COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CITY CLERK'S USE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY	COUNCIL DISTRICT
City of Los Angeles Department of City Planning	**10 - Wesson**

PROJECT TITLE	LOG REFERENCE
ZA-2016-2604-ZAD	**ENV-2016-2605-CE**

PROJECT LOCATION
1113-1127 South Crenshaw Boulevard

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
The project is the demolition of an existing 19,160 square-foot restaurant and the construction, use and maintenance of a new, four-story, 66-foot tall, 48,457 square-foot mixed-use arts center, including retail and restaurant space, classrooms, exhibition space and four (4) dwelling units.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
Ω

CONTACT PERSON	AREA CODE	TELEPHONE NUMBER	EXT.
Oliver Netburn	**213**	**978-1382**	

EXEMPT STATUS: (Check One)

		STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
☐	MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
☐	DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
☐	EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
√	CATEGORICAL EXEMPTION	Sec. 15300 *et seq.*	Art. III, Sec. 1

Class **32** Category _____ (City CEQA Guidelines)

9 OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.

JUSTIFICATION FOR PROJECT EXEMPTION: In-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (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.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE	TITLE	DATE
For Oliver Netburn	**City Planning Associate**	~~[illegible]16~~

FEE:	RECEIPT NO.	REC'D. BY	DATE
$81.00	**0103605774**		~~[illegible]~~ 6/22/2017

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

_____ NAME (PRINTED)

_____ SIGNATURE

_____ DATE

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CITY CLERK'S USE

CPC-2020-516-DB-PSH-SIP
EXHIBIT 8

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY	COUNCIL DISTRICT
City of Los Angeles Department of City Planning	10

PROJECT TITLE	LOG REFERENCE
DIR-2018-2029-TOC	ENV-2018-2030-CE

PROJECT LOCATION
1251 South West Boulevard

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
Construction of a new multi-family residential building with a total of 20 units, with 3 units set aside for very low income families.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON	AREA CODE | TELEPHONE NUMBER | EXT.
Aaron Belliston, BMR Enterprises	323-839-4623

EXEMPT STATUS: (Check One)

		STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
☐	MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
☐	DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
☐	EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
✓	CATEGORICAL EXEMPTION	Sec. 15300 *et seq.*	Art. III, Sec. 1

Class **32** Category_____ (City CEQA Guidelines)

☐ OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.

JUSTIFICATION FOR PROJECT EXEMPTION:

PROJECT DESCIPTION

The project site is currently improved with three one-story residential structures and a garage. The project involves the construction, use, and maintenance of a five-story over parking level, 56-foot high, 19,076 square-foot multi-family residential building. The project will include 20 residential dwelling units with three units set aside for Very-Low Income Households. The project proposes to provide parking within one at grade parking garage (totaling 16 vehicular parking spaces) The project will also provide 22 bicycle parking spaces.

The subject property is located at 1251 South West Boulevard (1253, 1255 West Boulevard and 4506 West Dockweiler Street) and is composed of one parcel totaling 9,859 square-feet of area. The site has a frontage of approximately 125 feet on the south side of Dockweiler Street and 73 feet on the west side of West Boulevard. The project site is located within the Wilshire Community Plan and has a land use designation of Medium Residential. The project site is zoned R3-1 and is located within a designated Transit Priority Area and Transit Oriented Communities Tier 2.

The project involves a Transit Oriented Communities Approval to permit 13 base units and 7 additional units through the Transit Oriented Communities Program, for a total of 20 Units The applicant has requested three (3) additional incentives for the following: 1) one additional story and up to 11 additional feet in lieu of 45-foot height maximum 2) a reduced front yard setback of 12 feet in lieu of 15 feet required; 3) 20 percent reduction in required open space and any addition actions including but not limited to, tree removal, demolition, grading, excavation, haul route, and building permits. Removal of street trees are subject to the review and approval by the Board of Public Works, Urban Forestry Division.

CEQA DETERMINATION - CLASS 32 CATEGORICAL EXEMPTION APPLIES

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

(a) The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The Wilshire Community Plan Map designates the property for Medium Residential land uses with a corresponding zone of R3. The site is zoned R3-1, which permits 1 dwelling unit per 800 square feet of lot area, which allows up to 13 dwelling units based on the size of the site. The subject Transit Oriented Communities ("TOC") density bonus allows the proposed 20 units with 3 units set aside for Very Low-Income ("VLI") residents.

The Wilshire Community Plan establishes the following Goals, Objectives, and Policies that relate to the proposed project:

- Goal 1: A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community.
- Objective 1-2: To reduce vehicular trips and congestion by developing new housing in proximity to regional and community shopping centers, subway stations, and existing bus route stops.
- Objective 1-4: Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped, and senior citizens. .

The project involves the construction, use, and maintenance of a five-story, 56-foot high, 19,076 square-foot multi-family residential building. The project will include 20 residential dwelling units with three units set aside for Very-Low Income Households. The project includes eight one-bedroom units, and 12 two-bedroom units. The project proposes to provide parking within an at-grade garage (totaling 16 vehicular parking spaces and 22 bicycle parking spaces). The project will result in an overall net gain of 16 units at the site, thus resulting in an overall increase in residential units in the Wilshire Community Plan area. The project site is located within a Tier 2 TOC area, meaning that the project site is located within close proximity to frequent transit service, thereby having the potential to reduce trips and congestion. The project will also provide three units reserved for very low income households along with 17 market rate units. Thus, the project will provide additional housing the plan area at a variety of price points and unit types, which is consistent with the general plan and applicable policies.

(b) The proposed development occurs within city limits on a project site no more than five acres substantially surrounded by urban uses. The proposed development is wholly within the City of Los Angeles and is on a 0.22 acre site (i.e., less than five acres). The project site is surrounded by urban uses within an urban area; and not located in a farmland or agricultural designated area. The neighborhood is fully built out with a variety of development including single and multi-family uses and this proposed project will be consistent with the developments in the area, in compliance with subsection b.

(c) The project site has no value as habitat for endangered species, rare, or threatened species. The project is located within an established, fully developed primarily residential and commercial neighborhood in close proximity to Pico Boulevard and Crenshaw Boulevard. Further, no protected trees are proposed for removal from the project site.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project is the construction of a 20 residential unit multi-family unit structure on an existing site that is presently improved with four residential units. According to the Los Angeles Department of Transportation (LADOT) Traffic Study Exemption Thresholds a project resulting in the development of less than 36 apartment units is not required to prepare a traffic study as any traffic impacts related to the project will be minimal.

In regards to noise, construction activities can generate varying degrees of noise and vibration, depending on the construction procedures and the type of construction equipment used. The operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. Unless heavy construction activities are conducted extremely close (within a few feet) to the neighboring structures, vibrations from construction activities rarely reach the levels that damage structures. Additionally, new stationary sources of noise, such mechanical HVAC equipment, would be installed on the proposed development. The design of the equipment will be required to comply with LAMC Section 112.02 and 112.05, which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five dBA. In addition, the project would be required to comply with LAMC Section 41.40, which requires limitations imposed on construction activities. With implementation of the regulations that address construction activities and mechanical equipment, the project would result in a less than significant impact related to construction and operational vibration and noise.

In regards to air quality, a significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals and objectives of the South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. The proposed project is not expected to conflict with or obstruct the implementation of the AQMP and SCAQMD rules. The proposed project is also subject to the City's Green Building Program Ordinance (Ord. No. 179,890), which was adopted to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional and global ecosystems.

In regards to water quality, a significant impact would occur if the project would: 1) exceed wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB), 2) increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded, or 3) increase surface water runoff, resulting in the need for expanded off site storm water drainage facilities. All wastewater from the project would be treated according to requirements of the NPDES permit authorized by the LARWQCB. Therefore, the proposed project would result in a less than significant impact related to wastewater treatment requirements. Additionally, prior to any construction activities, the project applicant would be required to coordinate with the City of Los Angeles Bureau of Sanitation (BOS) to determine the exact wastewater conveyance requirements of the proposed project, and any upgrades to the wastewater lines in the vicinity of the project site that are needed to adequately serve the proposed project would be undertaken as part of the project. Therefore, the proposed project would not result in a significant impact related to water or wastewater infrastructure. Lastly, development of the proposed project would maintain existing drainage patterns; site generated surface water runoff would continue to flow to the City's storm drain system. The proposed project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff. Therefore, the proposed project would not result in a significant impact related to existing storm drain capacities.

(e) The proposed project has been reviewed by City staff, and can be adequately served by all required utilities and public services. The project site will be adequately served by all required public utilities and services given that the site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 16 residential dwelling units. Based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

CEQA SECTION 15300.2: EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exemption. None of the exceptions are triggered for the following reasons:

A. **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Based on a review of the data reported on the Department of City Planning's ZIMAS for the subject property, the site is not located within an Airport Hazard Area, Coastal Zone, Farmland Area, Flood Area, High Wind Velocity Area, Oil Well Area, Landslide Zone, Very High Fire Hazard Severity Zone, Special Grading Area, Tsunami Inundation Zone, or Preliminary Fault Rupture Study Area. According to ZIMAS, the project site is not located within the Alquist-Priolo Fault Zone and is within 3.02 kilometers of the nearest known fault (Puente Hills Blind Thrust). As such, exception (a) does not apply.

B. ***Cumulative Impact.*** *The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.*

The project is the construction of residential units in an area previously developed and surrounded by commercial and residential uses. The project is entirely consistent with the existing General Plan designation and zoning. The succession of multi-family residential projects developed to the permitted density, floor area, and height, and constructed pursuant to applicable building code requirements will not result in cumulative impacts. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and therefore will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts. Therefore, impacts under this category will be less than significant.

C. **Significant Effect Due To *Unusual Circumstances.*** *This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.*

The project proposes to construct a new, 20-unit, residential affordable housing development in an area zoned and designated for such development. Neighboring properties are developed with multi-family and commercial, and public facilities structures, and the subject site is of a similar size to nearby properties. The height and density are also permitted by the zone through the Affordable Housing Incentive Program. There are no special districts or other known circumstances that indicate a special or sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

D. **Scenic Highways.** *This exception applies when, although the project may otherwise be exempt, there may be damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

Based on a review of the California Scenic Highway Mapping System (http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), subject site is not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

E. **Hazardous Waste Sites.** *Projects located on a site or facility listed pursuant to California Government Code 65962.5.*

Based on a review of the California Department of Toxic Substances Control "Envirostor Database" (http://www.envirostor.dtsc.ca.gov/public/), no known hazardous waste sites are located on the project site. In addition, there is no evidence of historic or current use, or disposal of hazardous or toxic materials at this location. Based on this, the project will not result in a significant effect due hazardous waste and this exception does not apply.

F. **Historical Resources.** *Projects that may cause a substantial adverse change in the significance of an historical resource.*

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

In conclusion, since the project meets all of the requirements of the categorical exemption set forth at CEQA Guidelines, Section 15303 and none of the applicable exceptions to the use of the exemption apply to the project, it is appropriate to determine this project is categorically exempt from the requirements of CEQA.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE	TITLE CITY PLANNER		DATE 8/7/18
FEE: $2,280.00	RECEIPT NO. 0302114761	REC'D. BY	DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

NAME (PRINTED) _____ SIGNATURE _____

DATE _____

June 1, 2020

Dear James,

The following letter concerns the project at 1141-1145 S. Crenshaw Blvd., **CPC-2020-516-DB-PSH-SIP**, known as Solaris or the Project formerly known as Solaris. At an unconfirmed time sometime before February 2020, Lot 40/39 =1145 S. Crenshaw Blvd. had its zoning modified from a C2 to an R3 Zone, utilizing ordinance 165,331 Subarea 9670, which does not apply to the property.(**EXHIBIT 1**) On July 10, 2019, Domas paid over $16000 (**EXHIBIT 2**) for the application for Transit Oriented Communities designation DIR-2019-4049-TOC (TOC) (**EXHIBIT 3**), and for a full Environmental Assessment ENV-2019-4050-EAF (EAF) -Initial Study to ND/MND. The TOC declared that “analysis of the proposed project determined that it is Categorically Exempt from environmental review”. (pg. 11) (**EXHIBIT 4**)

Although I reviewed the old file related to the previous project, I am yet to see the files related to the new SIP (Streamlined Infill Project). Should the files not be available for viewing, the meeting may need to be postponed.

Nonetheless, because the location of the project is in an AO Flood Zone, it does not satisfy the requirements necessary for streamlined ministerial approval or exemption as defined in Gov. 65913.4 (**EXHIBIT 17**) or PRC 21159.21 (**EXHIBIT 18**).

In the Notice of Public Hearing, the requested actions related to CPC-2020-516-DB-PSH-SIP include:

- Determine that the Supportive Housing project is Statutorily Exempt from the California Environmental Quality Act (CEQA) as a ministerial project.
- Determine that the project satisfies all the requirements and objective planning standards…and is therefore subject to the streamlined, ministerial approval process provided by government Code Section 65653.

- Allow for a ministerial review of a Density Bonus, including a 65% increase in density over that permitted, and a height increase of up to an additional 20 feet for a maximum of 65 feet and a waiver in setbacks, open space, and the ability to waive transitional height requirements for the space located in the R1 zone.

The TOC for 1141-1145 S Crenshaw claimed the project had been analyzed and determined to be Categorically Exempt from environmental review pursuant to Article 19, Section 15332 (Class 32) of the CEQA Guidelines, even though it is in an AO Flood Zone, which does not qualify for exemption.

According to the City's Flood Plan # 172081 (**EXHIBIT 4B**) it is citywide policy that:

> Nonessential public utilities, public or quasi-public facilities **not be located in special hazard areas**. When public utilities, public or quasi-public facilities must be located in hazard areas, assure that they are constructed to minimize or eliminate flood hazards. (Pg. 13) (**EXHIBIT 5**)

A housing project with services that is privately owned and publicly funded is a quasi-public project, and should not be located in the Special Hazard Area, which this project is attempting to do.

The AO Flood Plain is categorized as a Special Hazard Zone; development in the flood plain falls under Title 44 of the Federal Flood Code and the City's *Specific Plan for the Management of Flood Hazards* Ordinance #172081. The plan applies to all public and private development in the City's Flood Zone.

Ordinance #172081:

> to the extent permitted by law, all public and private development shall be subject to these regulations and construction may not commence without compliance with the provisions and intent of this Plan and permits from those governmental agencies from which approval is required by Federal and State law. (pg. 16) (**EXHIBIT 6**)
>
> For projects found to be located in a special hazard area the following finding shall be made: "that the project conforms with both the specific provisions and the intent of the Floodplain Management Specific Plan." (pg. 16) (**EXHIBIT 6**)

HAS THIS FINDING BEEN MADE ALREADY, OR WILL THE PLANNING COMMISSION DETERMINE THAT THE PROJECT CONFORMS TO THE FLOOD PLAN WHEN IT ATTEMPTS TO TRY AND EXEMPT THE PROJECT FROM CEQA?

Nori reconfirmed on October 23, 2019 that the project is subject to the regulatory compliance measures, including the City's Specific Plan for the Management of Flood Hazards Ordinance No. 172081, to avoid or reduce impacts.

The City's Flood Plan provides for the establishment, management, and regulatory control of construction in the flood zone and must meet or exceed criteria established in accordance with Federal Title 44 for the management of flood plain regulations.

The Problem is that the Los Angeles Dept. of City Planning has been found to provide fraudulent information to the State of California in order to assist developers in sidestepping the requirements of CEQA.

<u>THIS IS THE THIRD PROJECT I HAVE FOUND WHERE THE DEPT. OF CITY PLANNING FALSELY CLAIMED ON THAT THE SUBJECT PROPERTY IS QUALIFIED FOR A CLASS 32 CATEGORICAL EXEMPTION, AND LIKE SOLARIS WERE DECLARED NOT TO BE IN A FLOOD ZONE</u>, and includes:

- C3 Luxury Subdivision (VTT-73424) (MND) – (**EXHIBIT 7**)
- Condo Project Murray Mansions (VTT-82630-CN) 121 S. West Blvd. 90019 (NE) (**EXHIBIT 8**)

The City accepted payment for a TOC and EAF for 1141-1145 S Crenshaw in July 2019, (six months after Monique Hastings attested to her CP 7771.1 application's authenticity). The transaction shows that the City considered the project as discretionary. Thus, the project is subject to the requirements of CEQA and 14 CCR 15268 which states;

> **WHERE THE PROJECT INVOLVES AN APPROVAL THAT CONTAINS ELEMENTS OF BOTH A MINISTERIAL ACTION AND A DISCRETIONARY**

ACTION, THE PROJECT WILL BE DEEMED TO BE DISCRETIONARY AND WILL BE SUBJECT TO THE REQUIREMENTS OF CEQA. (EXHIBIT 9)

How can the project be considered for ministerial approval and exemption when Solaris would be the second out of scale permanent supportive housing development project placed next to/near S. Victoria Ave. which would permanently double as a residential parking lot for hundreds of additional residents and customers, while the mansions in Victoria Circle (on the same side of the street as Amani Apts.), has its mansions protected by a city installed steel fence.

In essence, the City Planning Commission is being asked to grant the project, and its representative Monique Hastings, a free pass to resubmit the project as a streamlined infill project and categorize it as qualified for a CEQA statutory exemption.

No one in Domas Development LLC and 1141 S Crenshaw LP, or the city employees involved in this project are held responsible for the fraudulent TOC land use entitlement request which claimed that the project was eligible for a CEQA exemption. Further the TOC stated the project is “comprised of lots FR 40 and 72 in the N.C. Kelley’s Montview Tract”,

Just for correction, FR 40 is in the Oxford Sq. Tract, and Lot 39, is the R1 zone the back. Lot 39 can’t be used to determine the development’s open space requirements because most likely whatever change occurred before February 2020 to the zoning most likely did not conform to city policy.

After August 23, 2019, lot 40 was questionably modified, and had its zoning changed from CR to R3, utilizing Ordinance 165331 (Subarea 9670) which does NOT apply to the project.

11 12 13	9670	CR-1-O	R3-1-O	Lots 4-21, 23-26 and Frac. Lots 22 and 27, Benton Terrace Tract; all as shown on Cadastral Maps 129-B-185 and 129-B-189.

On May 19, 2020 Hagu wrote

> "Upon completing our research…we determined that the correct zone is R3 based on Ordinance No. 165331 Subarea 9670 and not CR. Zimas was corrected to reflect the R3 zone and **as such the applicant is in the process of withdrawing their previous case number** (DIR 2019 4049 TOC/env-2019-4050-eaf). The applicants reapplied under case no CPC 2020 516 DB PSH SIP which has a different entitlement path effectively the same project with regards to design, layout, and unit count." (**EXHIBIT** 9B)

SINCE THE ZONING WAS MODIFIED USING A FAKE JUSTIFICATION, THIS PROJECT SHOULD NEVER HAVE BEEN WITHDRAWN AND RESUBMITTED TO THE COMMISSION FOR HEARING.

It is unclear how the R1 zone can be used to justify the OPEN space requirement for a project in a CR/Fake R3 and C2 zones, or what channels the City used to rezone Lot 40/39.

Based on the questionable changes to the R3 Zoning, the TOC should **not** have been withdrawn. **Because the city accepted payment in July 2019, it is not all of a sudden legally afforded a different "entitlement path" to obtaining a building permit when it purposely lied to evade the flood code with the assistance of public employees whose Dept. accepted payment for land use studies. Accepting payment shows that the city determined the project to be a discretionary prior to finding a "discrepancy", and thus is subject to CEQA/14 CCR 15268).**

Ms. Hastings attests on 1/25/19:

i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in the application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit." (**EXHIBIT 10**)

Instead of being held responsible, Ms. Hastings withdrew and resubmitted the project in 2020 as a Streamline Infill Project, with the lot conveniently changed from a CR to a R3

on an undetermined date between August 23, 2020 and February 2020. On May 26, 2020 James stated that "Once the zoning discrepancy was discovered [date unknown], the applicant requested that initial project application be withdrawn. The applicant then reapplied for the project in 2020." (**EXHIBIT** 11)

On May 28, Mr. Harris claimed:

> There was no change in zoning for this site, only a correction to the ZIMAS database to reflect the zoning pursuant to Ordinance 165,331 and as shown in the Wilshire Community Plan. In 2019 the applicant applied for a Transit Oriented Communities project. When the discrepancy between the Wilshire Community Plan and ZIMAS was discovered, the applicant requested the project be withdrawn. The applicant then reapplied for a project under the zoning as shown in the Wilshire Community Plan. (**EXHIBIT** 11.B)

Would it be prudent to grant the project a ministerial exemption, when CEQA exempt Amani PSH is approximately a block's distance away, and Solaris would be built by anonymous individuals, little if any oversight, and use a zoning change whose switch most likely wasn't conducted according to law by a City Planning Dept. that can't be trusted.

The public housing projects would come with 55 years of subsidized rents and no parking for approximately 100 units. Who will accommodate the parking needs of hundreds of residents, friends, persons seeking services, and customers when the only available parking available in a neighborhood of single-family homes in an HPOZ ZONE on Victoria Ave. and Windsor Blvd – which will cue a parking problem that will spread to other communities.

What process determines who gets 55 years of subsidized rent, is it a lottery? Friends of friends of friends of the councilman? The City assists anonymous private developers, using laws drafted in their favor to allow for disease density, publicly paid pre-covid construction, no environmental review, and a lifetime of subsidized rent for units that are expected to each cost $550-575,000 to construct using 2018 numbers, with the cost passed on to taxpayers.

Attempting to permit pre-covid density apartment complexes using the destitute to justify a blank check to anonymous individuals is creating long term consequences and a lifetime of liability to the LA taxpayer and city property owners who are responsible for funding subsidized rent for inflated rent given to private landlords of buildings which are specifically constructed for that purpose.

Wouldn't it simply make more sense to retrofit abandoned commercial buildings in the C2 and CR zones that currently sit empty and make them into new housing. Wouldn't it be more humane to have caps on what can be charged for rent so people don't have to make a choice whether to eat or have a roof over their head?

When I asked about the current estimated cost of each unit of housing James stated on May 26, 2019, "The cost per unit is information that is not collected in order to process an applicant's project application".

I came across a statement in my research where the city claims it is more expensive to retrofit already constructed spaces for housing than to build new housing. With downtown landlords not required to supply vacancy listings, how much of the city's total amount of empty rentals and commercial space is identified? What then justifies a cost of $550-570,000 price tag per new unit construction (**EXHIBIT 12, EXHIBIT 13)** paid to anonymous sources/campaign donors, when it is unclear if PSH properties are subject to audit and itemization to make sure taxpayers' trust is not abused.

Granting CEQA Statutory exemptions, ministerial reviews, density bonuses, etc., is essentially asking for a waiver from Federal Title 44 guidelines and the City's Flood Plan Ordinance #172081, which states:

> **THE WAIVER [TO THE PLAN] WILL NOT RESULT in an increase flood height; ADDITIONAL THREATS TO PUBLIC SAFETY; CREATE EXTRAORDINARY PUBLIC OR PRIVATE EXPENSE; CREATE NUISANCES; CAUSE FRAUD OR VICTIMIZATION OF THE PUBLIC; or conflict with the Los Angeles Municipal Code. (#172081, Pg. 31) (emphasis added) (EXHIBIT 14)**

Why then is the City attempting to push a second PSH Housing development that will victimize the public whose tax dollars are given to anonymous entities whose current debt load is unknown.

Has the city engineer/applicable city department assured that the building is constructed to minimize or eliminate flood hazards, before attempting to qualify it as a ministerial project subject to CEQA exemption?

With the Dept. of City Planning claiming that at least three projects were not in the flood zone, why would ministerial approval be given to a developer who lied in their previous TOC application, then is attempting to get the project developed for the same development site, when the developer is not financially responsible should it fail**.**

DOMAS DEVELOPMENT IS THE LARGEST DEVELOPER OF PUBLIC HOUSING IN THE STATE, WHY AREN'T THEY HELD RESPONSIBLE FOR THE FRAUDULENT TOC THAT CLAIMED THEY QUALIFIED FOR A CEQA 32 EXEMPTION, WHEN THE PROPERTY IS IN AN AO FLOOD ZONE? WHY WOULD THE PEOPLE WANT THEIR TAX DOLLARS GOING TO UNKNOWN PERSONS WHOSE DEVELOPMENT COMPANY LIED IN AN ATTEMPT TO GET A CEQA EXEMPTION?

Solaris/1141-1145 S. Crenshaw and the Condo Murray Mansions project, were given "public support" by the local Olympic Park Neighborhood Council (OPNC). In September 2019, the OPNC took the unusual/illegal step to lock out homeowners from attending their meeting, aborting the meeting 3.5 hours prematurely in order to prevent complaints about Domas Solaris and other projects in the area, then the following month voted themselves as qualified to grant support to private developments.

The City Attorney so far has ignored Brown Act complaints as well as other issues brought to their attention regarding corruption. (**EXHIBIT 14B**) This may be because to recognize the complaints would mean that the Olympic Park Neighborhood Council could not function as a fake source of public support for local and internationally anonymous private developers whose money and connection to power allows them to create laws that financially burden the people of this city in order to find a support for unnecessary and aesthetically ugly PSH construction projects, whose true purpose is to serve the private developer as a cash cow provided courtesy of the LA taxpayer/property owner.

Putting in TWO out of scale projects with no parking next to a defenseless neighborhood of single-family homes shows the possible nature of the project, to make the neighborhoods unlivable, dangerous and eventually subject to developmental exploitation/eminent domain opportunities. Neighborhood Councils are noted to be stacked with members whose connections to private developer LLCs and LP's are yet to be substantiated, and thus the determination as to the objectiveness of their vote remains in question.

According to Title 44 Section 60.3 (4), requires the city to:

> Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding…. (**EXHIBIT 15**)

Is streamlined ministerial approval, review, and waivers consistent with federal policy Title 44 Section 60.3?

The Public Hearing Notice sent to Victoria Ave. states the zoning for 1145 S. Crenshaw consists of R3-1-O.

Prior to August 23, the lot had been a CR Zone as noted in the TOC. According to Nuri, Hagu, and James, the location was improperly zoned and should have been listed as R3.

In early August 2019, I cc'd Nuri on an email to the local OPNC regarding 1141-1145 S Crenshaw Blvd. On August 23, 2019, Nuri Cho issued the *STATUS OF PROJECT REVIEW: APPLICATION INCOMPLETE AND CASE PROCESSING ON HOLD* letter to the project's applicant Monique Hastings stating:

> Per the Wilshire map of Ordinance 165,331 for Subarea 9670, the correct zone of the portion of the property at 1145 s. Crenshaw Blvd. (Lots 39 Arb 2 and FR 40 Arb 2, Oxford Square Tract – APN 5082026013) that is designated for Medium Residential land uses is R3-1-O, not CR-1-O. Please update all application documents and plans to reflect the R3-1-O zone. (**EXHIBIT 16**)

.

According to the 1990 ordinance 165,331 (Pg. 158) Subarea 9670 the following lots can be changed from a CR to an R3 designation:

> "Lots 4-21, 23-26 and Frac. Lots 22 and 27 Benton Terrace Tract; all as shown on Cadastral Maps 129-b-185 and 129-B-189." (**EXHIBIT 1**)

The problem is that 9670 does not apply to 1145 S. Crenshaw, 39/40 Lot in the Oxford Square tract, but to property two doors down, and thus does not qualify as a discrepancy, which forms the basis for the withdraw and resubmittal.

Allowing a CEQA exemption based on a made-up technicality is meant to sidestep the process of proper assessment and provides a cover for the project's withdraw and resubmission as a ministerial review project. Because the current R3 zone is illegitimate/fraudulent, the project's previous TOC and EAF was not subject to withdraw or a current repackaging as a ministerial project.

According to the City's Flood Plan –

> B. **Planning Development Permits Applications and procedures for zone changes**, **variances….environmental clearances, or any other permit procedure pertinent to this Plan shall contain additional information on the application forms sufficient to determine the existence and extent of flood-related hazards, and to provided sufficient data to enable thorough and complete review of the development as it relates to this plan**. (Pg. 16) (**EXHIBIT** 6)

On May 19, 2020 Hagu stated: "…Zimas was corrected to reflect the R3 zone and as such the applicant is in the process of withdrawing their previous case number (DIR 2019 4049 TOC/env-2019-4050-eaf). The applicants reapplied under case no CPC 2020 516 DB PSH SIP which has a different entitlement path effectively the same project with regards to design, layout, and unit count."

Procedures for changing the zoning in a special hazard area include suppling sufficient data to enable a thorough and complete review of the development as it is subject to the City's Flood Plan. It is questionable whether proper procedures were observed in changing the CR zoning to R3 when the property is located in an AO Flood Zone.

Additionally, the necessity to rezone CR is doubtful when it already **allows for R4 and R3 uses. This allowance** was utilized in the original TOC plan, stating the project planned to use "yard reductions per RAS3" (pg. 2)

What is the need to withdraw the project approximately two months after the developer had paid for a TOC and EAF? Could it be that the project was withdrawn because Solaris is in a Flood Zone and does not qualify as an infill site, contrary to what the produced TOC Land Use Entitlement Request stated.

Would placing the project across two zones, Fake R3/C2 mean that it can be considered for a ministerial exemption, review, and approval?

On September 11, 2019 Nuri stated, "The case is currently on hold as the applicant will be updating application documents and plans to reflect the correct zoning requirements" (**EXHIBIT 16B**). …he later added, "the case was placed on hold on August 23rd. On September 18, 2019, he stated "[domus development] needs to redesign the project to conform to the R3-1-O Zone requirements." (**EXHIBIT 16C**).

Problems with the R3 Zone designation.

When I came to City Planning to look at the casefiles in September 2019, I found no mention that the location was in an AO flood zone. (I also believe the original plans I saw included several three-bedroom apartments.) How could a project get the blessing of over nine million dollars in Prop HHH funds (and millions more in other taxpayer funded loans) when the City's Flood Plan states that **NON-ESSENTIAL PUBLIC UTILITIES, PUBLIC OR QUASI-PUBLIC FACILIES NOT BE LOCATED IN SPECIAL HAZARD AREAS. (#172081, PG. 13) (EXHIBIT 5)**

Could it be that changing the zoning and claiming a fake Zoning discrepancy is the most convenient way to withdraw the previously paid for TOC and DIR cases, which might show that the Dept. of City Planning did not follow proper protocols related to managing development on the flood plain.

On November 14, 2019 Hagu wrote:

> I want to clarify for you that the City **did not change the zoning to R3 in August**. Once a conclusion has been made on the zoning, I'll be sure to let you know. At this point, the case is still on hold" (emphasis added) **(EXHIBIT 16D)**

The next I heard from Hagu regarding this project was in May 2020.

Government code 822.2 states:

> A public employee acting in the scope of his employment is not liable for an injury caused by his misrepresentation, whether or not misrepresentation be negligent or intentional, unless he is guilty of ***actual fraud, corruption, or actual malice***. (emphasis added)

GOVERNMENT CODE– GOV -TITLE 7. PLANNING AND LAND USE CHAPTER 4.2. ***Housing Development Approvals*** *65913.4 states:*

(a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

B. A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

6) The development is not located on a site that is any of the following:

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulation. (**EXHIBIT** 17)

1141-1145 S Crenshaw is in an AO Flood Plain/Special Hazard zone, and therefore does NOT QUALIFY for streamline ministerial approval according to 65913.4.

AB 2162 (Gov. Code 65651) authorizes supportive housing as “by right”/ministerial in zones where multifamily and mixed uses are permitted. A project is qualified for ministerial approval under CEQA it can meet certain criteria:

(b) (1) The local government may require a supportive housing development subject to this article to comply with written, objective development standards and policies. However, the local government shall only require the development to comply with the objective development standards and policies that apply to other multifamily development within the same zone.

(b) (2) The local government’s review of a supportive housing development to determine whether the development complies with objective development standards, including objective design review standards, pursuant to this subdivision shall be conducted consistent with the requirements of subdivision (f) of Section 65589.5, and shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. (**EXHIBIT 17B)**

Because of the sensitivity of the environment as an AO flood zone it requires that the site plans be reviewed for compliance with the flood code prior to waiver or exemption being given, and thus is not subject to use “by right”.

According to PUBLIC RESOURCES CODE CHAPTER 4.5. Streamlined Environmental Review ARTICLE 6. Special Review of Housing Projects

PRC 21159.21 (EXHIBIT 18)

A housing project qualifies for an exemption from this division pursuant to Section 21159.22, 21159.23, or 21159.24 if it meets the criteria in the applicable section and all of the following criteria:

> (a) The project is consistent with any applicable general plan, specific plan, and local coastal program, including any mitigation measures required by a plan or program,
>
> (h) The project site is not subject to any of the following:
>
> > (5) Landslide hazard, **flood plain**, flood way, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

Because 1145 S. Crenshaw is in an AO Flood Plain, it is not subject to for exemption or streamlined environmental review.

The problems of Solaris and other construction in the AO Flood Zone shows that City Planners are willing to use their positions to participate in what may be large scale massive fraud by city employees on behalf of anonymous developers. The City of Los Angeles suffers from serious traffic congestion, crime, threat of earthquakes, decay, and lack of water and cannot support unending unregulated development, with the costs passed on to the working people and property owners of the community, who shouldn’t be surprised that PSH housing ends up costing more when the loans awarded to anonymous limited liability companies fail to be paid back.

Sincerely,

(name retracted)

On October 7, 2019, I attended the Olympic Park Neighborhood Council's Meeting. During public comment I made the following remark:

> According to the Brown Act, Gov. Code 54954.2 e3 states "No action or discussion shall be undertaken on any item not appearing on the posted agenda".
>
> When vital community concerns are brought to the OPNC's attention, the OPNC relegates them to the comment period. The purpose of this is that MATTERS ADDRESSED IN THE COMMENT PERIOD FROM THE PUBLIC DON'T HAVE TO BE ATTENDED TO, AND CAN THUS BE IGNORED LAWFULLY BY A LEGISLATIVE BODY.
>
> I have serious concerns appointing members of the OPNC to be authorized filers for community impact statements, when on September 9, 2019, the Board violated the Brown Act by cancelling its regularly scheduled meeting four hours before it was supposed to start.
>
> 54954.3c of CA Gov Code states: The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.
>
> According to the president of the council, the meeting was cancelled due to a "lack of quorum". Lacking quorum is not a valid excuse to preemptively cancel a federally and state protected, regularly scheduled public meeting of the people four hours before it was supposed to start. Was it cancelled because the OPNC didn't want to hear the complaints of over 30 angry property owners gathered, who had no idea that you planned to donate the land in front of their houses as a spacious garden-side parking lot for Domas LLC's brand new 25 million dollar publicly funded erection?
>
> In order to qualify to submit community impact statements, the City Clerk will only accept statements from councils that are "in accordance with the Brown Act".
>
> CANCELLING A MEETING OF THE PEOPLE IN ORDER TO PREVENT COMPLAINTS IS A VIOLATION OF THE BROWN ACT.
>
> The OPNC is not in accordance with the Brown Act and thus not qualified to submit community impact statements on behalf of the Council.
>
> Each member of the OPNC represents approximately 1000 residents, a high percentage of which reside in single family homes or small apartments. The impact statements would likely be used to justify permanent supportive housing projects pushed by limited liability companies receiving public subsidies that will be free of all environmental accountability to the community.
>
> Why would the LA taxpayer knowingly entrust hundreds of millions of dollars to development entities that rush through plans, offer no environmental or traffic studies, are anonymous and whose debts are questionable?

BROWN ACT 54950 states "It is the intent of the law that their actions [of the OPNC] be taken openly and that their deliberations be conducted openly.

Members of the OPNC have been found to communicate city business through personal email accounts."

The new general manager of the Department of Neighborhood Empowerment, Raquel Beltran, was at the October OPNC meeting during her listening tour. I'm sorry she didn't get to stay to listen to the public comment period, because if the OPNC knew she was listening, they would have had a difficult time appointing themselves as authorized filers of community impact statements. Even when confronted with breaking the Brown Act in September, the OPNC, led by its president Mitch Edelson, appointed himself, and four other members "to publicly express their support, opposition, or suggestions about any matter pending before the City Council, its committees, or City Commissions." (Attachment A)

The members of the OPNC colluded together to deny the right of the people to have their grievances addressed on September 9, 2019 as guaranteed in the Constitution of the United States.

Members of the OPNC have been found to communicate city business through personal email accounts. On outgoing correspondences, the OPNC lists a private email and phone number. Using private phones and email addresses to communicate city business is highly questionable, particularly with the issues involving the C3 luxury subdivision and the OPNC's 2016 letter of support, minus City record of any related discussion or action. Why is a neighborhood council conducting city business through private channels, when transparency and accountability are fundamentally intrinsic, and only a handful of residents actually vote, know about, or attend the meetings?

According to the bylaws of the OPNC, the policy of the council is: "To have fair, open, and transparent procedures of the conduct of all Council business". The OPNC is currently in violation of this policy; additionally, the OPNC record of minute taking, particularly for their standing committees and previous sessions is lacking, and possibly missing.

How does Domas LLC get the OPNC to support its project, when on August 23, utilizing a 30-year-old ordinance, #165331, Nuri Cho from the Dept. of City Planning, sent a letter informing Domas LLC that their plans for Solaris Apts. placed at 1141-1145 Crenshaw, were on hold because they didn't reflect the correct zoning code. "the correct zone [for]….Lots 39 Arb 2 and FR 40 Arb 2… is designated for Medium Residential land uses is R3-1-O, not CR-1-O. Please update all application documents and plans to reflect the R3-1-O zone… [City Planning] request that you provide the corrections within 30 days of the date of this letter." (Attachment B)

I didn't hear anything at the October OPNC meeting about changes to Solaris's Plans to fit into the correct zoning R3-1-0. Shouldn't have there been mention of changes, since the zoning for the location is now different? If the code was changed, why is Domas' representative getting support for a project when whatever CEQA was originally produced is null and void because the zoning code for the project

was incorrect, according to the City of Los Angeles? Does the CEQA that the vendor claims Domas is currently working on, identify that the location is in an AO Flood Zone? According to Nuri Cho in her email from Sept. 11. "I have not determined the environmental clearance pursuant to CEQA yet, as the case is currently on hold as the applicant will be updating application documents and plans to reflect the correct zoning requirements". (Attachment C)

Why is the project now moving forward when the developer was attempting to build this complex in an AO flood zone? In the files viewed on both 9/19 and 9/26, I was unable to find mention that this location is in a flood zonee

If the zoning has changed, why hasn't the project too in accordance with the request from the City of Los Angeles? How could the Neighborhood Council provide support for a project that is no longer applicable to the C2 zone? Does a 66-bedroom apartment with no parking qualify to be built in a AO Flood Zone? Is Domas LLC exempt under AB 1197 which eliminates CEQA and environmental or traffic studies for the next seven years on PSH buildings built by anonymous LLCs and LPs with public funds? (Attachment D)

Could it be that the city is trying to cite a publicly paid, privately developed apartment building when the building doesn't meet the requirements of being built in a federal AO flood zone, or conducted the correct flood studies as required by the City of Los Angeles. The City changed the zoning code to accommodate Domas LLC from C2 to R3, the project was placed on hold in August, and then after the passage of AB 1197 – the OPNC lent it support to the project when the City requested that it be modified. The violations of the Brown Act and city bylaws by the OPNC, means they are not qualified to lend support to any project. What happens when one's local government is exempt from protecting citizens' health and safety in order to ensure that private anonymous developers get to build large apartment projects abutted to single family homes at great public expense?

What other buildings have been built or planned in federal AO flood zones that have been able to sidestep zoning code and regulations via their good friends at the Dept. of City Planning, and now with AB 1197 are free to build anything they want, at public expense, with thousands of dollars every month per unit in rent guaranteed by the taxpayer.

The people of Olympic Park do not know that AB 1197 exempts PSH buildings in Los Angeles, and allows them to build large scale apartment buildings with no environmental or traffic studies. This means that the Council, without any environmental or traffic study to protect the people, supports projects with unknown consequences on the community. If OPNC truly represents the people, it would not have locked out homeowners who attempted to bring their concerns regarding Domas LLC Solaris Apts. to the Board. It is highly suspicious as to the motivation of the Council to elect themselves as filers of community impact statements, when less than a month after violating the community's rights, voted to ignore the concerns of homeowners and send a letter of support in behalf of one the largest developers of Permanent Supportive Housing in the state.

There are approximately 10 members of the council (and five vacancies). Has anyone bothered to count how many people vote for each member, and why this tiny group has the ability to publicly support the construction of massive projects, when many a times the only support these projects need for development in the community is from the Neighborhood Council? **Members of the Neighborhood Council violated the Brown act, and continue to violate the bylaws of the neighborhood council, which requires them to have "fair, open, and transparent procedures" yet use private communication to conduct city business.** How can the OPNC be able to lend support to projects, when they operate secretly, and violate the rights of homeowners by cancelling their meeting?

The OPNC continues to remain in operation, when Herb Wesson, the President of the City Council, is well aware of the meeting's illegal cancellation and did nothing (**Attachment E**)? Why do members of the OPNC continue to conduct city business via private email, even though both the DA of the City and County of Los Angeles were contacted on 9/27 regarding this issue? (**Attachment F**).

Members at the October meeting parroted the President's excuse and blamed the cancellation of the September OPNC meeting on a lack of quorum. The members of the council were informed in a public meeting that they violated the Brown Act. They then went ahead and appointed Mitch Edelson and four other members to represent positions for Olympic Park, a community of small homeowners whose collective value of real estate is in the billions of dollars. The owner of the Catch One Nightclub, President Mitch Edelson communicates city business through private email (OPNCLA1999@gmail.com, mitchedelson@gmail.com), uses a private phone, donates his nightclub for the meeting space, and uses a P.O. Box to receive communications. (**Attachment G**)

Why is the Olympic Park neighborhood council able to submit community impact statements when they communicate city business via non-city email and non-city phones? Isn't this a serious conflict of interest and a violation of public ethics when members of the council, considered city employees, communicate city business through private channels? How much city business has been communicated via private email and phone regarding tens of millions of dollars' worth of potential real estate projects in the Olympic Park area that only need support from the Neighborhood Council to get constructed?

The Olympic Park neighborhood council ignores community concerns, illegally cancels meetings so our concerns won't be heard, and then colludes with its own members to lie and state the meeting was cancelled because it "lacked quorum". **The OPNC is not qualified to file community impact statements, because it violates the brown act and breaks the bylaws of the OPNC.**

CA Gov Code 54952 c2 states: "No board, commission, committee or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency…has a member of the legislative body…as a full voting member." By chance, how many members of the OPNC and Mid City Neighborhood Councils fraternize or are connected to members of development LLCs or other type of limited development partnerships who have the luxury of remaining anonymous? How many volunteer members in the neighborhood council system work or have worked for developers?

I request the CITY ATTORNEY, in accordance with 54960 of the Brown Act, to commence an action to cure or correct by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of the Brown Act by members of the OPNC, who on September 9, 2019 illegally cancelled the meeting of the OPNC in order to avoid hearing and attending to the concerns voiced by homeowners of Victoria Ave. in relation to Domas LLC's Solaris Apts. Further, the OPNC utilizes private communication to conduct City Business in violation of Gov. Code 54950 and OPNC bylaws. (Attachment F.2)

I request the district attorney determine the applicability of the Brown Act to past actions of the legislative body, subject to Section 54960.2., and determine whether any rule of action the legislative boy is punishable and described below.

I request that the City Attorney demand a cure or correct to the following actions of the OPNC:

1. The Cancellation of the regularly scheduled meeting of the OPNC on September 9 at 7pm in violation of Gov Code 54954.3c. The cure requested would be recognition by the City of the impromptu meeting held in the residents gathered in the Catch One nightclub parking lot, in lieu of the regularly scheduled meeting of the OPNC, and accept the adoption of paperwork passed out to residents at the meeting to be placed on the public record.

2. Withdraw the appointment of the five OPNC members as filers of Community Impact Statements which took place on October 7, 2019 at approximately 7:45pm. The OPNC is not qualified to provide community impact statements due to colluding to cancel a regularly scheduled meeting on Sept. 9, and utilizing private communication to conduct city business in violation of the Brown Act including Gov. Code 54954.3c and 54950 (Including Policy F of OPNC Bylaws). The City Clerk only accepts statements from Neighborhood Councils, "in accordance with the Brown Act".

3. Withdraw of October 7, 2019 letter of Support for Domas LLC's Solaris Apts. The Board is not qualified to provide community impact statements, and thus the support letter for Solaris is invalid.

The city would accept the following documents passed out to residents (10 copies) for public record and display on the OPNC website:

1) 2015 Proposed Negative Declaration for C3 Subdivision (I only brought one copy). (Attachment H)

2) 2016 Letter of Support from Laura Rudison, obtained from the VTT-73424 Physical File for the C3 luxury subdivision. (Attachment I)

3) Mitch Edelson's response to my inquiry related to the C3 luxury subdivision dated 12/5/18. (Attachment J)

4) 13-page email chain between myself and Mitch Edelson, President of the City of Los Angeles' Olympic Park Neighborhood Council (front page dated 12/31/2018). (Attachment K)

5) Six-page email chain between myself and Jordann Turner, City Planner for C3 luxury Subdivision, of City of Los Angeles. (front page dated 1/12/2019). (Attachment L)

Why does the city give loans to LLCs and LPs for permanent supportive housing knowing that the persons behind these companies don't have to be publicly named or vested to make sure they don't already have unsustainable debt left outstanding from previous projects? Are developers indebted to the point they can't pay back what they have borrowed from others without being dependent on the taxpayer to front the bill?

Is it true that plans for Permanent Supportive Housing structures would be pushed through city review in three months, where its rumored that apartment owners can receive up to $3500 a month in rental fees from the taxpayer for a family of four receiving Section 8? LLCs remain anonymous and qualify for tens of millions of dollars in public loans and subsidies, while being absolved of all environmental and structural responsibility for the buildings they construct, and the infrastructure issues and parking, traffic and noise problems they create and force on the community.

At the August 8, 2019 City Planning Commission meeting, Amani Apartments LP was granted "streamlined, ministerial approval", a close to 60% density increase, and exemption from the California Environmental Quality Act. Could it be that the presence of Herb Wesson's staff to push the project is why the valid concerns of residents regarding parking were ignored? How could Herb Wesson support a project with approximately 85% of the cost provided by the taxpayer, when it is unclear what debts Amani LP members currently carry and owe to others. Why are the concerns of homeowners sidestepped, when a small neighborhood of single-family homes supplies the only available parking in the area?

There is a question whether the notices regarding Amani Apartment Senior housing project on Pico were properly received by residents. A neighbor commented that she didn't know anyone, besides herself, who received notice. Can it be that residents of Victoria Ave. AGAIN were not properly notified, a la C3 luxury subdivision in which 626 notices were allegedly sent out, but no one in the neighborhood received them? Would this be so no one would be present at meetings, such as for the Advisory Agency or City Planning Commission, regarding permanent supportive housing and subdivisions affecting their neighborhoods?

Developer Amani Apartments LP, is planning on placing a 55-unit senior housing complex with 2,500 ft. of commercial office space, and building only four parking spaces at 4200 Pico Blvd. There would be no parking for residents or customers. Close to 85% of the estimated 30 million in construction costs would be provided by loans and other incentives sucked from the taxpayer. It is convenient that Amani LLC place their development at this particular location, because 4200 Pico is under the purview of Mid-City Neighborhood Council, and the houses on the same side of the street, those south of Pico in Victoria Circle, have the luxury of a city-sanctioned iron gate blocking their street to vehicular and foot traffic. It's easy for one neighborhood council to support a massive apartment project, when their residents have an iron fence, and burden of parking for residents, employees, and customers falls on a street of

residential homes overseen by the OPNC, whose ties and interactions with developers are questionable, places the health and safety of homeowners and residents of the area at risk.

According to the City, uncontrolled development is needed to relieve the problem of homelessness. How many people who are homeless now are transients from other parts of the country, or because they got kicked out of their apartments while the City stood by and turned their back? *Why should the taxpayer be forced to cover the problems of the City's bad decisions, when half of all new apartments in downtown sit empty, and the idea of affordable supportive housing costs approximately $550,000 - $570,000 a unit to construct, as in the case of Domas LLC and Amani Apartments LP, who are requesting 85% and 60% of their estimated personal building expenses to be covered by the taxpayer.*

The Dept. of City Planning seeks to clog a vital junction between the 10 freeway and Wilshire Blvd, which would place three massive projects (and countless others) within two blocks of each other on Crenshaw between Country Club and Pico Blvd without any of them, or others after them, requiring a traffic or environmental study. No developer placing permanent supportive housing in the City would be responsible for the commercial and residential parking needs of their residents, nor be required to complete an environmental or traffic study thanks to the recent passage of AB 1197 in late September.

LA City Planners would willingly create a terrible bottleneck that would compromise the commute of thousands of people, and destroy the neighborhoods of Oxford Square, Country Club Park, and obstruct whatever available parking there is left. It will set in motion the destruction of other surrounding single-family neighborhoods who will be pushed out, landlocked, or simply eminent domain'd or Chavez Ravined for anonymous LLC's whose apartment buildings are built in the "public interest".

With so few people attending the OPNC meetings, how many residents voted in the elections? How many votes in total were actually received, particularly for the president himself? Why won't the OPNC digitally record their own meetings when requested, or post the minutes of their meetings for public reference in a timely fashion? Further, homeowners and residents in one of the oldest areas in Los Angeles should be suspicious when a handful of people vote and determine the membership of a government body, a pivotal contact for developers, who publicly support anonymous LLCs, but use private emails and phone number to communicate city business so that no one knows what is being said and done behind their backs.

OLYMPIC PARK AND MID CITY Residents' quality of life is at serious risk of being compromised by city officials and developers who will purposely destroy single home communities, create bottlenecks, parking problems, safety concerns, stress infrastructure, eliminate oversight, and bend law backwards in order to secretly accommodate developers at taxpayer expense while jeopardizing the health, safety and quality of life of the people they claim to care about .

Virginia Jauregui
October 9, 2019

OPNC Brown Act violations, corruption, and fraud

CPC-2020-516-DB-PSH-SIP
EXHIBIT 14B

From: Virginia J. (vcarville@ymail.com)

To: elise.ruden@lacity.org; mike.n.feuer@lacity.org

Cc: xavier.becerra@doj.ca.gov; jlacey@da.lacounty.gov; ayochelson@da.lacounty.gov

Bcc: info@whycantimove.com

Date: Tuesday, December 31, 2019, 11:09 PM PST

Dear Elise,

Please excuse the late response, I had a hard time trying to come up with a reply to what you, as the Managing Attorney of the Neighborhood Council System and a representative of the City Attorney's Office, provided to me as a response/non-response/refusal to Brown Act violations and allegations of corruption taking place in the Neighborhood Council System and Dept. of City Planning. Even when provided with proof, the City Attorney fails to perform their required job duties to investigate Brown Act violations, and protect the public from corruption.

The complaints brought to you and the Dept. of City Planning since November 2018 involve a trio of developments in Council District 10 – Olympic Park, between Country Club Dr. and Pico Blvd. on Crenshaw Blvd. Two of the buildings are *heavily* funded by the public (Prop HHH funds) and like the proposed luxury c3 subdivision (**Attachment K, Attachment M**), have no environmental or traffic accountability to the surrounding community.

The situations uncovered may point to possibly greater problems outside of Olympic Park, and demonstrate the enormous power developers have to work with city employees to override environmental accountability meant to protect the health and safety of local neighborhoods, so much so that since September 2019, have been relieved of all environmental accountability for HHH housing over the next seven years.

It's surprising that the City of Los Angeles would need to have environmental law changed at the State Level (AB 1197 – **Attachment D***) when exemptions to CEQA in the City of Los Angeles are willingly granted by the Advisory Agency – as they did for Amani Apts. (Crenshaw/Pico PSH Housing).*

Planning city functionality according the needs and wants of anonymous developers looking to find a way to get themselves paid compromises functionality, traffic flow, and public safety.

Your response/lack of response as the managing Deputy City Attorney over the Neighborhood Council System, surmounts to a refusal of the City Attorney to investigate Brown Act violations, fraud, and corruption involving City of Los Angeles public servants and the private developers they serve. The City Attorney's action (or lack of action) of ignoring Brown Act violations, fraud, corruption, and collusion demonstrates that fraud is tolerated and compromised employees are protected, rather than held accountable.

By failing to provide proper checks/balances, the City Attorney fails to maintain the integrity of the city public employee system, and allows crimes committed against the public trust to go unchecked. If the City Attorney fails or refuses to recognize Brown Act violations, corruption and fraud – do they then not exist? Should the violations of the Brown Act happen to be recognized, it may be found that the OPNC, like other neighborhood councils, may be too compromised to continue to represent the people without putting the people at risk.

How is it possible for the City Attorney to address issues of corruption if it is unable to see that there's a problem?

I had originally forwarded to you the email I sent to City Attorney Mike Feuer on October 9, 2019, requesting that the City Attorney investigate and determine the applicability of the Brown Act to past/current actions/violations involving the OPNC (Olympic Park Neighborhood Council) and local developers. (**Attachment N, Attachment N2, Attachment Q**) I also had cc'd Mr. Feuer a complaint about the OPNC's previous involvement in the attempted construction of a private Luxury Commercial Subdivision known as C3, which included proof of a forged "mitigated negative declaration" (**Attachment H**) by the Dept. of City Planning in order to override federal flood code and environmental and traffic studies to get it constructed without the neighborhood knowing about it.

On November 22, 2019 your response to determining the merits of my Brown Act complaint, and allegations of corruption, fraud and collusion involving the Dept. of City Planning, private/anonymous developers, and the local neighborhood council consisted of the following:

"I believe that the President of the OPNC Board Mitch Edelson responded to you on October 24, 2019 regarding your Brown Act complaint. If you did not receive this correspondence, please contact Mr. Edelson for another copy of the response." (Attachment R)

IS IT USUAL PRACTICE FOR THE CITY ATTORNEY TO DEFER TO THE NEIGHBORHOOD COUNCIL PRESIDENT TO ADJUDICATE THE LEGALITY OF THEIR OWN ACTIONS, WHEN ISSUES INVOLVING BROWN ACT VIOLATIONS, CORRUPTION, AND FRAUD ARE BROUGHT TO THE CITY ATTORNEY'S ATTENTION TO MAKE A DETERMINATION?

Why does the City Attorney refuse to perform their required job duties to protect the people of Los Angeles and investigate Brown Act violations and internal corruption? By ignoring complaints of fraud, the City Attorney condones fraud, and by doing nothing contributes to making it worse.

Just to clarify, you are a public employee; there is nothing confidential in our interchange. Your response, instead of deciding the merits of my claims, attempts to make our interchange (and attachments) confidential.

HOW IS YOUR RESPONSE THANKING AND DIRECTING ME BACK TO THE PERSON TO WHOM I WENT TO YOU TO COMPLAIN ABOUT PROTECTED BY CONFIDENTIALITY?

ALL DOCUMENTS I USE ARE/WERE PUBLIC AND WERE PUBLICLY SOURCED. Your interactions as a public employee with members of the public are of public record, and thus not applicable to confidentiality.

Does the City Attorney not want others to know that it ignores and tolerates graft and corruption, EVEN WITH PROOF?

Government code 822.2 states:

A public employee acting in the scope of his employment is not liable for an injury caused by his misrepresentation, whether or not misrepresentation be negligent or intentional, unless he is guilty of actual fraud, corruption, or actual malice**.**

How can an employee be found guilty of actual fraud or malice if the City Attorney looks the other way when presented with evidence?

As the managing attorney of the Neighborhood Council System, I am surprised that you simply told me to refer back to Mr. Edelson's response, without checking whether Mr. Edelson's response holds water.

Mr. Edelson's response to my complaint states the following:

"The OPNC cancelled the September 9, 2019 meeting due to a lack of quorum, as required by the OPNC Bylaws. The land use matter you referenced in your email was not agendized for that meeting. However, the OPNC board did hear the matter at its October 7, 2019 board meeting. That meeting was properly noticed as required by the Brown Act. You also attended the October 7 meeting and participated in the public comment. Based on the above, we have determined that no Brown Act violation occurred and no further action will be taken. (**Attachment O**)

BREAKDOWN OF MR. EDELSON'S CLAIMS

Mr. Edelson claims that the Olympic Park Neighborhood Council (OPNC) cancelled the meeting due to a lack of quorum. This is incorrect.

Wouldn't a meeting of the OPNC first have to be called to order to determine quorum?

The OPNC meeting of September 9, 2019 was cancelled at approximately 3:12pm, but was noticed and scheduled to meet later that day at 7pm. Mr. Edelson notified me at 2:21pm on 9/9 that the meeting would be cancelled due to the lack of quorum.

WOULD YOU OR SOMEONE AT THE CITY ATTORNEY'S OFFICE PLEASE FIND WHERE LANGUAGE TO JUSTIFY CANCELLATION OF A PUBLIC MEETING SET TO START LATER THAT DAY IS JUSTIFIED BY DETERMINING QUORUM OUTSIDE OF PERMITTED MEETING HOURS?

How can the OPNC call a meeting to order approximately four hours outside of its permitted operating hours and take action to cancel its meeting scheduled to meet later that day? This would mean Mr. Edelson and other members of the OPNC: gathered early at their regular meeting location - the Catch One Nightclub - not to PAR-TAY, but to take action to per-emptively cancel its 9/9/19 meeting.

Who among the OLYMPIC PARK NEIGHBORHOOD COUNCIL WAS PRESENT at the at the Catch One Nightclub – owned by the President of the OPNC, FOR ROLL CALL outside of scheduled meeting hours to determine quorum for a meeting scheduled to meet later that day? Could deliberations to determine quorum four plus hours before the scheduled meeting time be conducted openly as required by the brown act, or were committee members exchanging private emails back and forth through opncla1999@gmail.com to say they couldn't make it? Since that is the email listed as the contact for the OPNC, is it subject to the public records act?

Outside of its regular meeting hours, the council determined there were not enough members present to reach quorum and used this as the reason to justify the cancellation of a public meeting scheduled to take place later that day. When I asked Mr. Edelson where in the bylaws I could find language to justify cancellation on the grounds of quorum, I was ignored (**Attachment P**)

According to 54952.2b1 of the Government code, a body should not take action outside of meeting hours:

A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

Cancelling a meeting outside of the authorized council meeting hours is taking action. Doing so 4+ hours before the meeting was scheduled to start would mean the OPNC is conducting business outside of scheduled meeting hours when it isn't permitted to do so or more likely, the president took it upon his own initiative (or was directed by others in higher positions) to cancel the meeting. This was done to pre-emptively suppress the voice of homeowners from airing their grievances and valid concerns including, but not limited to, two permanent Prop HHH high density PSH Housing complexes that would be placed in their neighborhood. These complexes would come with no residential parking, creating a burden to be absorbed by Victoria Ave and Windsor Blvd. to park possibly hundreds of additional cars.

Allowing a cancellation of a public meeting approximately four hours before its set to commence, sets a precedence that all legally recognized legislative bodies operating in the City of Los Angele are justified by the City Attorney to pre-emptively cancel public meetings, determine a lack of quorum, and use this as an excuse to make that determination outside of designated meeting hours.

Mr. Edelson goes on to say that the OPNC observed the Brown Act when noticing their meeting of October 7. *What difference does that make?* How does meeting the requirements of the Brown Act 30 days later negate the illegal cancellation of the meeting one month prior?

The president states that because I attended the meeting in October and participated in public comment, no Brown Act violation occurred on September 9, 2019.

There were approximately 30-40 homeowners/residents who were gathered to attend the 9/9/19 meeting. The number dropped significantly in October, and may be due to the president of Oxford Square HPOZ, a former lawyer for Sony Studios, who at an unofficial meeting held on Victoria Ave. in September 2019, refused to let the topic of Solaris Apts. be discussed, even though that was the reason neighbors, who were asked at the meeting to provide their contact information, had gathered.

In October, I attended and spoke both during public comment and on the item involving Solaris Apts. I wanted to speak about the OPNC appointing themselves as qualified to submit community impact statements, but the President had threatened to have me thrown out/expelled.

The members of the OPNC at the October meeting parroted Mr. Edelson's excuse, stating that the September meeting was cancelled due to the lack of quorum.

Government code 54959 states:

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the chapter, is guilty of a misdemeanor.

What happens to the people of Los Angeles when the City Attorney's Office knows of corruption by public employees and chooses to do nothing? Is the City Attorney then themselves an accessory to corruption – allowing crimes against the public trust to be committed and standing idly by and looking the other way? Can the City Attorney be held negligent/liable for failing to enforce public ethics and hold public employees accountable for

fraud and corruption?

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EXHIBIT 14B

By tolerating corruption, the City Attorney enables corruption.

By failing to hold politicians and employees accountable, the City Attorney fosters an environment where employees in high places know there are no checks/balances so they can operate above the law because the City Attorney when provided proof, looks the other way.

By failing to meet the requirements from the State of California to determine the applicability of the Brown Act to complaints related to the actions of the OPNC, the City Attorney allows the people of Olympic Park to be placed at the mercy of compromised public employees who believe that it is more important to accommodate the wants and desires of anonymous wealthy private developers, above the protection of the quality of life and health and safety of its current residents.

The situation in Olympic Park demonstrate succinctly the grave situation at LA City system of government – there is no one to hold anyone accountable to telling the truth or following law.

The City Attorney's lack of action regarding the disenfranchisement of homeowners in Olympic Park is deeply troubling, and may point to one of the reasons why the neighborhood council system and city government are prone to abuse, corruption, and fraud.

One may come to the determination that the City does not hold corrupt employees accountable, and has become too compromised and indebted to place the health and safety of the people ahead of the needs and wants of anonymous wealthy developers, who stack the system in their interest.

The OPNC suppresses the peoples' right to public comment/free expression, and to air their grievances regarding publicly financed large scale apartment buildings by anonymous developers, who use the destitute to justify outrageous financial costs of construction created and passed on to the taxpayer.

With little or no accountability or city oversight, anonymous developers construct HHH funded public housing for which they have no liability for, and with the enaction of AB 1197 in Sept. 2019, no environmental oversight or study needed. Most likely, the extreme costs of construction hide the real reason for never ending construction, the need to pay off outstanding accumulated debt from their previous projects.

It makes no sense to build new apartment buildings when vast amounts of empty property in Los Angeles can be retrofitted at a much more economical cost to qualified persons of need. If the City Attorney does nothing to check corruption, what are the people of the city left to do but wait for the coming of Blade Runner? Tolerating corruption, or being forced to tolerate corruption to keep one's job and not rock the boat is not worth losing one's soul or that of the city's.

The people of Los Angeles are suffering. Please help them.

Sincerely,

Virginia Jauregui

CPC-2020-516-DB-PSH-SIP
EXHIBIT 14B

----- Forwarded Message -----
From: Elise Ruden <elise.ruden@lacity.org>
To: Virginia J. <vcarville@ymail.com>
Sent: Friday, November 22, 2019, 11:21:21 AM PST
Subject: Re: OPNC Brown Act violations, etc. - No response received

Hello Virginia,

Thank you for your email. I believe that the President of the OPNC Board, Mitch Edelson. responded to you on October 24, 2019 regarding your Brown Act complaint. If you did not receive this correspondence, please contact Mr. Edelson for another copy of the response. Thank you again for your inquiry.

Best,

Elise

On Thu, Nov 21, 2019 at 11:51 AM Virginia J. <vcarville@ymail.com> wrote:

> Good Morning Elise,
>
> This is a follow up to an email forwarded to you on October 19, which was originally sent to Mike Feuer on October 9, regarding the violation by the OPNC in regards to its bylaws and the Brown Act.
>
> You stated in your October 21 response that a response to my complaint would be received in 30 days.
>
> **I am yet to receive any response.**
>
> Sincerely,
> Virginia Jauregui

On Monday, October 21, 2019, 11:36:21 AM PDT, Elise Ruden <elise.ruden@lacity.org> wrote:

Dear Ms. Jauregui,

Thank you for your email. My office is in receipt of your Brown Act complaint. You can expect a response to your complaint within 30 days.

Best,

Elise Ruden

On Sat, Oct 19, 2019 at 11:14 AM Virginia J. <vcarville@ymail.com> wrote:

> Good day,
>
> I was advised by Alan Yochelson of County District Attorney's office to forward the below correspondence to you, as I am yet to receive a response to the issues addressed below.

CPC-2020-516-DB-PSH-SIP
EXHIBIT 14B

Thank you,
Virginia Jauregui

----- Forwarded Message -----
From: Virginia J. <vcarville@ymail.com>
To: mike.n.feuer@lacity.org <mike.n.feuer@lacity.org>
Cc: jlacey@da.lacounty.gov <jlacey@da.lacounty.gov>
Sent: Wednesday, October 9, 2019, 5:22:53 PM PDT
Subject: Request action to cure and correct cancelled meeting sept 9, community impact statement

Good Afternoon,

I am writing you to request action by the District Attorney regarding the Operation of the Olympic Park Neighborhood Council. I have already sent an email to the OPNC earlier today, and hope I am completing the steps correctly. I am including a more in depth letter (attached), as to the problems which need your attention.

On September 9, 2019, the OPNC violated the Brown Act by cancelling its regularly scheduled meeting four hours before it was supposed to start. The cancellation was an attempt to prevent homeowners from airing their grievances regarding Solaris Apts. Members of the OPNC have been found to communicate city business through personal email accounts, and colluded together to deny the rights of Victoria Ave. homeowners to have their grievances addressed on September 9, 2019 as guaranteed in the Constitution of the United States.

54954.3c of CA Gov Code states: **The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.**

Due to egregious violations of the Brown Act, the OPNC is not qualified to be **authorized filers or submit community impact statements. According to the City of Los Angles document, *How to Create and Submit a Community Impact Statement*, "The City Clerk will accept statements only from Neighborhood Councils...in accordance with the Brown Act". (Attachment A)**

Why is the Olympic Park neighborhood council able to submit community impact statements when they communicate city business via non-city email and non-city phones? BROWN ACT 54950 states "It is the intent of the law that their actions [of the OPNC] be taken openly and that their deliberations be conducted openly.

Isn't this considered a serious conflict of interest and a violation of public ethics when members of the council, considered city employees, communicate city business through private channels? How much city business has been communicated via private email and phone regarding tens of millions of dollars' worth of potential real estate projects in the Olympic Park area that only need support from the Neighborhood Council to get constructed?

I request the CITY ATTORNEY, in accordance with 54960 of the Brown Act, to commence an action to cure or correct by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of the Brown Act by members of the OPNC, who on September 9, 2019 illegally cancelled the meeting of the OPNC in order to avoid hearing and attending to the concerns voiced by homeowners of Victoria Ave. in relation to Domas LLC's Solaris Apts. Further, the OPNC utilizes private communication to conduct City Business in violation of Gov. Code 54950 and OPNC bylaws. (Attachment F.2)

I am requesting that the district attorney determine the applicability of the Brown Act to past actions of the legislative body, subject to Section 54960.2., and determine whether any rule of action the legislative body is punishable and described below:

I request that the City Attorney demand a cure or correct to the following actions of the OPNC:

1. The Cancellation of the regularly scheduled meeting of the OPNC on September 9 at 7pm in violation of Gov Code 54954.3c. The cure requested would be recognition by the City of the impromptu meeting held in the residents gathered in the Catch One nightclub parking lot, in lieu of the regularly scheduled meeting of the OPNC, and accept the adoption of paperwork passed out to residents at the meeting to be placed on the public record.

2. Withdraw/cancel the appointment of the five OPNC members as filers of Community Impact Statements which took place on October 7, 2019 at approximately 7:45pm. The OPNC is not qualified to provide community impact statements due to colluding to cancel a regularly scheduled meeting on Sept. 9, and utilizing private communication to conduct city business in violation of the Brown Act including Gov. Code 54954.3c and 54950 (Including Policy F of OPNC Bylaws). The City Clerk **only** accepts statements from Neighborhood Councils, "in accordance with the Brown Act".

3. Withdraw/cancel October 7, 2019 letter of Support for Domas LLC's Solaris Apts. The Board is not qualified to provide community impact statements, and thus the support letter for Solaris is invalid.

The OPNC is in violation of the Brown Act including Gov. Code 54954.3c and 54950 (Including Policy F of OPNC Bylaws).

The city would accept the following documents that were passed out to residents (10 copies) for public record:

1) 2015 Proposed Negative Declaration for C3 Subdivision (I only brought one copy). (Attachment H)

2) 2016 Letter of Support from Laura Rudison, obtained from the VTT-73424 Physical File for the C3 luxury subdivision. (Attachment I)

2) Mitch Edelson's response to my inquiry related to the C3 luxury subdivision dated 12/5/18. (Attachment J)

3) 13-page email chain between myself and Mitch Edelson, President of the City of Los Angeles' Olympic Park Neighborhood Council (front page dated 12/31/2018). (Attachment K)

4) Six-page email chain between myself and Jordann Turner, City Planner for C3 luxury Subdivision, of City of Los Angeles. (front page dated 1/12/2019). (Attachment L)

PLEASE LET ME KNOW WHAT STEPS I NEED TO TAKE TO HAVE THE IMPROMPTU MEETING RECOGNIZED AND THE LETTER OF SUPPORT FOR SOLARIS WITHDRAWN.

According to the OPNC President Mitch Edelson, the meeting of the OPNC was cancelled due to a "lack of quorum". Lacking quorum is not a valid excuse to preemptively cancel a federally and state protected, regularly scheduled public meeting of the people four hours before it was supposed to start. The meeting was cancelled because the OPNC didn't want to hear the complaints of 30 – 40 angry property owners gathered, who had no idea that the OPNC planned to donate the land in front of their houses as a spacious garden-side parking lot for Domas LLC's Solaris Apts and Amani Apts. LP at 4200 Pico Blvd.

cancelling a meeting of the people in order to prevent complaints is a violation of the brown act.

The OPNC is not in accordance with the Brown Act and thus not qualified to submit community impact statements, or allow members to be authorized filers on behalf of the Council.

The owner of the Catch One Nightclub, President Mitch Edelson communicates city business listing OPNCLA1999@gmail.com as the contact for the OPNC, and utilizing mitchedelson@gmail.com for email. Using private phones and email addresses to communicate city business is against Council bylaws, is highly questionable, particularly with the issues involving the C3 luxury subdivision and the OPNC's 2016 letter of support, minus City record of any related discussion or action. (Attachment G)

According to the bylaws of the OPNC, the policy of the council is: "To have fair, open, and transparent procedures of the conduct of all Council business". The OPNC is currently in violation of this policy; additionally, the OPNC record of minute taking, particularly for their standing committees and previous sessions is lacking, and possibly missing.

The OPNC continues to remain in operation, even when Herb Wesson, the President of the City Council, was CC'd of meeting's illegal cancellation and did nothing (Attachment E)? Why do members of the OPNC continue to conduct city business via private email, when both the DA of the City and County of Los Angeles were contacted on 9/27 regarding this issue? (Attachment F).

Attached is the complete letter to the DA, including related attachments. CPC-2020-516-DB-PSH-SIP
EXHIBIT 14B

Thank you,

Virginia Jauregui

----- Forwarded Message -----
From: Virginia J. <vcarville@ymail.com>
To: board@opnc.org <board@opnc.org>; hwilliams@opnc.org <hwilliams@opnc.org>
Sent: Wednesday, October 9, 2019, 4:59:10 PM PDT
Subject: cure and correct requested, meeting sept 9, community impact statement

Good Afternoon,

I am writing you to request cure and correct for actions taken by the OPNC in violation of the Brown Act. I am including a copy of my October public comment which I presented partially to the Board, to which I only read up to "Members of the OPNC have been found to communicate city business through personal email accounts."

54954.3c of CA Gov Code states: **The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.**

cancelling a meeting of the people in order to prevent complaints is a violation of the brown act.

According to the bylaws of the OPNC, the policy of the council is: "To have fair, open, and transparent procedures of the conduct of all Council business". The OPNC is currently in violation of this policy.

On September 9, 2019, the OPNC violated the Brown Act by cancelling its regularly scheduled meeting four hours before it was supposed to start. The meeting cancellation was an attempt to prevent homeowners from airing their grievances regarding Solaris Apts., which less than a month later, the Council voted to support. Members of the OPNC denied the rights of Victoria Ave. homeowners on September 9, 2019 at 7pm to have their grievances addressed and heard, as guaranteed in the Constitution of the United States. **According to the OPNC President and its members, the meeting was cancelled due to a "lack of quorum".** Lacking quorum is not a valid excuse to preemptively cancel a federally and state protected, regularly scheduled public meeting of the people four hours before it was supposed to start. The meeting was cancelled because the OPNC didn't want to hear the complaints of 30 – 40 angry property owners gathered, who had no idea that the OPNC planned to donate the land in front of their houses as a spacious garden-side parking lot for Domas LLC's Solaris Apts and Amani Apts. LP at 4200 Pico Blvd.

Due to violations of the Brown Act, the OPNC is not qualified to be authorized filers or submit community impact statements. **According to the City of Los Angles document, *How to Create and Submit a Community Impact***

***Statement*, "The City Clerk will accept statements only from Neighborhood Councils...in accordance with the Brown Act". (Attachment A)**

Why is the Olympic Park neighborhood council able to submit community impact statements when they communicate city business via non-city email and non-city phones? BROWN ACT 54950 states "It is the intent of the law that their actions [of the OPNC] be taken openly and that their deliberations be conducted openly.

I request the OPNC, in accordance with 54960 of the Brown Act, to commence an action to cure or correct by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of the Brown Act by members of the OPNC, who on September 9, 2019 at 7pm illegally cancelled the meeting of the OPNC in order to avoid hearing and attending to the concerns voiced by homeowners of Victoria Ave. in relation to Domas LLC's Solaris Apts. Additionally, the OPNC utilizes private communication to conduct City Business in violation of Gov. Code 54950 and OPNC bylaws. (Attachment F.2)

I request that the OPNC cure or correct its following actions:

1. The Cancellation of the regularly scheduled meeting of the OPNC on September 9 in violation of Gov Code 54954.3c. The cure requested would be recognition by the OPNC of the impromptu meeting held by residents gathered in the Catch One nightclub parking lot, in lieu of the regularly scheduled meeting of the OPNC. The OPNC would accept the adoption of paperwork passed out to residents, to be placed on the public record.

2. Withdraw the appointment of the five OPNC members which took place on October 7, 2019 at approximately 7:45pm. The OPNC is not qualified to adopt community impact statements due to cancelling a regularly scheduled meeting on Sept. 9, 2019 and utilizing private communication to conduct city business in violation of the Brown Act including Gov. Code 54954.3c and 54950 (As well as Policy F of OPNC Bylaws). The City Clerk only accepts statements from Neighborhood Councils, "in accordance with the Brown Act".

3. Withdraw of October 7, 2019 letter of Support for Domas LLC's Solaris Apts. The Board is not qualified to provide community impact statements, and thus the support letter for Solaris is invalid.

The OPNC is not in accordance with the Brown Act and thus not qualified to submit community impact statements, or allow members of the OPNC to be authorized filers on behalf of the Council.

The city would accept the following documents that were passed out to residents (10 copies) for public record:

1) 2015 Proposed Negative Declaration for C3 Subdivision (I only brought

one copy). (Attachment H)

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2) 2016 Letter of Support from Laura Rudison, obtained from the VTT-73424 Physical File for the C3 luxury subdivision. (Attachment I)

2) Mitch Edelson's response to my inquiry related to the C3 luxury subdivision dated 12/5/18. (Attachment J)

3) 13-page email chain between myself and Mitch Edelson, President of the City of Los Angeles' Olympic Park Neighborhood Council (front page dated 12/31/2018). (Attachment K)

4) Six-page email chain between myself and Jordann Turner, City Planner for C3 luxury Subdivision, of City of Los Angeles. (front page dated 1/12/2019). (Attachment L)

On outgoing correspondences, the OPNC lists a private email and phone number. (Attachment G) Using private phones and email addresses to communicate city business is against Council bylaws, and is highly questionable, particularly with the issues involving the C3 luxury subdivision and the OPNC's 2016 letter of support, minus City record of any related discussion, action, or vote.

Please let me know if the OPNC can cure or correct the issues addressed above.

Sincerely,

Virginia Jauregui

--

Elise A. Ruden
Elise.Ruden@lacity.org
Managing Deputy City Attorney
Neighborhood Council Advice Division
General Counsel Division
Office of the City Attorney
200 N. Main Street
700 City Hall East
Los Angeles, CA 90012
PH: 213 978-8132

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EXHIBIT 14B

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Elise A. Ruden
Elise.Ruden@lacity.org
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********** ********** ********

Attachment P - no response.pdf
830.6kB

Attachment N 2 - email to elise.pdf
780.4kB

Attachment N - Email to Elise.pdf
875.1kB

Attachment D- AB 1197.pdf
1.2MB

Attachment H - ENV-2015-1229.pdf
2.6MB

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Attachment K - email chain.pdf
5.1MB

Attachment M - C3.pdf
866.9kB

Attachment O - opnc brown act.pdf
1.5MB

Attachment Q - Letter to DA.docx
38.8kB

Attachment R - Response of DA to Brown Act, Corruption.pdf
528.3kB

12 31 email to DA.docx
30.4kB

Fw: Murray Mansions, LLC - 1251 S. West 90019 VTT-82630-CN - AO Flood Zone

From: Virginia J. (vcarville@ymail.com)

To: vince.bertoni@lacity.org

Date: Monday, May 18, 2020, 10:24 PM PDT

FYI

----- Forwarded Message -----
From: Virginia J. <vcarville@ymail.com>
To: Nicholas Hendricks <nick.hendricks@lacity.org>; Jessica Jimenez <jessica.jimenez@lacity.org>; vincent.bertoni@lacity.org <vincent.bertoni@lacity.org>
Cc: Scott.Morgan@opr.ca.gov <scott.morgan@opr.ca.gov>; Suzanne.Hague@opr.ca.gov <suzanne.hague@opr.ca.gov>; Elise Ruden <elise.ruden@lacity.org>; councilmember.Krekorian@lacity.org <councilmember.krekorian@lacity.org>; councilmember.cedillo@lacity.org <councilmember.cedillo@lacity.org>; councilmember.blumenfield@lacity.org <councilmember.blumenfield@lacity.org>; david.ryu@lacity.org <david.ryu@lacity.org>; mayor.helpdesk@lacity.org <mayor.helpdesk@lacity.org>; paul.koretz@lacity.org <paul.koretz@lacity.org>; councilmember.martinez@lacity.org <councilmember.martinez@lacity.org>; councilmember.rodriguez@lacity.org <councilmember.rodriguez@lacity.org>; councilmember.harris-dawson@lacity.org <councilmember.harris-dawson@lacity.org>; councilmember.price@lacity.org <councilmember.price@lacity.org>; councilmember.wesson@lacity.org <councilmember.wesson@lacity.org>; councilmember.bonin@lacity.org <councilmember.bonin@lacity.org>; councilmember.Lee@lacity.org <councilmember.lee@lacity.org>; councilmember.ofarrell@lacity.org <councilmember.ofarrell@lacity.org>; councilmember.huizar@lacity.org <councilmember.huizar@lacity.org>; councilmember.buscaino@lacity.org <councilmember.buscaino@lacity.org>; jeannie.lee@opr.ca.gov <jeannie.lee@opr.ca.gov>; mike.n.feuer@lacity.org <mike.n.feuer@lacity.org>
Sent: Monday, May 18, 2020, 10:22:00 PM PDT
Subject: Murray Mansions, LLC - 1251 S. West 90019 VTT-82630-CN - AO Flood Zone

The content of the response below is attached.

Mr. Hendricks,

You are given an exorbitant amount of power by city politicians to use your position to single-handedly determine the application of environmental protections/CEQA exemptions - and thereby the safety of thousands of trusting and unsuspecting Los Angeles homeowners, when information prepared by the Dept. of City Planning to justify development has been found to be fraudulent.

The Dept. of City Planning, *more aptly titled The Ministry of City Planning*, has a history of consistently failing to properly identify and document the city's federally protected flood zones, and uses deceit to allow for development that otherwise could not be constructed. The "Advisory Agency" seeks to deny environmental protection for residents and neighborhoods so that serious, non-reversable long-term consequences of unregulated construction does not have to be identified, or the risks and impacts to traffic, congestion, disease, the environment, and neighborhood/city functionality and safety does not need to be studied.

The failure of city staff to identify the flood zone correctly was found with Solaris Prop HHH housing (1141-1145 S. Crenshaw Blvd.), C3 Luxury Subdivision (1102-1128 S. Crenshaw Blvd.), and Murray Mansions LLC – whose development at 1251 S. West Blvd. was considered for a condo conversion and CEQA 32 exemption by the Advisory Agency on May

13, 2020. Further, the City has worked to push the passage of State laws behind the backs of their residents during the last two years, including AB 1197 and AB 2162, that are meant to deny the people of Los Angeles CEQA environmental protections by allowing developers to legally circumcise/circumvent CEQA.

According to California State Public Resources Code 21000, the intention of the state is:

(a) The maintenance of a quality environment for the people of this state now and in the future….

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

Together the Dept. of City Planning and L.A. Politicians have failed to maintain a quality environment for the people of this city, which because of corruption and incompetent planning, it is full of trash, feces, misery, and citywide architectural eyesores. It has compromised beauty, mobility, and safety, to protect corruption, collusion, and fraud, which is committed by unscrupulous publicly paid and protected "elected" employees and their bootlickers - many of whom are put in positions of management and high control.

On May 13, 2020 I attended (by phone) the public meeting for VTT-82630, 1251 S. West Blvd., in which the developer Murray Mansions, LLC., was seeking the Advisory Agency to grant a request to allow for a condominium subdivision at 1251 S. West Blvd. The building would have 32 bedrooms, 16 parking spaces, and consist of 20-units. (Because the company is an LLC, members do not need to be publicly identified or held legally responsible for the ugly buildings they construct, or their failure in the event of an earthquake/flood.)

The public hearing notice for the project states the following:

> The Advisory Agency shall consider an Exemption from CEQA pursuant to CEQA Guidelines, Class 32, and that **there is no substantial evidence** demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. (emphasis added)

If I understand correctly, Mr. Hendricks announced that vtt-82630 was inconsistent with CEQA and would be skipped at 10:06am, four minutes prior to the scheduled start time. He then placed the Rossmore project in the 10:10am hearing slot. It was at that time that I hung up and emailed Jessica about this issue, who wrote "Item VTT 82630 hasn't been presented…We will be addressing the **incorrect flood zone** during the presentation". (emphasis added) The city's presentation to the Advisory Council commenced 45 minutes later and discussion and comment lasted approximately a half hour.

The extent Ms. Jimenez discussed the "incorrect flood zone" was limited to the City's staff report, which she noted contained a discrepancy on Page 22, stating that the location of the development was not in a flood zone. Ms. Jimenez **failed to mention that the discrepancy was also included in the project's 2018 Notice of Exemption (ENV-2018-2029-TOC) prepared by the Dept. of City Planning,** which was used to claim TOC density increase

and justify a Class 32 CEQA exemption, which the City **falsely** claimed the property qualified for.

Prior to the hearing, a link to the Notice was emailed to both Mr. Hendricks and Ms. Jimenez. Although I was under the impression a CEQA exemption had previously been granted, I wrote "My concern is that Murray Mansions, LLC obtained environmental CEQA clearance….with City Planning staff falsely claiming that the location was not in a flood zone, as stated in the Notice of Exemption filed for ENV-2018-2030-CE."

The 2018 Notice of Exemption states:

> The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exception. None of the exceptions are triggered for the following reasons…the site is not located within…a Flood Area.

Could it be that this tidbit of information was purposely left out at the hearing so Mr. Hendricks could slip a CEQA exemption to the Developer when no evidence was presented to justify it?

A Class 32 exemption would mean Mr. Hendricks determined that the evidence presented found that placing a 56ft high TOC development in the middle of a quiet residential neighborhood would have no significant impact on the environment. How could this be when the structure would tower over the surrounding homes in the area, block out sunlight to its neighbors, and constitute a significant change to the environment of low density, single family homes in the flood zone. Queen Anne has the unfortunate designation of being in R3 Zone, and most likely will become the next prey for developers wanting their property.

During the hearing no evidence was presented, discussion held, or action requested to justify the adoption of a Class 32 exemption for Murray Mansions LLC. The City purposely failed to properly identify the flood plain and related environmental impacts so it could allow a 56ft tall density project with a TOC designation to be placed in a neighborhood of single-family homes in an AO flood zone.

Providing a Category 32 CEQA exemption and granting a subdivision to Murray Mansions LLC creates a massive liability. It demonstrates that findings by the Dept. of City Planning were purposely labeled incorrectly in order to assist the developer in circumventing law and federal flood code two years before.

The Specific Plan to Manage Flood Hazards (Ordinance 172081) states - Development Regulations #4: This section shall not create liability on the part of the City of Los Angeles, the United States or any officer or employee thereof.

ALLOWING A CEQA EXEMPTION TO A HIGH-DENSITY TOC CONDO PROJECT IN A RESIDENTIAL FLOOD PLAIN BASED ON FRAUD BY CITY STAFF CREATES SERIOUS LIABILITIES FOR THE PEOPLE OF LOS ANGELES, WHO CANNOT TRUST THE DEPT OF CITY PLANNING TO PROTECT THEM AND PROPERLY INTERPRET LAW.

Government code 822.2 states:

> A public employee acting in the scope of his employment is not liable for an injury

> caused by his misrepresentation, whether or not misrepresentation be negligent or intentional, unless he is guilty of actual fraud, corruption, or actual ***malice***. (emphasis added)

Does the Dept. of City Planning practice malice by allowing developers to construct projects whose repercussions and long-term consequences to human/animal/plant health, safety and neighborhood security are purposely unseen/hidden by city staff?

How can anyone trust in the Dept. of City Planning when it assists developers in evading law and federal flood code?

The goal of the State of California is to protect the flood plain from overdevelopment, not abuse it to bestow your friends parking breaks, density increases, and CEQA exemptions for their projects at the expense of the welfare and safety of the people who live here.

Would Mr. Hendricks or his city planners be held liable for a pattern of failing to recognize the Flood Zone, and creating “unforeseen” citywide congestion, parking scarcity, safety issues, and other problems? For example, is it considered malice to collude to build two CEQA exempt Prop HHH Public Housing TOC projects with approximately 120 bedrooms and commercial floors and space for services, and provide NO PARKING for customers or residents, with the massive burden for furnishing parking expected to be absorbed and carried by a nearby neighborhood of single-family homes?

The Ministry/Dept. of City Planning uses deceit to forcibly sacrifice neighborhoods in Olympic Park, like Victoria Ave., to meet the needs of anonymous/well-connected/wealthy developers who aren’t required to be environmentally or legally responsible for construction. These developers, with the backing of City Planning, uses residential communities to turn a profit by forcing them to double as garden side parking lots for developers who receive public funds and other breaks, but aren’t required to be identified.

I HAVE HEARD RUMORS OF THAT LA CITY PLANNERS TAKE KICKBACKS, IS THAT TRUE?

One may come to the conclusion that City Planning staff colludes with private developers in order to exploit and disenfranchise homeowners, single family neighborhoods, and open space in the City.

Are city planners held responsible for providing false statements or failing to publicly reveal problems during Advisory Hearings? Does Ms. Jimenez’s failure to identify the issue of the Notice of Exemption at the Advisory Agency mean she is liable for the incorrect application of a Class 32 CEQA exemption, when both her and Mr. Hendricks were aware that the location of S. West is in a Flood zone?

15192/15193 of CEQA states, “a housing project must meet **all** of the threshold criteria set forth below….(L) Either the project site does not present a landslide hazard**, flood plain**, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.” (emphasis added)

Because 1251 S. West Blvd. is located in an AO Flood Zone, it cannot meet all of the state’s threshold requirements, *and thus is not qualified for a Class 32 CEQA exemption, let alone a*

TOC designation. **As a result, an exemption cannot be granted by the Advisory Agency, unless it is done fraudulently.**

Ms. Jimenez asked in her presentation for approval of the project and stated it was supported by the OPNC; she did not request a CEQA 32 exemption.

Please note: the OPNC was asked to only support the condo conversion, not an exemption to CEQA.

Developers use the neighborhood council system in order to feign support/community impact statements for unpopular projects seeking "public support". Councilmembers are elected with sometimes as little as one vote or no vote whatsoever. Many are sycophants purported to have ties to developers.

The City Attorney in October 2020 received accusations of Brown Act violations by the OPNC. Instead of investigating, as they are required to do, the City Attorney simply ignored it. This is because:

***IF* THE CITY ATTORNEY CONCLUDED THAT THE OPNC COMMITTED BROWN ACT VIOLATIONS, IT WOULD BE DISQUALIFIED BY THE CITY CLERK FROM LENDING "PUBLIC SUPPORT" OR COMMUNITY IMPACT STATEMENTS ON BEHALF OF PRIVATE DEVELOPMENT PROJECTS.**

Should the violations of the Brown Act be recognized, it may be found that the OPNC, like other neighborhood councils, is too compromised as an entity to continue to participate as a fake public support generator for private developers.

If the necessary studies required in the flood plain were not conducted, how could Mr. Hendricks or Ms. Jimenez determine the impacts of the project or provide a thorough or complete review when no justification or evidence was presented – then recommend project approval, and slip in a CEQA exemption? Would this compromise the right of homeowners to due process if the agency/dept. that controls development in the city is corrupt?

If the project is inconsistent with CEQA, and staff committed fraud to claim it was not in a flood zone, why did Mr. Hendricks grant it also a condo conversion?

According to Ms. Jimenez, Mr. Hendricks statement below qualifies as approval for a Class 32 exemption and subdivision allocation (i.e. approval) for Murray Mansions.

> "I find the evidence before me demonstrates that it is consistent with the map act and our local laws, I'm also inclined to modify any of the conditions that were addressed earlier that engineering had commentary on and had [unintelligible] organization where those conditions were placed, and that concludes that part of this, so I am inclined to approve this project and adopt or refine environmental clearance satisfactory under state statute under California environmental quality act, that concludes my hearing today."

Ms. Jimenez mentioned that the project for 1251 S. West included TOC designation to allow for increased density while providing half of the recommended parking spaces for residents. How is providing a Tier II TOC designation for a 56ft tall condo construction project, that has a 50%+ density increase OVER THOSE ALLOWED NORMALLY IN THE R3 ZONE, allowed

in, or is consistent with, the general practices of development in the City's Federally protected Flood Zones?

According to CEQA, uniform applied development policies regulate construction in a flood zone. Would this mean that TOC designations for one building can be applied uniformly to development in an AO flood plain? How is placing a 56ft building in a community of single-family homes preserving and protecting development in flood zones, as you are required to do?

Further, A TOC TIER II designation is not consistent with the city's FMP (Flood Management Plan) or ordinance 172081.

172081 states the following:

> For all projects processed by the Department of City Planning…a finding of fact shall be made as to whether or not a project is located within a special hazard area. For projects found to be located in a special hazard area the following finding shall be made "the project conforms with both the specific provisions and the intent of the Floodplain Management Specific Plan." Specific factual evidence supporting this finding shall be contained in the record pertaining to the project.

BECAUSE THE CITY FAILED TO PROVIDE FACTUAL EVIDENCE TO CORRECTLY IDENTIFY THE LOCATION OF 1251 S. WEST AS IN A FLOOD ZONE IN 2018, SUBSEQUENT DECISIONS REGARDING THE PROJECT BY THE ADVISORY AGENCY INCLUDING TOC DESIGNATION AND CEQA EXEMPTION, ARE NOT APPLICABLE.

No provisions exist in city law or the FMP (Flood Management Plan) that I know of that allow high density TOC projects to be placed in AO Flood zones.

Local residents and homeowners have no protection from the hidden power dynamic of illegal, unregulated and unnecessary development pushed by the Dept. of City Planning, who by their actions show contempt for the safety and security of single-family homeowners and their neighborhoods whom they treat as expendable.

The goal of the Dept. of City Planning it seems is to purposely destroy the safety and cohesiveness of single family home communities and the environmental protection of city flood zones, in order to enable unregulated, over scaled, ugly developments by anonymous individuals, who collude with city staff in order to commit fraud and deceit, so that single family neighborhoods can be pillaged by developers of its open space, and whatever available parking is left.

City Planning sends a clear message – it does not care about homeowners nor their environmental protection. They will use fraud and deceit in order to circumvent zoning code– because little homes don't generate the kind of property taxes they determine to be worthy of protection.

The Dept. has already demonstrated its incompetence in City Planning by the dysfunction of traffic congestion/immovability of the City's Westside, and are planning the same development standards to the people of Olympic Park in an effort to make their

neighborhood unlivable and undrivable as well.

The city has no viable way to come up with new sources of income to pay for the billions of dollars in unsustainable pension debt, salaries, worker's comp claims, homeless hotel bills, and other dysfunctional and unsustainable costs that get passed and absorbed by the taxpayer. The taxes necessary to balance city books cannot be generated without causing the people of this city egregious environmental and financial harm which comes from (For example), having to foot the cost for private developers to construct a billion dollars in public housing, which simply doubles as a scam to have residents and property owners pay off developers' debts. Wouldn't it make better financial sense to place qualified homeless (such as those who are considerate enough to pick up after themselves) in empty commercial buildings that can be converted to residential use?

As one City Planner was honest enough to reveal, little homes don't generate the type of high property taxes needed to cover the expenses of salaries/pensions for city employees.

I met some of your city planners earlier in 2019 at the Temple Beth Am on La Cienega Blvd. who were pushing the Dept's plan for uncontrolled development in Mid City/Mid-Wilshire. The city used the Temple Beth Am, a house of worship, to add legitimacy to a demonic plan/no plan that would require the destruction of single-family homes and small apartments and replace it with CEQA exempt pre-covid high-density construction. **NONE** of the planners present were able to provide population projections, estimated costs of construction, infrastructure, emergency planning, and availability and allocation of resources. How can the Los Angeles City Government be in God's good graces when it uses his house of worship to peddle corrupt bullshit?

It isn't widely known that the City of Los Angeles was originally named after Mary, the mother of Jesus Christ. (Nuestra Senora La Reina de Los Angeles). What is God's reaction when the city uses deceit and incomprehensible laws to destroy its protected heart and disenfranchise its people.

The Dept. of City Planning places the health and safety of residents and city functionality subservient to the desires and wants of self-serving well-connected anonymous developers. The people of this city are tired of being exploited by unscrupulous public employees who utilize their positions of power to allow for deceit and trickery to be practiced for the benefit of anonymous developers, at the expense of the people.

The City has a history of wiping out entire communities, including at Chavez Ravine and the residential neighborhoods of Downtown Los Angeles, who were eminent domained, bulldozed, and sold out to private developers. With the Dept. of City Planning, willing to lie, and the protection afforded by the City Attorney who does not hold LA public employees accountable for corruption - why wouldn't the Dept. of City Planning do to the homeowners of Olympic Park what their predecessors previously had done to the people of Chavez Ravine, which is to f$$k them over.

Sometimes the only way to attempt to hold public employees accountable is to not currently be a public employee yourself.

Sincerely,

Virginia Jauregui

On Wednesday, May 13, 2020, 12:16:46 PM PDT, Jessica Jimenez <jessica.jimenez@lacity.org> wrote:

Hi Virginia,

Thank you for attending the hearing.

Yes it will be approved with a Class 32 CEQA exemption. Mr.Hendricks concluded the case met CEQA requirements at the very end.

A decision was reached and it will be approved.

Please let me know if you have additional questions or concerns. I'm happy to help.

Best regards,

Jessica

On Wednesday, May 13, 2020, Virginia J. <vcarville@ymail.com> wrote:

> Hi Jessica,
>
> Does the condo development get approved with a CEQA 32 exemption or will they be completing a CEQA in order to commence construction for the subdivision?
>
> Mr. Hendricks skipped that portion, will it be addressed again? I also didn't understand if an actual decision was reached regarding the subdivision of the property.
>
> Thank you,
> Virginia
>
> On Thursday, May 7, 2020, 10:56:43 AM PDT, Jessica Jimenez <jessica.jimenez@lacity.org> wrote:
>
> Of course. Please see the attached notice. It will be virtual and if on that day you need help please send me

an email and I will try my best to help you in case you want to speak on the item or listen in.

Thank you!

Jessica

On Thursday, May 7, 2020, Virginia J. <vcarville@ymail.com> wrote:

> Thank you Jessica, would you tell me when the hearing is?
>
> Sincerely,
> Virginia Jauregui
>
> On Wednesday, May 6, 2020, 12:57:59 PM PDT, Jessica Jimenez <jessica.jimenez@lacity.org> wrote:
>
> Good afternoon Virginia,
>
> I hope this email finds you in good health.
>
> Thank you for contacting the department regarding this matter and bringing this issue to light.
>
> We will address the discrepancy at the hearing. Please contact me if you have further questions or concerns.
>
> Best regards,
>
> Jessica Jimenez
>
> LOS ANGELES CITY PLANNING
> **Jessica Jimenez**
> Planning Assistant
> **Los Angeles City Planning**
> 200 N. Spring St., Room 763
> Los Angeles, CA 90012
> Planning4LA.org
> T: (213) 978-1344
>
> On Wednesday, May 6, 2020, Virginia J. <vcarville@ymail.com> wrote:
>
> > Good Morning,
> >
> > I am forwarding you my two minute comment I provided at the Olympic Park Neighborhood Council meeting related to the CEQA exempt **Murray Mansions, LLC** five story condo development at 1251 S. West, 90019, in which the City stated that the location was not in a flood zone which afforded a Category 32 CEQA exemption on the property.
> >
> > On May 5, the board was used to support (8 to 4 (+ 1 no position) **Murray Mansion, LLC**'s plan to subdivide the property in order to now allow for condos, while not providing enough parking for residents.
> >
> > My concern is that **Murray Mansions, LLC** obtained environmental CEQA clearance similar to clearance given to C3 subdivision and Solaris Apts, with City Planning staff falsely claiming that the location was not in a flood zone, as stated in the Notice of Exemption filed for env-2018-2030-CE.

Comment:

The OPNC is being asked to support/not support a subdivision of a private five story "condo" development of 20 units at 1251 S West Blvd., composed of three affordable low income dwellings.

According to the environmental clearance Notice of Exemption for the location: https://planning.lacity.org/pd iscaseinfo/document/MTk3ODA00/03b6cd7a-61f3-4d27-8bc5-9bb6e2 0119bc/pdd

The Dept. of City Planning listed this property as being eligible for CEQA exemption. Meaning that the condominium would have no environmental responsibility to the neighborhood. The city planner states: "based on the review of the data on the Dept. of City Planning's Zimas for the subject property [1251 S West Blvd.] is not located within....a flood zone."

Why is the City of Los Angeles Dept. of City Planning staff ***again*** stating falsely what isn't true? Can city staff be trusted to correctly interpret federal flood code, because according to FEMA Flood Map **1251 S. West Blvd. is in an AO Flood Zone**. https://msc.fema.gov/portal/search?AddressQuery=1251%20s%20w est%20blvd.%20los%20angeles%2090019#searchresultsanchor

Stating otherwise, which is what the city is doing, is assisting a private developer in circumventing federal flood code in the construction and approval of a **CEQA exempt pre-covid** construction project with consequences purposely unseen by Dept. of City Planning employees. Has the developer conducted flood studies as required by the City?

As stated in a letter sent to the City Attorney in October 2019 "What other buildings have been built or planned in federal AO flood zones that have been able to sidestep zoning code and regulations via their good friends at the Dept. of City Planning?"

This five story high density apartment complex, by dedicating 15% of their construction to three very low income dwellings, in return are allowed to develop super high density apartment projects that would tower over the neighborhood of mostly single family homes, and set in motion a destruction of open space (**Cut off by Mr. Edelson**) and available parking currently available to the neighborhood.

Murray Mansions, Limited Liability Company would half the State requirement of 32 parking spaces and only have 16 spaces, and then rely on the rest of the neighborhood to accommodate its parking requirements of a high density CEQA exempt pre-covid structure in an AO Flood Zone. The CEQA exemption was garnered because the Dept. of City Planning most likely committed fraud in order to override AO federal flood code in order to accommodate anonymous private developers.

Worse still is the City Attorney's refusal to investigate Brown Act violations relating to the OPNC Board's 9/9/19 cancelled meeting and use of personal emails to conduct city business. If the City Attorney was doing their job, the Board would be found to not be qualified to submit community impact statements/support letters for development LLCs, who remain anonymous and bear no legal or environmental responsibility to the community/condo buyers for the buildings they construct.

The Council, like many others in the city, most likely is being used as a scheme by private developers/city politicians/LLCs - who populate the Councils with sycophants in order to gain phony public support and "legitimacy" for development projects, whose CEQA clearance through the Dept. of City Planning is questionable,

Sincerely,
Virginia Jauregui

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