

**Verbal Comments by Appellant, Jean Frost, for West Adams Heritage Association**

**Honorable Commissioners**

1. This is a particularly important 2.8 acre site in the heart of University Park, a very fragile environment, subject to the very powerful overlay of the Hoover Exposition University Park Redevelopment plan. We support the staff recommendation the project is NOT exempt from CEQA pursuant to CEQA Guidelines, Section 15332, and because substantial evidence demonstrating that the cumulative impact exception applies, and uphold the CEQA appeal.

It confirms our consistently held belief that **Facts Do Matter**. CEQA decisions must be fact based. Planning decisions should be fact based. Until this current staff recommendation was made, there are two systemic factual mistakes that were made. Now they are corrected:

**1. The insistence by the applicant that this is a by right project** which the applicant so stated to the neighborhood council. The applicant made decisions in a vacuum without community input. This belief led to conclusory decisions based on the applicants Concord consultants view of 880 student beds where beds are costing 1300.

The applicant has ignored the ZA decision determination by AZA Henry Chu that the project will not “contribute to the revitalization goals of the plan. The project will not contribute to a desirable residential environment, neighborhood stability, and will adversely impact the neighboring environment. The project will not provide units with adequate living area and avoid excessively dense development. The project will not provide adequate parking.”

He did make a cosmetic change to the façade of the parking podium which was not sufficient to sure the environmental impacts.

**2. Ignoring the substantial evidence in the record**

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.

AZA Chu further stated that: *“The project's scale and massing, in addition to the podium level add to a development that would not be comparable to any residential project in the immediate area. In addition to the height and massing, though not deviating from the Code, the rooftop amenity would overwhelm those multi-family structures immediately abutting the subject project on Severance Street...As such, the finding that the arrangement of the building and associate components of this finding cannot be made.”*

The applicant also misrepresented or misunderstood the timing of the Redevelopment Plan requirements: they alleged

*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>1</sup>*

In fact, the requirement for Redevelopment Compliance was noted at the City Planning Commission hearing and was also noted numerous times in public testimony that the Redevelopment Plan compliance had been ignored by the applicant until he filed 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.

“The City has based its approval of this Project upon a Class 32 categorical exemption to environmental review under CEQA. This categorical exemption is inapplicable because the Project is inconsistent with City plan and zoning policies, goals, and regulations, would result in

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<sup>1</sup> DLA Piper Andrew Brady letter of June 11, 2021, to SAPC

traffic impacts due to a severe parking shortage and would have adverse noise impacts on the surrounding residential community due to rooftop open space.

*The use of a categorical exemption is also unavailable because the Project may have aesthetic and cultural resource impacts on the historic University Park neighborhood, at a Project and cumulative level....Further, the Project is inconsistent with the Hoover-Exposition/University Park Redevelopment Plan requirements for density, compatibility, and adequate amounts of affordable housing.”*<sup>2</sup>

**Conclusion: This Is an Exception to an Exemption**

The case has been made in the record and this appeal is supported by the facts. We ask that City Council rescind the CE and direct Planning to commence environmental review.

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<sup>2</sup> Amy Minter, Chatten-Brown Carstens & Minter, letter to the