

July 25, 2023

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Dear Members of the Los Angeles City Council:

**REVISED APPEAL OF DIRECTOR'S CEQA CLASS 32 EXEMPTION
DETERMINATION ENV-2022-9090-CE, CASE #DIR-2022-9089-TOC-VHCA/HCA –
23-0667 - 1041-1047 SOUTH CRENSHAW BLVD., LOS ANGELES 90019**

My name is Virginia Jauregui, I am former public employee of both the City of Los Angeles and the County of Los Angeles, the later for whom I worked for close to 12 years. **THIS DOCUMENT REPLACES THE PREVIOUSLY SUBMITTED APPEALS WHOSE VERSIONS WERE SUBMITTED ON JUNE 14 AND JUNE 2, 2023 RELATED TO 23-0667.**

I represent my brother and myself, and other small property owners located on Victoria Ave., many of who are too scared to come forward to complain to you. I, along with various members of the community of Oxford Square and Country Club Park, object to the determination of a CEQA (California Environmental Quality Act) Class 32 environmental exemption for 1041-1047 S. Crenshaw Blvd. by director Vince Bertoni as described in his May 18, 2023 determination letter.

Mr. Bertoni's determination included recommendations for a TOC (Transit Oriented Communities) density increase to allow for a seven story 93' tall 60-unit, apartment complex abutted to a neighborhood of small single-family homes.

Public employees are supposed to be objective interpreters of the law. Over the last five years, I have found City Planning staff to show a pattern of perverting the environmental sensitivity of several developments in the AO Flood Zone in order to enable developers to evade CEQA. 1041-1047 S Crenshaw would be the fourth development placed within a distance of 150 ft. where City Planning pretends that the flood zone and regulations regarding its development don't exist in order to sell out the environmental protections and safety of the people.

In the case of *Fix the City, Inc. v. City of Los Angeles*, the Los Angeles Superior Court ruled in 2022 that conflicts between qualifying Transit Oriented Communities (TOC) Guidelines and specific plan requirements should be resolved in favor of a specific plan.

Mr. Bertoni made his May 18th determination for CEQA 32 exemptions and TOC increases when **there has been No Site Plan Review (SPR) conducted under LAMC 16.05 C, as required** for this project. The threshold for a Site Plan Review is a net increase of over 50 dwelling units, which this project exceeds.

The threshold was changed for the TOC Guidelines, which were never adopted into law by the Los Angeles City Council. This development thus requires a site plan review and is yet to have one.

I REQUEST ON BEHALF OF THE PEOPLE OF OXFORD SQUARE, THAT THE CITY CONDUCT A SITE PLAN REVIEW FOR THE PROJECT LOCATED AT 1041-1047 S. CRENSHAW BLVD. AS REQUIRED BY LAW. I ALSO REQUEST A SITE REVIEW PLAN PUBLIC HEARING WHICH THE PROJECT IS ENTITLED TO.

Mr. Bertoni's determination would permanently compromise the safety and quality of life of small homeowners whose Oxford Square neighborhood would be forced to double permanently as a 24-hour garden-side parking lot for three large apartment complexes by City Planning employees. Of the three apartment complexes, 1041-1047 S Crenshaw would be the only building constructed with parking, with six spaces assigned to low-income residents, and the other 24 available for an additional monthly rental.

Cal. Code Regs. Tit. 14, § 15300.2b states that projects do not qualify for exemption if the cumulative effect of ok'ing "same type of [projects] in the same place overtime is significant". Placing three apartment buildings with little or no residential parking is environmentally significant to the quality of life and overall neighborhood safety for homeowners of Oxford Square when the neighborhood is forced to become a 24-hour unguarded parking lot for close to 150 units. The City has not studied the impacts of placing two PSH HHH apartment complexes, Amani and Solaris Apts. with zero residential parking spaces on the current neighborhood. At present, Solaris Apts. is yet to accept residents, and it is unclear whether the 50+ units of Amani is at full capacity.

Thus, City Planning cannot use a categorical exemption on this project, and must proceed with environmental review under CEQA.

Further, Mr. Bertoni's TOC allowances and CEQA 32 exemptions are inconsistent and contrary to the objectives, principles, intent and goals of the Wilshire Community Plan, and the City is yet to produce a finding stating that action to construct 1041-1047 S. Crenshaw is consistent or in conformance with the General Plan.

According to Objective 1-3.4 it is the policy of the Wilshire Community Plan to: Monitor the impact of new development on residential streets; Locate access to major development projects so as not to encourage spillover traffic on local residential streets.

Mr. Bertoni's determination states that 1041-1047 S. Crenshaw is not in a flood zone. The Categorical Exemption prepared by CAJA Environmental Services, LLC for the Dept. of City Planning makes no mention according to ZIMAS and FEMA, 1047 S. Crenshaw lies partially in an AO flood zone. This is significant, because the **DEPT. OF CITY PLANNING/BUILDING AND SAFETY HAS A HISTORY OF USING EMPLOYEES TO COMMIT ENVIRONMENTAL FRAUD BY CLAIMING THAT LOCATIONS NEAR OXFORD SQUARE IN THE AO FLOOD ZONE WERE NOT IN THE AO FLOOD ZONE.**

THE DEPT. OF CITY PLANNING OVERRIDES ENVIRONMENTAL LAW BY ENABLING DEVELOPERS TO CIRCUMVENT CODE BY COMMITTING FRAUD ON THEIR BEHALF.

The AO Flood zone is considered a special hazard zone. Special hazard zones cannot be designated as an infill site according to CEQA. Since 1047 S. Crenshaw is partially located in an AO Flood Zone, its location is in a special hazard zone and projects constructed on it are subject to discretionary review. (PRC § 21159.24).

A RESIDENTIAL HOUSING PROJECT CAN ONLY QUALIFY FOR A CEQA EXEMPTION WHEN IT IS DEVELOPED ON AN INFILL SITE. A SPECIAL HAZARD ZONE/ AO FLOOD ZONE DOES NOT MEET THE REQUIREMENTS TO QUALIFY AS AN INFILL SITE, AND THUS QUALIFIES NEITHER FOR A TOC DENSITY ALLOWANCE OR CEQA 32 EXEMPTION. (PRC 21159.24)

According to PRC 21159.21, a housing project does not qualify for a categorical exemption when it is inconsistent with the general plan. Granting a TOC density increase and CEQA exemption to a building that does not qualify as an infill site, and required to undergo a Site Plan Review when there hasn't been one, is in violation of the municipal code.

I have found approximately four other developments that have received a fake CEQA 32 exemption and/or TOC density and construction increases/allowances. City staff use their positions to forge environmental clearances/ Class 32 categorical exemptions with TOC increases for projects that were not eligible for exemptions or incentives because of their location is in a special hazard AO Flood Zone and include:

- Solaris PSH HHH Housing (1141-1145 S. Crenshaw Blvd., 90019)
- C3 Subdivision (1102-1128 S. Crenshaw Blvd., 90019)
- EK Art Gallery and Learning Center (1113-1127 S. Crenshaw Blvd. 90019)
- Murray Mansions LLC (1251 S. West Blvd. 90019)

As a former public employee, I became concerned by the level, and breadth and depth of corruption which was so outrageous, I documented my allegations of development fraud by the Dept. of City Planning and Brown Act violations by the Olympic Park Neighborhood Council on my website www.whycantimove.com.

The problem is that the City has no mechanism to address employee fraud and corruption, and encourages an environment that promotes the most ruthless, ambitious, and cunning individuals into positions of power where they rise above the most competent because of their willingness to do or say anything to get themselves promoted, including committing fraud and bending law for private parties. These managers make and fulfill policy that makes no sense, and their bad judgement is evident from the decay and long-term problems for the city's people, its infrastructure, and its workforce.

There is no system within the city that holds problem managers accountable for fraud or bad decisions, because too many city employees are terrified to complain of problems out of fear of what happens to those that do.

The seriousness of fraud committed by the Dept. of City Planning, in conjunction with Planning Commission, means the system is too corrupt to be neutral in balancing the concerns and safety of local communities with the wants and anonymity of powerful developers, who buy into the community, but are so indebted banks have stopped loaning out funds to them for apartment construction.

IT APPEARS THAT CITY PLANNING/BUILDING AND SAFETY ARE ATTEMPTING TO DISENFRANCHISE HOMEOWNERS OF BASIC PROTECTIONS – INCLUDING THE RIGHT TO A SAFE COMMUNITY- SO THAT CITY PLANNING CAN FORFEIT OPEN SPACE, GIVE IT TO DEVELOPERS FOR RESIDENTIAL PARKING, AND THEN CREATE WAYS TO ENABLE DEVELOPERS TO AVOID ENVIRONMENTAL RESPONSIBILITY TO THE NEIGHBORING COMMUNITY FOR THEIR PROJECTS.

1041-1047 S. CRENSHAW DOES NOT QUALIFY FOR AN ENVIRONMENTAL EXEMPTION BECAUSE THE AREA MAY BE TOO VALUABLE AS OPEN SPACE INCLUDING AS FARMLAND OR AS WILDLIFE HABITAT. Currently the neighborhood of Oxford Square is home to various wildlife including hawks, parrots, hummingbirds, butterflies, and other critters. Placing a 60-unit apartment with seven stories and 93' tall would have significant ecological effects, impact noise and traffic in the area, and endanger the area's ecosystem and residents' quality of life and safety.

The development requires a thorough review in order to prevent permanent environmental damage to the community, which Mr. Bertoni's decision would not do. Further under PRC 21159.21, CEQA exemptions don't apply when the location is in (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. Would this be why Mr. Bertoni claims the location of 1047 S. Crenshaw is not in a flood zone?

The community of Oxford Square as a neighborhood is both a historical resource and culturally significant to the region. It is classified as an HPOZ zone. Placing a 93' tall tower with a 70% density increase would cause a substantial adverse change to the stability of surrounding single family home communities, encourages encroachment which may compromise it as a historical resource. According to 14 CCR Section 15300.2(f) "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource".

According to 15300.2 (c) *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.* Placing a 93' tall, CEQA exempt seven story apartment building abutted to a neighborhood of single-family homes, with two PSH housing developments that were built with zero parking spaces in close proximity to Oxford Square, one that used fraud to be constructed in the AO Flood Zone, constitutes a reasonable possibility that the exemption will have a significant effect on the environment, particularly to homeowners nearest 1041-1047 who would lose access to sunlight as a result of the 93' tall complex, and the rest of the neighborhood which would be required to double as an all-night parking lot for three complexes and counting.

The CEQA exemption and TOC allowances for 1041-1047 S Crenshaw by Mr. Bertoni are inconsistent with the goals of the Wilshire Community Plan which seeks to preserve and protect the character of Wilshire area's lower density stable single family residential neighborhoods. It is impossible to preserve the character of a neighborhood if it is forced to become an all-night parking lot for not one, but three developments when the cumulative impacts from Solaris and Amani are yet to be determined and have not been studied.

Like other projects in the vicinity, 1047 S. Crenshaw is located in an AO Flood Zone of the Olympic Park area. Mr. Bertoni claims the location is not in a flood zone, and seeks to deny environmental protection to homeowners by claiming that "*no evidence [has been] provided that indicated that the proposed incentives will have a specific adverse impact on public health and safety or the physical environment therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety.*" (Bertoni determination, Page 16).

THE REASON THERE IS NO SUBSTANTIAL EVIDENCE FOR THE PROJECT'S IMPACT IS BECAUSE THE DEPT. OF CITY PLANNING HAS FAILED TO COMPLETE A SITE PLAN REVIEW REQUIRED BY MUNICIPAL CODE 16.05C.

Mr. Bertoni has failed to determine the long term and cumulative impacts 1041-1047 S Crenshaw would have to surrounding community, ignores the objectives of the Wilshire Community Plan to protect neighborhoods of single-family homes from encroachment, and claims "there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, section 15300.2 applies". It is dangerous and incompetent of City Planning to issue a CEQA and TOC exemption for

1041-1047 S. Crenshaw, prior to determining the cumulative impacts of forcing single family neighborhoods such as Oxford Square to act as a parking lot.

Mr. Bertoni's determination, is contrary to the Wilshire Community Plan whose Objectives include:

- 1-1.1 Protect existing stable single family and low-density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character and diminish quality of life.
- 1-1.2 – Promote neighborhood preservation for all stable residential neighborhoods.
- 1-3.1 Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.
- 1-3.4 Monitor the impact of new development on residential streets. Locate access to major development projects so as not to encourage spillover traffic on local residential streets.

If Mr. Bertoni's staff is required to monitor the impact of new development on residential streets, why is he rushing to place another development in the area when the city is yet to monitor and determine, and the neighborhood yet to feel, the full impact of placing two PSH housing units with 0 parking for residents has when constructed next to a community of single-family homes in Oxford Square?

CEQA applies to projects that have the potential to cause a significant effect to the environment, granting a 93' tall, 7 story building with 60 units a TOC and CEQA exemption when it is abutted to a neighborhood of single-family homes, then claiming that the project showed no evidence that it would have a "significant, quantifiable, unavoidable impact" displays incompetence.

According to the Wilshire Community Plan, adopted on September 19, 2001 (CF 01-1366), residential issues had been identified and include the following:

- Need to maintain low density character of single-family neighborhoods, avoiding encroachment from other uses, commercial off-street parking, and "spillover" traffic from adjacent development.
- Improved land use transitions in scale, density and character are needed between multiple family and adjacent single-family neighborhoods.
- Improved land use transitions are needed between commercial uses and single family and multiple family areas.

Placing a seven-story apartment complex smack next to a single-family neighborhood with no graduation in height and then increasing density for the development by 70% is not consistent with the development transition for the neighborhood and thus is contrary to the goals of the Wilshire Community Plan.

I request the City Council repeal this CEQA determination and investigate allegations/proof of fraud and corruption by the Dept. of Building and Safety/Dept. of City Planning, the Planning Commission, and the OPNC related to development fraud in the AO Flood Zone.

So far, the City has failed to address corruption happening in its most powerful department, and violates the public trust by failing to hold corrupt employees accountable for their bad decisions and to the law they are in duty to serve.

HOW CAN THE DEPARTMENT BE TRUSTED TO OVERSEE CITY DEVELOPMENT, WHEN UNDER CURRENT MANAGEMENT CITY PLANNING WORKS WITH DEVELOPERS TO DISENFRANCHISE HOMEOWNERS AND SINGLE-FAMILY NEIGHBORHOOD COMMUNITIES IN ORDER TO CORRUPT ENVIRONMENTALLY SENSITIVE AREAS OF ENVIRONMENTAL PROTECTION, SAFETY, OPEN SPACE AND AVAILABLE PARKING, AND COMMITTED ENVIRONMENTAL FRAUD PREVIOUSLY ON PROJECTS IN THE AREA?

With the Olympics and World Cup coming to Los Angeles in a few years, Olympic Park will need a master plan of development that will keep it from turning into a disaster that has befallen Hollywood at the hands of greedy developers and employees of the Dept. of City Planning. A master plan can revolutionize the area with careful, architecturally sensitive development that is beautiful, harmonious, functional and respects the safety of residents, businesses, wildlife, and provides adequate parking for new inhabitants and visitors, following the objectives of the Wilshire Community Plan.

History shows bad things happen to residential neighborhoods at the hands of LA City Planning. What happened previously to residential homes of Chavez Ravine and the neighborhoods of downtown Los Angeles isn't far away from happening to Oxford Square

CEQA's purpose is to inform government of the effects of proposed activities in order to prevent significant, avoidable environmental damage. Oxford Square and the surrounding community would be better served by creating neighborhood districts similar to Larchmont and Fairfax. I have placed the majority of writings uncovering corruption and sleight of hand by the Dept. of City Planning, and Brown Act violations by the Olympic Park Neighborhood Council (OPNC) at www.whycantimove.com. Should you have any questions, I may be reached at info@iknowitsthere.com.

Deserving mention, is the previous OPNC president who "colluded" with former City Council President Herb Wesson in 2019 to cancel a scheduled OPNC meeting on 9/9/19 in order to prevent complaints, which is described more in depth starting on Page 19 in ["ATTACHMENT TO REPORT DATED 6-20-23 - NOTICE OF EXEMPTION"](#).

Kind Regards,

Virginia Jauregui