

September 4, 2023

Dear Councilmembers,

**RESPONSE #2 TO COMMENT BY APPLICANT AND CITY PLANNERS,  
ADDITIONAL LAWS ENV-2022-9090-CE-IA (CF 23-0667)**

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**CITY PLANNING AND JAMISON/ALCHEMY ALLEGE THAT THERE IS NO PROOF  
OF FRAUD TO SUBSTANTIATE CLAIMS OF FRAUD.**

Initially, I had submitted [ATTACHMENT TO REPORT DATED 6-20-23 - NOTICE OF EXEMPTION](#), which included my initial submittal to the City Planning Commission related to proof of fraud by the Dept. of City Planning in the streamline processing of the Solaris PSH HHH Project located at 1141-1145 S Crenshaw (CPC-516-DB-PSH-SIP). The city claimed the project was eligible as a streamline infill project when it was not. For time's sake the exhibits were mentioned in the submittal but not included in the file related to 23-0667. This is because the City has the complete file with exhibits in its possession.

Proof of claims of fraud involving City Planning can be found at:

<https://planning.lacity.org/dcpapi/meetings/document/addtlldoc/58508>

Because the link for CPC-2020-516-DB-PSH-SIP has close to 200 pages – exhibits referenced in the Initial submission between pg. 3-15 are referenced below.

Pg. 16 – Exhibit 1 – Ordinance 165331 related to zone boundaries

Pg. 19 – Exhibit 2 – Receipt for Application for TOC request

Pg. 20 – Exhibit 3 – TOC Land Use Entitlement request for 1141-1145 S Crenshaw

Pg. 34 – Exhibit 4 – Declaration that project is categorically exempt from environmental review

Pg. 35 – Exhibit 4b – Flood Plan 172081, explaining policies related to projects in special hazard zones.

Pg. 74 – Exhibit 5 – Flood Ordinance 172081 – Pg. 13

Pg. 75 – Exhibit 6 – Flood Ordinance 172081 – Pg. 16

Pg. 76 – Exhibit 7 – City of Los Angeles Proposed Negative Declaration for 38 home subdivision at 4116 W. Country Club Dr/1102-1128 S. Crenshaw Blvd. Case #VTT-73424-SL known as C3 Luxury Subdivision

PG. 122 – Exhibit 8 – Notice of CEQA 32 Categorical Exemption for 1251 S. West Blvd.

Pg. 126 – Exhibit 9 – California Code of Regulations 15268 - Regulation of Ministerial Projects in 2020

Pg. 127 – Exhibit 9b – Employee Solomon-Cary response related to change of lot zoning from CR/r to R3

Pg. 128 - Exhibit 10 Solaris Applicant Declaration – Monique Hastings

Pg. 129 – Exhibit 11 – City claims that previous submission withdrawn due to zoning discrepancy.

Pg. 139 – Exhibit 11b – Response from James Harris regarding 1141-1145 Project.

Pg. 146 – Exhibit 12 - Prop HHH Staff Report for 1141-1145 S Crenshaw Blvd.

Pg. 148 – Exhibit 13 - Prop HHH Staff Report page for 4200 W. Pico Blvd. Amani Apts.

Pg. 152 – Exhibit 14 - Flood Ordinance Pg. 31 – Direction on Waivers

Pg. 153 – Exhibit 14b – Email to Elise Ruden and Mike Feuer related to lack of response regarding Brown Act violations by the Olympic Park Neighborhood Council on 9/9/19 – (email is from 12/31/19)

Pg. 167 – Exhibit 15 - Section 60.3 of Title 44 Federal Criteria for Land Management – Requirements for flood plain management regulations

Pg. 169 – Exhibit 16 - Letter to Representative for Solaris Project 1141-1145 from City of Los Angeles

Pg. 172 - Exhibit 16b – Statement from Nuri Cho stating that the case for Solaris is on hold pending the update of application documents reflecting “correct” zoning requirements

Pg. 175 – Exhibit 16c - Claim that project needed to be redesigned to conform to updated zoning.

Pg. 181 – Exhibit 16d – City claiming that zoning for Solaris was not changed in August 2019

Pg. 189 – Exhibit 17 - Gov. Code 16913.4 (G) - Housing development Approval language that stated that projects are entitled streamlined approval if it is not located in a special hazard flood zone (2020)

Pg. 197 – Exhibit 17b - PRC 65651 – Section 21159.21 – Housing Project qualifies for exemption if the location is not in a flood zone.

Pg. 199 – Exhibit 18 – Public Resources Code language for 21159.21

Pg. 202 –Submission from Byung Kang related to LAMC 12.22 A.25(F)(5)

Pg. 204 – Request from Neighbor related to development

Pg. 205 – Exhibit 19, 20 Information related to development at EK Art Gallery that was determined to be eligible for a CEQA 32 exemption

Pg. 210 – June 5, 2020 Secondary Submission to City of LA from Virginia Jauregui

I did complete a third submission submitted the day of the Commission hearing, but was told it could not be accepted because it came after the commission hearing completed.

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## **INCOMPLETE SUBMISSION**

According to Gov Code 65941.1(D), In order for the preliminary submission to be deemed complete, Jamison must disclose whether a portion of the development is located in the flood zone, which they failed to do. Jamison/City Planning failed to disclose that approximately 30% of the 1047 lot is located in an AO flood zone. The city cannot deem that the preliminary application from Jamison is complete and thus cannot determine that this development is entitled to a CEQA 32 exemption at this time.

## **PROHIBITION ON PIECEMEALING PRC 21159.27**

State law PRC 21159.27 prohibits developers from splitting/ piecemealing development projects in order to qualify for exemptions. Jamison Services is piecemealing their project into two separate apartment complexes over five lots, for a total of approximately 160 units.

By splitting 1041-1047 (ENV-2022-9090-CE-1A) and the project next door 1025-1035 (ENV-2023-4487-EAF) into two, the City is attempting to assist the developer in evading a site plan review and site plan review hearing, by claiming that the TOC guidelines

make 1047 disqualified from the requirements of Municipal Code 16.05 C for projects over 50 units, and air quality assessment by the SCAQMD.

Because the TOC guidelines to eliminate a site plan review have not been adopted into law, the City must resolve in favor of the general plan as determined by the case involving *FixtheCity vs. the City of Los Angeles* (2022), and thus grant a site plan review to the project.

## **INFILL “SITE”**

In my appeal for submitted July 25, I had incorrectly applied the term “infill site” to describe the location. The correct term is qualified “Infill Housing project” for which PRC 21159.21 and PRC 21159.24 regulate exemptions as well as streamlined ministerial approval if the infill housing project can meet certain criteria. According to the PRC 21151.21, an infill development project does not qualify for an exemption from completing an environmental impact report if it is located in a: (h)(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.

## **HOUSING DEVELOPMENT STREAMLINED APPROVAL**

According to Government Code 65913.4(G)(i) (ii) The project does not meet the qualifications for streamlined ministerial project because the location is in a flood zone, unless the applicant can satisfy all applicable federal qualifying criteria.

A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program 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 Regulations.

The applicant failed to identify that the location of 1047 sits partially in an AO Flood Zone, and thus cannot proceed with streamline ministerial approval process.