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July 30, 2021

*Via Email*

Hon. Chair Marqueece Harris-Dawson  
Members of the Planning and Land Use Management (PLUM) Committee  
200 N. Spring Street, Rm. 272  
Los Angeles, CA 90012  
Attn: Leyla Campos, Legis. Asst. ([clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org))

Re: Appeal of Redevelopment Plan Consistency Determination; **CF 19-1603-S1**;  
APPEAL ENV-2018-2454-CE-1A; Related Case DIR-2020-4338-RDP, ZA-2018-2453-  
CU-DB-SPR 806 W. Adams Boulevard and 2810 S. Severance; CEQA Appeal under  
LAMC Section 197.01

Dear Committee Members:

We write on behalf of the West Adams Heritage Association (“WAHA”) and the Adams Severance Coalition (“ASC”) in support of their appeal regarding the above referenced Project. Enclosed please find supplemental information submitted by WAHA that was prepared in consultation with our firm. In summary, this supplemental information addresses the following:

- The Project cannot rely on a Class 32 categorical exemption, which requires consistency with applicable land use plans, because the Project is inconsistent with the Hoover/Exposition/University Park Redevelopment Plan.
- The Redevelopment Plan was in full effect at the project application was submitted in this matter and the project is subject to the Redevelopment Plan’s requirements.
- The June 23, 2021 decision letter incorrectly claims that Government Code section 65915 requires only general plan or zoning base density to be relied upon. To the contrary, the California Court of Appeal has definitively held that the City of Los Angeles Municipal Code allows redevelopment plans to set lower base density and it is proper to rely on the redevelopment plan base density as the base density

PLUM Committee

July 30, 2021

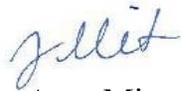
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when determining a density bonus. (*PR/JSM Rivara LLC v. Community Redevelopment Agency* (2009) 180 Cal.App.4th 1475, 1486.)

- The redevelopment plan consistency determination was improperly segmented from approval of a site plan review and a conditional use permit for the Project. The June 23, 2021 decision letter relies on those illegally segmented approvals to justify the current consistency determination, resulting improper precommitment.

I will be available to address questions you may have at the August 2, 2021 hearing on this appeal. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Minter".

Amy Minter

Enclosures

**CF 19-1603-S1 Supplemental Information by the Appellant (WAHA) to PLUM**

West Adams Heritage Association (WAHA) APPEAL ENV-2018-2454-CE-1A;

Related Case DIR-2020-4338-RDP, ZA-2018-2453-CU-DB-SPR

806 W. Adams Boulevard and 2810 S. Severance

CEQA Appeal under LAMC Section 197.01

Honorable Commissioners, we would like to add the following information for your consideration in addition to the appeal and continuation already before you. This supplemental information serves to correct the record and provide some additional comments in our efforts to achieve a project that protects the environment and fulfills the requirements of the Hoover Exposition/University Park Redevelopment Plan.

Decisions need to be fact based and accurately reflect the processes required by the City both in its obligations under CEQA, the LAMC requirements and the Hoover Exposition/University Park Redevelopment Plan. The case before you on August 3 gives you an opportunity to correct the misinformation provided by Planning in pursuit of unjustifiable approvals.

The June 23, 2021, decision letter <sup>1</sup> contains numerous errors. On page 19, you are advised that *“the base density for the determination of the base and total densities for the Project are based on the zoning code at the time the Project was applied for in April 2018. In addition, Los Angeles Municipal Code Section 11.5.14 adopting Redevelopment Plan procedures into the zoning code, did not become effective until November 11, 2019 well after the project’s entitlement application was filed in April of 2018, so that provision as well does not affect the City’s base density and Density Bonus determinations for the Project.”*

This infers that the Redevelopment Plan requirements did not apply; it is a completely misleading and inaccurate statement. Before the Redevelopment Plan procedures were adopted in the zoning code, the City acted as a successor agency (CRA/LA-DLA) and a separate RDP approval station was lodged on the 4th Floor of the Planning Department. Review of Redevelopment Plan conformance was undertaken by at a separate review desk with the city acting as a successor agency. <sup>2</sup> The Ordinance changed **who** had the authority to process and act on Redevelopment Plan conformance, but **the requirements of the Hoover Exposition/University Park Redevelopment Plan were in full effect in April 2018**. This project was and is subject to the requirements of the Redevelopment Plan. Only the entity reviewing Plan conformance changed, not the Redevelopment Plan applicability.

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<sup>1</sup> Letter of Determination, June 23, 2021, DIR-2020-4338-RDP-1A

<sup>2</sup> Ordinance 186325: The City shall not be required to consult with or provide notice to the former Community Redevelopment Agency of the City of Los Angeles (CRA/LA) or the CRA/LA, a Designated Local Authority Successor to the Community Redevelopment Agency of the City of Los Angeles (CRA/LA-DLA). In addition, CRA/LA-DLA shall have no further authority or responsibility to perform related land use functions including, but not limited to: preparing staff reports pertaining to land use decisions; making findings; making interpretations; imposing conditions; making recommendations; reviewing, granting or denying land use approvals or entitlements; hearing appeals; and/or amending Redevelopment Regulations.

All of the powers of CRA and the Plan's ability to require development conditions that include lesser density than the LAMC, ensure compatibility, and provide conditions for a density bonus were in full force and effect. The determination letter is grossly deceiving.

The applicant for the project also offered misleading information to the record claiming to the SAPC on June 11 that the requirement to comply with the Redevelopment Plan was explained to the applicant **after project approval which is not the case**. The applicants' representative wrote the SAPC:

*Following its final approval, the Planning Department determined the Project was required to apply for one additional entitlement, a Redevelopment Plan Project Compliance approval, which was required by an ordinance adopted by the City in November 2019 – after the final CPC hearing on the Project's entitlements.*<sup>3</sup>

This simply is untrue as the record shows.

In fact, the requirement for Redevelopment Compliance was noted at the City Planning Commission hearing on October 10, 2019, was a condition of approval, and was also noted numerous times in public testimony. The Redevelopment Plan is a significant overlay that guides development. Compliance had been ignored by the applicant until he filed belatedly for Redevelopment Plan compliance approval in 2021.

The required compliance process had no public hearings, a fact which was strongly objected to by stakeholders when the City issued its RDP compliance letter on January 28, 2021 which was appealed to the SAPC.

The applicability of the Redevelopment Plan is key to understanding that this is NOT a by-right project and discretionary action applies. Measuring base density is an element subject to the Redevelopment Plan quantifiers.

The Project before you cannot rely on a Class 32 Categorical Exemption because it is Inconsistent with the Redevelopment Plan.

### **Base Density**

The determination inaccurately claims that Government Code section 65915, subsection (f) requires the base density to be determined by the density limits provided in the general plan or zoning code, excluding consideration of base density established by the Redevelopment Plan.

This section does not specify that density limits are determined by a general plan or zoning code as of the date of the application. Instead, that section states:

f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

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<sup>33</sup> Letter from Andrew Brady, DLA Piper, representative of the applicant, dated June 11, 2021 to the SAPC

Thus, Redevelopment Plan base density applies.

This is set forth in the LAMC and confirmed in case law:

LAMC 12.21.3 “ F. Additional limitations on the height and/or floor area of any building or structure may be required as set forth in each applicable Community Redevelopment Plan.”

PR/JSM Rivara LLC v. Community Redevelopment Agency (2009) 180 Cal.App.4th 1475, 1486 [Los Angeles Municipal Code allows redevelopment plans to set a lower base density than the zoning for the site].)

The Redevelopment Plan base density has been in place since prior to the Project application and as such applies and according to the City’s zoning code controls.

SB330 did not go into effect until January 2020 and is thus inapplicable. Moreover, even if it was applicable, the Redevelopment Plan base density far preceded the project application.

The findings in the Determination incorrectly claim that the base density under zoning is only a 2.47% increase above base density established in the Redevelopment Plan. The Redevelopment Plan base density is only 67 units. The base density relied upon in the consistency determination as being the zoning base density is 83 units. 83 is a 24% increase over 67, not a 2.47% increase.

Contrary to claims made by the Project proponent, the Project requires discretionary approval of site plan review, a conditional use permit and density bonus incentives from the City, necessitating compliance with the California Environmental Quality Act (“CEQA”). This discretionary review provides the City the ability to impose conditions of approval to reduce the impacts associated with the Project. For example, even if the City is required to approve the number of units requested by the Project applicant, **the City is not required to approve a project with almost all 5-bedroom (and some 7 bedroom) units**. The City has the discretion to approval smaller units, which would be more compatible with the intended purpose of the Project: to provide family and employee housing, not dorm-style

student housing. The City also has the discretion to require underground parking instead of podium parking, as has been required for the majority of developments in the area to maintain compatibility with this historic neighborhood. Environmental review would consider these impacts and potential mitigations.

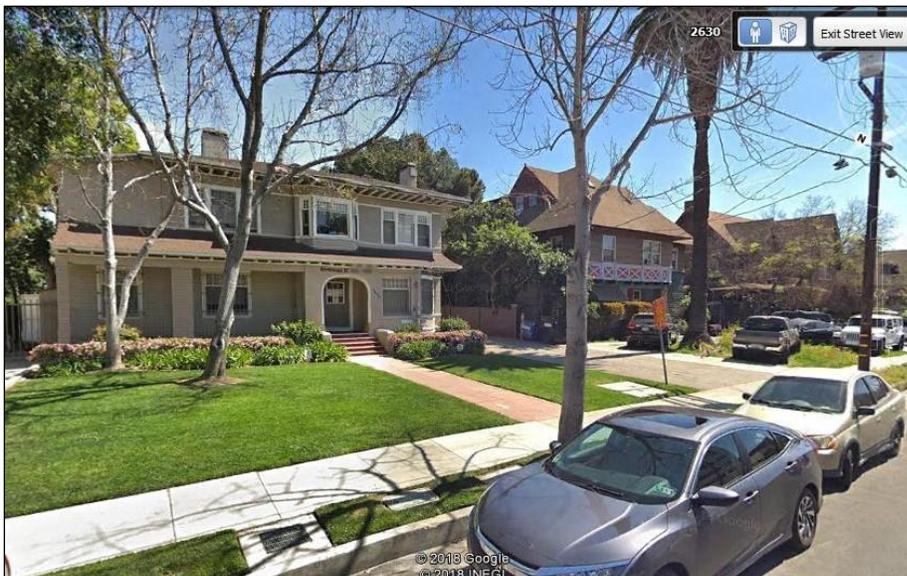


Figure 1 Severance Streetscape

## Section 1306

Under the Redevelopment Plan, an increase above density can only be found to be consistent with the plan **if specific findings can be made**. The Determination's findings under Section 1306 are not supported by substantial evidence and as such, the project is inconsistent with the Redevelopment Plan, preventing reliance on a Class 32 categorical exemption.

- Must find the project provide units with adequate living area and avoid excessively dense development
- The project has 102 5-7 bedroom units and estimates up to 990 residents. The City fails to provide evidence that this is not excessively dense development.
- The project must provide adequate parking.
- The project provides only 255 parking spaces for up to 990 residents.

## The NSO

The purpose of the NSO District is to protect and preserve the existing low density housing stock; to maintain and enhance the quality of life of area residents; to promote well-planned student housing; to establish regulations that address the negative impacts multi-habitable room projects cause; to address inadequate parking; to prevent irreversible damage associated with oversized multi-habitable room projects and to help stabilize neighborhoods.

The Determination claims this is consistent with required amount of parking but fails to address the requirements of the City's Neighborhood Stabilization Ordinance. The NSO was adopted to address problems experienced in this area of the City due to inadequate parking and over intensification use of both new and existing sites.

- Under the NSO, the Project is required to "provide one additional parking space for each habitable room at or above five habitable rooms." (LAMC §13.12(C)(2).)
- The Project fails to provide additional parking spaces for the 100 units that include five habitable rooms and as such, a finding that the project provides adequate parking cannot be made.

## The Determination is based on improper precommitment to the Project.

The Determination relies on an approval of site plan review and a conditional use permit that was improperly segmented from and failed to address consistency with the Redevelopment Plan as the basis for finding the project consistent with the Redevelopment Plan now. In addition to defying logic, this shows an improper precommitment to a specified result.

The Determination incorrectly states on the cover page that the Redevelopment Plan consistency was approved 3-0 by the South Area Planning Commission. This is incorrect. The vote was 3-2. The Commission struggled with making a decision on the WAHA appeal on April 6, April 20 and June 15. At each of the meetings, Commissioners found merit to the appeal, with 3 Commissioners supporting the appeal (but unfortunately not at the same time,) eventually ending in a 3-2 vote denying the appeal. Had the three commissioners supported the appeal at the same meeting, we would not be before you today. An environmental review would be in progress. Begin that process now and support the appeal. The required evaluations to mitigate the harm would be in process. The Commissioners stated

assessments and support for the appeal add to the substantial evidence already in the record that this project may have severe impacts to the environment.

Over widespread objections, the City has arbitrarily decided to review compliance with the Redevelopment Plan after the project was conditionally approved by City Council and after the City approved a CE. The record shows the City was advised by numerous parties that this was improper. Then the City wrote an RDP letter which was not circulated to interested parties and no one saw. The City's delay in determining the Project's consistency with the Redevelopment Plan has put the City in a position of having to defend a prior decision that ignored the Redevelopment Plan, the conditional use requirements of the NSO and the design and community conservation goals of the South Community Plan.

**Decisions must be fact-based.**

The statement that "there is no substantial evidence in the record demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Article 19, 15399.2 applies" contradicts what the administrative record clearly establishes.

The record shows that substantive fact-based arguments have been made by an entire phalanx of stakeholders which include city officials and experts, including NANDC, WAHA, the Adams Severance Coalition, USC, WARD Economic Development, ACCE, NUPCA, City Living Realty, MSMU, UPAC, SEIU Local 721, the University Park HPOZ, and scores of individual stakeholders that have given factual, eyewitness testimony. And yet the City continues to bury its head in the sand in a post hoc rationalization effort to approve what flies in the face of the facts.

This is an off-campus student housing project that does not meet the goals of the redevelopment plan. It does not satisfy the needs and desires of the various age, income, and ethnic groups of the community, nor promote "compatible development, with consideration to scale, height, material, architectural quality, and site orientation."

Look at the record. Sustain the appeal.

On behalf of the West Adams Heritage Association (WAHA,) North University Park Community Association (N.U.P.C.A.), the Adams Severance Coalition and numerous other stakeholders who are aggrieved parties we ask that you sustain the appeal before you.