

Public Comments Not Uploaded PLUM August 3, 2021, Item 13--CPC-2019-2282-CDP-MEL-SPP-DB-CUB-1A

1 message

'Robin Rudisill' via Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>

Mon, Aug 2, 2021 at 11:34 PM

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PLUM City Clerk,

Please provide this letter to PLUM for the August 2nd Agenda, Item 13, and post it to Council File 21-0013.

Thank you.

To: City of Los Angeles Planning and Land Use Management Committee

Fr: Appellants POWER and Citizens Preserving Venice

Re: Our appeal of CPC-2019-2282-CDP-MEL-SPP-DB-CUB-1A

811-815 Ocean Front Walk

CF 21-0013

We provide the following detailed information on the Mello Act Compliance Determination issues for the [811-815 Ocean Front Walk](#) appeal, showing that the project must be changed to a 100% residential project or be denied:

1. A similar mixed use restaurant project for this property was previously denied.

Pages 1-3 of the attachment are excerpts from the January 8, 2018 West L.A. Area Planning Commission's denial of the prior mixed use project for this same property. They denied the project on the basis of the residential structures being demolished for purposes of a non-residential use (mixed use restaurant project), which is not coastal dependent and as there is no evidence to argue that continued residential use is no longer feasible (page 3), and thus violates the Mello Act and the IAP.

The current project has the same fatal flaw as they are again demolishing residential structures for purposes of a mixed use restaurant project! The decision for the current project must also be denial of the project based on violation of the Mello Act and IAP.

2. The current project's Mello determination erroneously omits consideration of Government Code Section 65590(c) and IAP 4.1 and is based on inconclusive evidence and an erroneous finding.

Page 4 of the attachment is an excerpt from the December 15, 2020 determination for the current project. Again, it's unacceptable that they do not follow the City's prior January 8, 2018 determination regarding violation of the Mello Act and IAP for essentially the very same project (# of units was changed but it is still a demolition of residential structures for purposes of a mixed use project)!!! Instead, **they completely ignore the Mello law section 65590(c) (and IAP 4.1), which prohibits residential structures from being demolished for purposes of non-residential uses.** They only make a finding that the project was vacant for more than 365 days (between June 2014 to June 2015) prior to the original application for the prior project back in June 2015, concluding that the units shall not be classified as affordable (see pages 5-6 of the attachment, IAP 4.4.2). However, they do not have the evidence to support that finding. (they also neglect to address 815 Ocean Front Walk in the finding--they only address 811 Ocean Front Walk, which is another error).

Page 7 of the attachment is the initial May 28, 2015 HCID letter which states that "applications where demolition or conversion of residential structures occur for non-residential use are denied unless the applicant proves with substantial evidence that a residential use is not feasible at that location." This determination by HCID also supports a denial of the project based on the mixed use issue.

In spite of HCID's May 28, 2015 letter, which correctly cited the Mello Act law, Planning asked HCID to do the replacement affordable housing determination letters anyway, disregarding the fact that the mixed use project simply could not be approved by law. (There was a lot of friction between Planning and HCID on the correct implementation of the Mello Act.)

Then, as noted at 1. above, on January 8, 2018, the West L.A. Area Planning Commission overturned planning's decision approving the project's Mello determination. That is because a demolition or conversion of residential structures for purposes of a mixed use project is not authorized. See pages 11 - 14 of the attachment for the text of the Mello Act (Government Code Section 65590-65590.1), and see especially highlighted section on page 12--section 65590(c).

Pages 8-10 of the attachment are the two HCID Mello determination of affordable units letters for 811 Ocean Front Walk and 815 Ocean Front Walk. The evidence for the finding that the property was vacant for the year prior to the application is insufficient. They relied on a security contract and billing statements in saying the property was vacant during the June 2014 - June 2015 period. However, it is common knowledge, for which there is much evidence and testimony, that having the security guard at the property did not prevent people from staying at the premises. (In addition, invoices are not adequate documentation, actual payment evidence should have been required.)

Two sample utility bills during that period show evidence of occupancy:

July 2014 bill for \$425.90

November 2014 bill for \$196.10

Thus, substantial evidence has been provided by the appellants, as required by IAP 8.0, that shows that the property was NOT vacant between June 2014 - June 2015.

In addition, there is evidence that the Ellis Act was violated as there were residential rentals within the 5 year period, the RSO was violated as they failed to re-register with HCID, and there were unpermitted commercial uses of the property, in violation of the Mello Act.

Conclusion

Based on the intent and the letter of the state Mello Act law, the West L.A. Area Planning Commission's January 8, 2018 determination that the residential structures cannot be converted to a nonresidential mixed use restaurant project, and the May 28, 2015 HCID letter saying the same thing, the project must be changed to a 100% residential project or be denied.

*For the Love of Los Angeles
and our precious Coast,*
Robin Rudisill
(310) 721-2343

2 attachments



811-815 OFW Mello docs.pdf

2489K



Utility bills.pdf

463K