

Communication from Public

Name: Casey Maddren

Date Submitted: 09/12/2021 11:21 PM

Council File No: 21-0834

Comments for Public Posting: I am submitting the attached letter in support of the appeal regarding the project at 831-835 1/2 S. Westlake, ENV-2019-2894-CE, coming before the PLUM Committee on September 14, 2021.

September 12, 2021

Planning & Land Use Management Committee
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

Re: 831-835 1/2 S. Westlake
Case Nos.: DIR-2019-2893-TOC, ENV-2019-2894-CE
PLUM Agenda, September 14, 2021, Item 8
Council File: 21-0834
SUPPORT APPEAL

[NOTE TO COMMITTEE STAFF: This letter has been submitted to the council file through the City Clerk Comment Portal.]

Members of the PLUM Committee,

I am writing in support of the appeal of the project referenced above filed by Margarita Lopez/Coalition for An Equitable Westlake/Macarthur Park. There are numerous problems with the approval of this project, including the City of LA's pattern and practice of routinely granting categorical exemptions in violation of CEQA. This project not only violates CEQA, it also violates the provisions of CA Gov. Code 65915.(c)(3)(A) regarding required replacement units. Please see specific comments below.

Sincerely,
Casey Maddren
2141 Cahuenga Blvd., Apt. 17
Los Angeles, CA 90068

COMMENTS IN SUPPORT OF APPEAL, 831-835 1/2 S. WESTLAKE

Exception to Categorical Exemption Does Apply

The determination letter asserts that there is no substantial evidence demonstrating that an exception pursuant to CEQA Guidelines Section 15300.2 applies. However, the list of projects in close proximity to the Project in question submitted as part of the appeal clearly show that there will be significant cumulative impacts. Because this exception applies, the Project does not qualify for a categorical exemption.

The Project Does Not Qualify for a Categorical Exemption under CEQA Guidelines 15332

CEQA Guidelines 15332 states that a project qualifies for a CE only if:

- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

The Project will be constructed over a period of approximately two years, during which there will be substantial impacts from construction, including impacts with regard to air quality and noise. Construction of the Project will result in NOx, VOC and CO emissions, as well as fugitive dust. The Project site is located in an area with sensitive receptors, including numerous residential uses. Construction of the Project will also result in noise and groundborne vibrations. For these reasons the Project does not qualify for a CE.

City's Pattern and Practice of Using Categorical Exemptions Violates CEQA

For years now the City of LA has routinely used categorical exemptions to shield developers from fulfilling their obligations under CEQA. In its eagerness to offer generous entitlements to real estate investors, the City has engaged in a pattern and practice of illegally granting CEs to applicants, consistently ignoring real environmental impacts in order to smooth the path to approval. As the appellant points out, a number of the projects listed as part of the appeal have been granted CEs. Additionally, the City has granted CEs for:

1719-1731 North Whitley Avenue, ENV-2016-4921-CE

The demolition of six (6) structures with 40 dwelling units and the construction, use, and maintenance of a 10-story, 160-room hotel with 122 automobile parking spaces.

1723 North Wilcox Avenue, ENV-2019-5240-CE

The demolition of five, two-story apartments buildings and the construction, use, and maintenance of a new six (6)-story hotel comprised of 41,514 square feet of floor area with 81 guest rooms and 244 square feet of commercial floor area.

949 South Hope Street, CEQA: ENV-2017-3933-CE

27-story, residential tower with 236 residential apartment units and 10,010 square feet of ground floor commercial restaurant space

All of these projects will clearly have significant impacts that disqualify them from receiving an exemption under CEQA Guidelines 15332, and yet the City has ignored its obligations under CEQA and granted them CEs. This is part of a pattern and practice by which the City has routinely violated CEQA.

The Project as Currently Approved Does Not Provide Required Replacement Units

The Project involves the demolition of 17 RSO units, however the Project Description states that the Project will only include 12 affordable units. This fails to comply with the requirements of CA Gov. Code 65915.(c)(3)(A) which requires that new residential projects which involve the demolition of existing RSO units must replace the units to be demolished. To comply with the law, the Project must include at least 17 affordable units.

The determination letter makes reference to an exemption to relieve the developers of their responsibilities under CA Gov. Code 65915.(c)(3)(A), but it does not specify the grounds for the exemption. Is a financial hardship being claimed? If so, the developer must submit financial documentation to support the request for an exemption, and this documentation must be available to the public as part of the case file. Failure to provide justification would seem to indicate that the City is merely allowing the developer to cut corners in order to increase their profits.

City Has Failed to Monitor and Report New Affordable Units Approved in TOC Projects

While the City claims that the TOC Incentives have produced thousands of affordable units, a recent investigation by Capital and Main shows that: 1) The City has inflated the number of units actually created through TOC Incentives; 2) The City's database of affordable units fails to include a substantial number of units approved through the TOC Program; 3) In many cases low-income renters have no way of accessing information about affordable units that were created under the TOC Program. Please see:

Lack of Accountability in LA's Affordable Housing Programs Leaves Low-Income Renters on Their Own, Capital & Main, September 7, 2021

<https://capitalandmain.com/l-a-s-affordable-housing-programs-leave-low-income-renters-in-the-dark>

Here's an excerpt:

A Capital & Main investigation has found searches [for a renter seeking affordable housing] are more difficult because there is no centralized listing of affordable homes in mixed-income buildings and no standard selection process for prospective tenants. Affordable units are supposed to be listed on an online housing registry, but many such apartments don't appear there.

The bigger problem is that it's likely the city doesn't know how many such units it has, despite millions of dollars paid to a private contractor to keep an inventory of the properties and ensure they are occupied by income-eligible tenants. City officials have dodged questions about their tracking of the units.

The article is also included as Exhibit A.

While Councilmembers routinely claim that they're working hard to provide much needed affordable housing, it appears that, in fact, the Council has no real concern for low-income households that are struggling to find a home.

Approvals of TOC projects, including this one, should be halted until the City has created a comprehensive database of affordable units that is easily accessible to all renters.

JMBM Letter Asking PLUM to Dismiss/Deny the Appeal Is Absurd

The August 24, 2021 letter from JMBM asking the PLUM Committee to dismiss/deny the appeal is absurd. The appellant was barred by the LAMC from filing a TOC appeal. That remedy was not available to them. The appellant filed a CEQA appeal because that was the only legal remedy available. If the author of the letter is correct in saying that the City "misplaced" the appeal, the fault does not lie with the appellant. If the developer has incurred additional costs as a result of the City's ineptitude, the developer must pursue a claim against the City. The appellant must not be deprived of their legal right to appeal because of the City's failure.



EXHIBIT A

CAPITAL & MAIN

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L.A.'s Affordable Housing Program Leaves Low-Income Renters in the Dark

A Capital & Main investigation finds the city's fair housing programs are littered with problems



Published on September 7, 2021

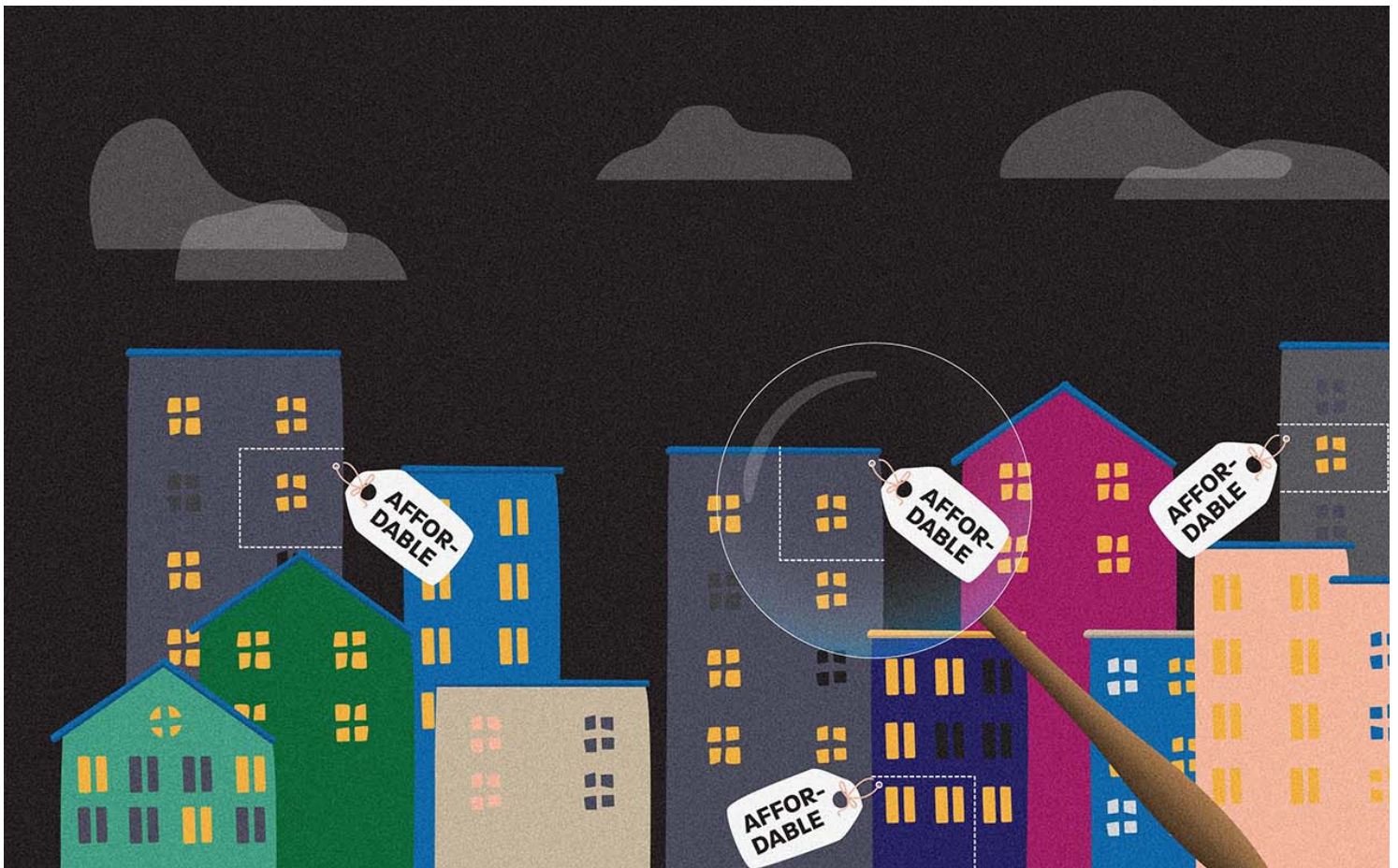
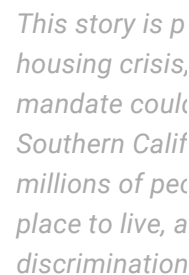
By **Robin Urevich** [Twitter](#)

Illustration:



in



A Capital & Main investigation has found searches such as hers are more difficult because there is no centralized listing of affordable homes in mixed-income buildings and no selection process for prospective tenants. Affordable units are supposed to be listed on an online housing registry, but many such apartments don't appear there.

The bigger problem is that it's likely the city doesn't know how many such units it has. Millions of dollars paid to a private contractor to keep an inventory of the properties ensure they are occupied by income-eligible tenants. City officials have dodged questions about their tracking of the units.



* * *



The city's inclusionary housing programs — especially TOC — are an increasingly boon to developers: A building that would accommodate 30 units under existing zoning suddenly fit 50, producing significantly more rental income.



Since 2015, the city planning department has approved 12,998 affordable units through inclusionary housing programs. However, the city substantially inflates its numbers by counting exclusively affordable buildings developed with federal and state assistance. A majority of those units would have gone up without the minimal help they received from the city's density bonus programs.

Demand for such housing at below market rents far exceeds supply. More than a half million people in Los Angeles County lack access to housing they can afford, the nonprofit [City Housing Partnership](#) reports.

When a local pastor recently contacted City Councilman Mark Ridley-Thomas about how many would-be tenants could rent affordable apartments in soon-to-be-constructed buildings, Ridley-Thomas' chief of staff Karly Katona said, "It was a rabbit hole to figure out how we could ensure constituents could apply."

It's likely the city doesn't know how many affordable units it has despite millions paid to a contractor to keep an inventory of properties and ensure occupancy by income-eligible tenants

On Aug. 25, the city council approved a [motion](#) by Ridley-Thomas that requires the city to make available apartments on a city [website](#), as well as on each developer's website, and to create an open process for prospective tenants to apply to rent the affordable units.

Ridley-Thomas is the latest of a handful of city councilmembers who have raised issue with the TOC program, but at least until now, neither the councilmembers nor other city council members have followed through or taken additional action.



“If the city is failing to make extremely low income people aware of this, then the program is not fully achieving its goals,” says Doug Smith, a supervising attorney with the public law firm Public Counsel. Smith worked alongside activists who pushed for the ballot measure Proposition 133, which was passed by voters in 2016 and created the TOC program.



Ann Sewill, the general manager of L.A.'s Housing and Community Investment Department (HCID), wrote in an email that her department will report to the city council on a master plan for the affordable units in two or three months.



Kalani Whittington, an activist with her local neighborhood council, found hunting for affordable apartments to be an extended exercise in frustration — even though her city council engagement gave her a leg up on most apartment hunters.

A manager at one newly built apartment building told Whittington its affordable units were located elsewhere in another building, which Whittington later learned is not permitted (Building owners who benefit from TOC or density bonus programs must sign covenants with the city agreeing to provide affordable units “on the property.”) At another, she was told all affordable units had already been rented, even before the rest of the building was full. She kept up a running email correspondence with aides to her city councilman, Paul Krekorian, but they seemed to know little more than she did.

Finally, in September 2020, she learned she'd finally been selected to rent an apartment unit aside for lower income senior citizens in a luxury Westside complex. “It’s beautiful, and it,” Whittington says. But the search “left a bad taste in my mouth.” Los Angeles, Whittington says, allows managers to “dispose units as they see fit.”

Kay Hartman of the Palms Neighborhood Council says she'd received many tenant complaints that they didn't know when applications would be accepted and rumors about tenants who got apartments because of their connections.

“People were saying they couldn’t find where the units were,” says Kay Hartman, an e member of the Palms Neighborhood Council in West L.A. Hartman says she’d hear te complaints that they didn’t know when applications would be accepted, and rumors a tenants who got apartments because of their connections. Brittanya Murillo of HCID monitors the program, dismisses those concerns, saying managers are barred from re family or friends.

But the TOC and density bonus programs’ problems are not limited to the difficulties tenants have in finding housing under them. Murillo and other officials also seem to trouble tracking affordable units.

Nothing makes this clearer than the inconsistencies the city reports in how many aff units it has. Ann Sewill, the HCID general manager, told Capital & Main that she con the city’s housing registry complete. But It lists just 1,047 buildings, fewer than HCII to the city council that it had in its inventory in 2016, when it reported 40,000 units i buildings.

“We need to dig into this to understand if there truly is a discrepancy,” says Counciln Ridley-Thomas’ chief of staff Karly Katona. “Because at the end of the day, folks that the community deserve to know what units are available and be able to benefit.”

HCID spokeswoman Sandra Mendoza promised to address the disparity but has not y so.

* * *

Under the city’s \$2 million contract with Orange County-based Urban Futures Bon Administration, the latter is supposed to maintain an inventory of the city’s entire af housing portfolio, ensure landlords rent only to those who meet income guidelines a allowable rents. But, when Capital & Main requested lists of TOC- and density bonus buildings that include affordable apartments, the city provided lists that omitted larg numbers of units. For instance, HCID provided a list of six buildings constructed und TOC program, but it’s missing five others. (TOC launched in 2017, so relatively few b have been completed to date.)

When asked about one of the apartments clearly missing from the list — at 966 South Kenmore Ave. — a department spokeswoman said in an April email that it was still u

construction. But it wasn't; the city's building department had issued it a certificate of occupancy six months earlier, and Tripalink, its management company, reports the building is nearly full. (Spokeswoman Sandra Mendoza later acknowledged the error.) An HCID list of buildings developed under the density program, which has operated since 2007, was also incomplete.



Capital & Main compared the HCID list of density bonus units against density bonus units approved in 2016. Of the 20 buildings certified for occupancy as of June 1, when HCID provided its list, the HCID list omits 12 of them. Mendoza did not answer an email inquiry about the missing units.



The city's affordable housing database contains multiple inaccuracies — several buildings listed as “in development” as completed and occupied, and several are omitted altogether.

Earlier this year, Kay Hartman joined Budget Advocates, a citywide watchdog group that makes annual recommendations to city departments, and tried unsuccessfully to get an answer to her question about whether the city has a database to track its affordable units to ensure they go to eligible renters. This even after she and others interviewed the agency's deputy director and other officials and followed up with an email last March.

Among the Budget Advocates recommendations for HCID: “Fund the update of computer systems and create a database of all affordable units including in density bonus buildings to improve on efficiency; ensure public funds meet their intended purpose.”

Such a database has long been required under the Urban Futures contract. In a May 2021 letter, HCID's Brittanya Murillo insisted Urban Futures was in compliance with its contractual obligations.

UFBA officials didn't respond to calls or emails.

HCID spokeswoman Sandra Mendoza said several months ago that searches for affordable housing would be smoother as of July 1 with the launch of a new affordable housing portal. “It's all about improving the user experience,” she said. However, the city's database

contains multiple inaccuracies — several buildings listed as “in development” are completed and occupied, and several are omitted altogether.

Still, the tenant selection process, which Kalani Whittington felt was unfair and lacked transparency, remains the province of individual landlords. “We don’t want to say what to. It’s up to them to screen for their tenants,” HCID’s Murillo says.



* * *



It doesn’t have to be this way. In San Francisco, the city has a uniform process for allocating affordable apartments and selecting renters. “We started seeing cherry-picking of tenants,” said Maria Benjamin, a deputy director of the Mayor’s Office of Housing and Community Development.

“We’re really engaged in making sure resources coming to the city are used for the purposes they were intended,” Benjamin says.

New units must be listed on the city’s website, in newspapers and online sources for a minimum of three weeks. Then, 10 potential tenants are selected to apply by lottery. Apartment managers can consider credit scores, but must also take into account other measures of creditworthiness like on-time rent, utility or child care payments.

The cities of Santa Monica and West Hollywood also oversee the tenant selection process for their inclusionary housing units by allowing residents, or in Santa Monica, those who work in the city, to sign up for affordable units on city websites.

On several occasions, the L.A. City Council has approved resolutions calling for HCID to report on the tracking and marketing of affordable units and how tenants are selected, but the reports haven’t been drafted and there’s been no follow-through.

Conrado TerrazasCross, spokesman for City Councilmember Gil Cedillo, who chairs the council’s housing committee and reviews the Urban Futures contract, wrote in an email to Capital & Main, “The Housing Committee has a strong interest in matching qualified tenants with units coming on-line but has not been given a briefing on progress to date. If there are legitimate concerns, then it would be important to ensure accountability.”

TerrazasCross didn’t answer questions about whether the councilmember had concerns about Urban Futures’ compliance with its contract, or whether he had expressed them to HCID.

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