

Communication from Public

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Date Submitted: 10/12/2022 02:11 PM

Council File No: 19-0370-S2

Comments for Public Posting: Please see attached letter appeal response from project applicant.



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October 12, 2022
VIA LACOUNCILCOMMENT.COM

Honorable Members of the Planning and Land Use Management ("PLUM") Committee
City of Los Angeles
200 N. Spring Street, Room 1010
Los Angeles, CA 90012

**Re: Applicant's Response to Appeal of Q Clarification Approval
 Council File No. 19-0370-S2
 Planning Case No. DIR-2022-CLQ-HCA**

Honorable Members of the PLUM Committee:

We write to respond on behalf of project applicant SGRE Fig & Flower Investors I, LLC ("Applicant") to the administrative appeal ("Appeal") filed on August 29, 2022 by the Flower Drive Tenants Association ("Appellant"). The Appeal challenges the Director of Planning's ("Director") August 8, 2022 approval of a Clarification of a "Q" Classification ("Director's Approval") allowing certain refinements to the approved mixed-use development located at 3900 Figueroa Street in the South Los Angeles Community Plan Area ("Project").

The Project was approved unanimously by the PLUM Committee on May 21, 2019 and the full City Council on June 12, 2019 with wide-ranging community support from over 1,250 local community members, businesses, the California Science Center and organized labor (Case Nos. ENV-2016-1892-EIR, VTT-74193-2A and CPC-2016-2658-VZC-HD-CUMCUP-ZAD-SPR 1A). These approvals are final and unappealable.

The current proposed modifications approved in the Director's Approval that are challenged in the Appeal were implemented to reduce the impacts of the Project, address the present realities of the market, and generally consist of the following:

- Reducing the overall size of the Project, going from 624,167 to 577,700 square feet total.
- Reducing the environmental impacts of the Project by, among other factors, making the Project smaller and reducing the amount of construction and grading.
- Adding more total housing units, going from 408 to 435.
- Adding additional affordable housing units, going from 82 to 87 affordable units (20% of Project total, with a mix of 82 Low Income and 5 Very Low Income units).
- Reducing commercial square footage, going from 96,446 to 23,670 square feet total.
- Reducing parking, going from 900 to 734 spaces; and
- Eliminating the proposed hotel use.



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Instead of addressing the Director's Approval under the code standards applicable to Q Clarification approvals, the Appeal makes numerous baseless accusations related to alleged tenant buyouts on the Project Site, which is vacant, and on the 3800 block of Figueroa to the north of the Project, which is not a part of this Project.

While the Applicant is sensitive to tenants' general concerns, the issues the Appeal raises about the Ellis Act, the City's Rent Stabilization Ordinance, and its Tenant Buyout Notification Program are broader policy issues that cannot validly be adjudicated in this limited administrative appeal of a Q Clarification approval. Here, that approval does no more than enable the Applicant to implement refinements to a long-ago approved Project that will add more affordable housing units and reduce its environmental impacts.

With respect to the specific allegations related to the former tenants on the 3900 Figueroa block, we vigorously deny those claims. The record here shows that the Applicant dealt fairly and openly with tenants, followed all procedural requirements, and went above and beyond minimum code and Housing Department requirements in terms of relocation assistance, monetary buyout payments, and notice. Again, if the Appellant wants to change the rules the Applicant correctly followed here, its Appeal is not the correct forum for that discussion.

The Appeal also raises several arguments against the City's 2019 approval of the Project and the City's 2019 certification of an Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA"). However, the statute of limitations for legal challenges to these Council approvals have long since passed – legal challenges to CEQA EIR certifications must be filed 30 days from the date a Notice of Determination is posted with the County Recorder, which occurred here in June 2019.¹ Lawsuits challenging entitlements must be filed within 90 days of the final agency decision, which would have required a legal challenge to the Project's original approvals be filed by September 10, 2019 to be valid, over three years ago.² It is too late to raise these issues now.

The Appeal lacks merit and provides no basis for the request that PLUM recommend overturning the Director's Approval. We respectfully request that PLUM vote to recommend denial of the Appeal.

¹ Cal. Pub. Res. Code, § 21167.

² Cal. Gov't Code, §65009(c).



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We thank for your time and the opportunity to address the Committee. We are available to answer any questions and will be present at the upcoming Appeal hearing, scheduled for October 18, 2022. We look forward to seeing you then.

Best regards,

A handwritten signature in blue ink, appearing to be 'AB' followed by a stylized flourish.

Andrew Brady

AB:

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