will result in significant traffic impacts and the SCEA's traffic analyses are deficient. However, these claims again appear to be based on a misunderstanding of the Project's residential uses, as well as objections to the SCEA's claims that the Project will be consistent with various City and SCAG transit-oriented policies and objectives, which the Project meets due to its transit-rich location on Wilshire Boulevard. Again, no specific evidence is provided of any alleged impacts.

V. No Substantial Evidence of any Significant Impact Has Been Provided.

The Kahn Letter repeatedly claims that substantial evidence supports a fair argument that the Project has the potential to result in significant impacts to argue that an environmental impact report should be prepared. First, as described above, no evidence of any potential significant impact has been provided by the Kahn Letter, much less substantial evidence. Second, the Kahn Letter misinterprets the applicable standard of review for the SCEA, which is subject to a substantial evidence standard. Accordingly, the Kahn Letter, which merely provides speculation and unsubstantiated opinion, does not rise to the level of substantial evidence.

In conclusion, we concur with the Department of City Planning's findings and recommended actions, and we respectfully request that the PLUM Committee approve the SCEA. Thank you very much.

Sincerely,



Todd Nelson

cc: Daniel Skolnick, Council District 5
Courtney Shum, Department of City Planning
Robert Keatinge, Department of City Planning