

A D H O C  
ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE

APPEAL TO CITY COUNCIL / ENV-2012-83-MND  
2003 OAK STREET / UNIVERSITY PARK H.P.O.Z.

EXHIBIT A-3  
COMMENT LETTERS TO SAPC

- A-3a. University Park HPOZ Board 01/13/14
- A-3b. West Adams Heritage Association 01/11/14
- A-3c. North University Park Community Association 01/12/14

UNIVERSITY PARK HISTORIC PRESERVATION OVERLAY ZONE 13  
ESTABLISHED MARCH 22, 2000 ORDINANCE No. 173460

LOS ANGELES  
CITY PLANNING



UNIVERSITY PARK H.P.O.Z. BOARD  
JEAN FROST, CHAIR & SECRETARY  
JIM ROBINSON, VICE-CHAIR  
JOHN ARNOLD, ARCHITECT  
DAVIS RAPOSA, TREASURER  
DAN BURKE, MEMBER

January 13, 2014

South Los Angeles Area Planning Commission  
200 North Spring Street, Room 272  
Los Angeles, CA 90012  
c/o James K. Williams (Email: James.K.Williams@lacity.org)  
213 978-1300

ADHOC appeal to City Council  
ENV-2012-83-MND 02/18/14  
EXHIBIT A-3a

Rochelle Mills, President  
Faith I. Mitchell, Vice President  
Victoria Franklin, Commissioner  
James E. Silcott, Commissioner  
Gail A. Willis, Commissioner

**RE: 2003-2023 Oak Street**  
CASE NO. ZA-2012-1216 (ZAA) SPR / DIR 2012-1217-CCMP/ UNIVERSITY PARK HPOZ  
PROJECT LOACTAION: 2003 OAK (904 W. 20th STREET/ 2009 OAK / 2015 OAK  
2021OAK / 2023-2025 OAK & 903-909 W. 21st STREET, ENV-2012-83 MND

**PUBLIC HEARING, Tuesday January 21, 2014,  
Constituent Service Center, 8475 South Vermont Avenue, LA, CA 90044**

Honorable Commissioners:

I am writing as the Chair of the University Park HPOZ Board in response to the above referenced Project. We ask that the Commission support the Appeal in both the ZA case and the CCMP case, based on the facts in the record.

The University Park HPOZ Board takes its responsibility very seriously. While there are some pleasing aesthetics in this project, the core issues have not been resolved. As an appointed Board, we are charged with interpreting and seeing that proposed project conform to the Secretary of interior's Standards and the University Park Preservation Plan.

Try as the City has done, the failure to meet these requirements is demonstrated by the record. The project should be reduced in massing and scale, so

that the volume and mass conforms to what is prevailing in the immediate neighborhood.

The current proposed project places a three story building, with a setback 5 feet away from the property line of the Twentieth Street National Register district. Building 3 of their plan provides a 57.7% lot coverage. The average for 20th street is 38.62%. The average for 21st Street is 38.9%.

While favorable design elements create a visual facade that is pleasing, it does not address the significant issues of massing, scale, setback, lot coverage and the historic pattern of development. Oak Street consisted of six buildings between one and a half and two stories in height. The proposed project alters the prevailing neighborhood character and attempts to justify its mass and volume, not on what is prevailing, but rather on the extreme examples that exist but are not prevailing in and around the subject site.

The project does not, as the proponent alleges, comply with RD1.5 standards. RD1.5 standards would provide for 21 units, and not permit a mixed-use public and tenant underground parking usage. Given that this project is inherently discretionary, one cannot consider the density bonus by right in this highly sensitive environment.

Our Board held a public hearing on Tuesday, January 15, 2013 for the proposed Project and made their findings that Project did not comply with the University Park Preservation Plan as required. The Board vote was 3-to-1 against approval of the project: Frost, Robinson, Burke-no / Arnold-yes (Mr. Raposa sent a non-binding No-vote by email to clarify his position).

The Board by unanimous vote (4-0) on December 3, 2013, resolved to reconfirm to the decision making bodies its earlier position taken and resubmit their findings that Project does not comply with the University Park Preservation Plan as required. Further, since it does not comply, the impacts of the project are not adequately mitigated. Therefore the Board, in its review of the MND, concluded that it was deficient for purposes of required compliance with the California Environmental Quality Act. The Board, by unanimous vote, requested that the MND not be certified and that a new CEQA review process to be initiated. The AZA has decided otherwise and unfortunately deferred independent review of Preservation Plan compliance to the Director of Planning.

The HPOZ Board, in cases requiring the issuance of a Certificate by the Director of Planning, is limited to an advisory position. However we are an official, empowered, decision making Board with unique expertise in interpretation of the adopted Preservation Plan. Under the City's Preservation Ordinance and the UPPP, the Board has an administrative responsibility to insure that actions taken in the UP-HPOZ are in compliance with CEQA. In this unusual instance, the Director of Planning has disagreed with the UPHPOZ Board recommendation and found that, in his view, the project was compliant with the Preservation plan. That finding the HPOZ Board strongly takes issue with and, based on the facts in the record, finds that the project does not comply with the Preservation Plan.

The MND concludes in Section V that there are potentially significant impacts to the historic settings and Cultural Resources unless mitigated. The mitigation proposed is compliance with the UP-HPOZ Preservation Plan and thereby the requirements of the Secretary of the Interior's Standards for Historic Resources (SISHR). Since the Board has found that the project is not in compliance with the UPPP, the significant negative impacts to cultural resources are not mitigated. While the Director of Planning may disagree, there is, never the less, expert opinion to the contrary. The University Park HPOZ Board, has already found that the Project does not comply with the UPPP and thereby the SISHR. The proposed mitigation fails to be sufficient. When there is a disagreement between experts, for purposes of CEQA, a higher level of review must be undertaken.

At the core of the findings is the Secretary of interior's Standards requirement that: **New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.**

The project as currently proposed fails to comply with the prevailing massing, setbacks, lot coverage, height and historic pattern of development. These elements are contrary to the character defining elements of the Oak Street, 21st Street, and 20th Street Block faces and sets a new and incompatible precedent for development in this area.

We also believe that the AZA erred in his discretion to permit the reconfiguration of the six historic parcels to be treated as one parcel, as this is not in any conformance to the historic pattern of development. The Preservation Plan was developed to be as specific as possible to give developers and stakeholders concrete guidance for development within the Zone. Meeting some undefined "spirit" was never the goal: rather to insure compatible development the adopted Plan set clearly defined criteria to which that this project does not conform.

The Director of Planning did not concur with the Board's recommendation that a CCMP cannot be issued for the project as proposed. The Director has provided points wherein the project does meet the Preservation Plan but these items are overwhelmed by the very serious issues of volume, mass, and scale, areas where the project does **not** comply. In some instances, the Director is simply in error, for example, on the materials required. It is regrettable that the ZA chose not to undertake an independent review of compliance with the Plan but rather relied on the conclusory and arbitrary Director's determination. In that this determination is fatally flawed, this is an unfortunate reliance. The HPOZ was not put in place, nor was the Preservation Plan adopted, without careful community judgment and scrutiny. To assert that there are unique conditions subject to this site to grant the entitlements, which this developer seeks, and arrive at the justification of this project, is simply not supported in the record. This project seeks to nullify the progress made by the community in preserving the community character and instilling pride in this neighborhood. The

Urban Design Guidelines which were developed for this area, and which are an earlier incarnation of the Preservation Plan, states: "It is important that buildings of an appropriate scale, size, and rhythm, be introduced in existing area. New projects shall not come to dominate the existing character of place on both the local and area wide setting."

The community and the City have invested time and money creating standards to which this developer must adhere. A project can be done that adheres to such plans, does not have severe environmental impacts, but such a project cannot be provided under the existing terms and conditions and land use that the LAUSD imposes on this project.

We urge the Commissioners to support the two appeals and the findings of the University Park HPOZ Board.

Respectfully yours,

Jean Frost, Chair, University Park HPOZ Board  
Email: indiejean@att.net, 213-747-2526  
2341 Scarff Street, University Park, LA, CA. 90007

LOS ANGELES  
PLANNING  
**MITZI MARCH MOGUE**  
**HISTORIC PRESERVATION CONSULTANT** 54  
1725 Wellington Road Los Angeles CA 90019 323-734-9980  
mogulink@gmail.com

January 11, 2014

South Los Angeles Area Planning Commission  
200 North Spring Street, Room 272  
Los Angeles, CA 90012  
c/o James K. Williams (Email: James.k.williams@lacity.org)  
213 978-1300

Rochelle Mills, President  
Faith I. Mitchell, Vice President  
Victoria Franklin, Commissioner  
James E. Silcott, Commissioner  
Gail A. Willis, Commissioner

COPY  
ADHOC appeal to City Council  
ENV-2012-83-MND 02/18/14  
EXHIBIT A-3b

RE: DIR-2012-1217-CCMP, ENV-2012-83-MND / 2003 OAK STREET (904 W. 20<sup>TH</sup> STREET), 2009 OAK STREET, 2015 OAK STREET, 2021 OAK STREET, 2023-2025 OAK STREET, & 903-909 W. 21<sup>ST</sup> STREET. UNIVERSITY PARK HPOZ / CD-1

Honorable Commissioners:

I am writing in response to the approval of the July 18, 2013 Director's Letter of Determination on the project referenced above, to approve the construction of a proposed multi-residential development complex consisting of 29-units, with 54-bedrooms located within six new 2-3-story buildings along the west side of the 2300 block-face of Oak Street and a 72-space underground parking lot for shared use by the Los Angeles Unified School District in the University Park Historic Preservation Overlay Zone.

I have previously submitted letters of comment on behalf of West Adams Heritage Association Preservation Committee opposing the project as proposed and, now, as approved.

West Adams Heritage Association is comprised of over 350 households in the West Adams/University Park area. We routinely comment on land use applications and environmental documents on behalf of the Association members. West Adams Heritage Association, founded in 1983, represents hundreds of residents of the historic West Adams section of Los Angeles, including many in University Park. Our area includes the city's

largest concentration of Victorian and Craftsman homes, five of the city's Historic Preservation Overlay Zones, and a concentration of Los Angeles Historic Cultural Monuments.

I am highly qualified in commenting on these matters as professionally I am a Historic Preservation Consultant, practicing in Los Angeles for almost thirty years.

The proposed multi-residential development Project known as the "Norwood Elementary School Workforce Housing / Joint Parking Project" on the revised (10-17-12) Master Land Use Permit Application does not conform to the requirements of the University Park Preservation Plan (UPPP) as determined by the Motion of the University Park HPOZ Board at their public meeting of January 15, 2013. No amount of contortion of the facts will prove otherwise.

The University Park HPOZ Board discussed this project and concluded that the project did not—and does not—conform to the established, official Preservation Plan with regard to historic massing, lot coverage, volume and historic patterns of development.

The evidence in the official record demonstrates that the project's location, size, height, operations and other significant features will not be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. Furthermore, the impacts on the immediately adjacent 20<sup>th</sup> Street National Register Historic District will be considerable.

The Secretary of Interior Standards (Standards) are required guidelines in reviewing projects such as the one involving the Norwood School. Although the proposed project itself is new construction, the project site is located in the heart of a historic area.

Standard #9 states: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the **property and its environment**.

Standard #10 states: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its **environment** would be unimpaired.

These two are particularly critical in this case as they reference not only the property under restoration/construction, but **the environment**. This is no accident of language. Historic structures and districts do not exist in a vacuum. They have inborn, shared relationships with their surroundings. It has been pointed out in the numerous letters you have received and in the findings of the UPHPOZ Board that many aspects of the proposed project violate the delicate relationship between it and the historic environment.

I have not seen any published document findings which specifically reference how the project does meet the Secretary of Interior Standards. This is a critical omission. It is imperative that when public funds are being used and there are questions with regard to potential impacts, that a detailed justification be submitted. It is not enough to simply state that a project meets the Standards; the applications, discussions of mitigations, and other related documents must be precise and specific. They must prove that the project meets the Standards. Had the applicant done so, we might have had a difference of opinion between experts, which would prompt a different discussion. However, I must point out that even in such a situation, CEQA requires that we err on the side of caution and follow the course which favors the protection of the historic resources over the new construction.

The Mitigated Negative Declaration (MND) fails to mitigate the impacts which have been identified even by the preparer of the MND. The statement in the MND which is presented as a mitigation is nothing more than the conclusion of the preparer that impacts *"will be mitigated to a less than significant level through compliance with the Secretary of the Interiors Standards for Historical Resources by the following measures: Comply with the University Park Historic Preservation Overlay Zone preservation Zone."* This is a vague, intangible, murky pronouncement, clearly made with prejudice. It offers no foundation, no guidelines, no specifics. It does not address the fact that the UPHPOZ Board has already concluded that the project does not comply with the Preservation Plan. As previously stated, it does not offer specifics as to how it will meet the Secretary of the Interior Standards.

The UPHPOZ Board has obvious experience in analyzing and applying the Preservation Plan and projects which are brought before them, and they have found that the proposed project does not meet the requirements of the Preservation Plan. As the senior authority, their conclusion should be accepted and used as the guideline for the project. Therefore, the significant environmental impacts of this project are not mitigated, despite whatever nebulous, poorly conceived smoke screen has been written into the MND.

Since the project does not meet the UPHPOZ Preservation Plan guidelines, it cannot meet the Secretary of Interior Standards as the two are inextricably linked. The Director's determination goes into detail on points of the Preservation Plan that the project meets. Some are correct, but others are blatant misrepresentation of the facts. For example, the Preservation Plan specifically states that "New construction should incorporate materials similar to those used traditionally in historic structures in the area. It is important to maintain a sense of authenticity of materials in the district. Accordingly, materials such as pressed hardboard or vinyl that replicate the appearance of historical materials should not be allowed. New construction should incorporate materials similar to those used traditionally in historic structures in the district." The Director completely ignores this very specific requirement of the Plan, and makes the unsubstantiated and fanciful statement "The proposed project is new construction allowing for the use of contemporary construction materials." This is not what the Plan requires, and the Director abuses his discretion by completely ignoring this very specific prerequisite. The entire decision is filled with similar misrepresentations. This error is compounded, and is doubly important, as the ZA, in making his determination in the related case, makes no independent judgment on whether the

project meets the requirements of the Standards nor the Preservation Plan but relies entirely on the Director of Planning's determination.

There is no point in having laws or regulations of any kind if they are to be dismissed whenever convenient—or inconvenient. There are rarely extenuating circumstances in planning and zoning issues. If someone were to rob a bank under the excuse that they needed the money, it would still not be justified, no matter how great the need. The robber does not get a “free pass.” This is not the “Jean Valjean” application of justice; we are not discussing a loaf of bread. We are talking about a very large project which will likely be there forever. Application of planning and zoning regulations must be consistent and held to the highest standard. It is unfortunate that this has not been done thus far and has required the appeal process to force the City and the developer to do the right thing, not the convenient thing.

Should you have any questions about what I have written here, please don't hesitate to contact me.

Sincerely,

*Mitzi March Mogul*

Mitzi March Mogul

Historic Preservation Consultant on behalf of West Adams Heritage Association

N. U. P. C. A. LOS ANGELES CITY PLANNING  
NORTH UNIVERSITY PARK COMMUNITY ASSOCIATION  
2014 JAN 15 10:13 AM

January 12, 2014

Commissioners, South Los Angeles Area Planning Commission  
c/o James Williams, Commission Secretary  
City Hall, Room 272  
200 N. Spring Street  
Los Angeles, CA 90012

ADHOC appeal to City Council  
ENV-2012-83-MND 02/18/14  
EXHIBIT A-3C

RE: CASE NOS. ZA-2012-1216 (ZAA) SPR (1A)  
ENV-2012-83 MND  
DIR 2012-1217-CCMP (1A)

COPY

PROJECT LOCATION: 2008 OAK (904 West 20th St./ 2009 Oak St. / 2015 Oak St./  
2021 Oak St. / 2023-2025 Oak St. and 903-909 West 21st St.)  
Within the University Park HPOZ

Dear Commissioners,

I am writing on behalf of the North University Park Community Association (N.U.P.C.A.) to request that you support the above-referenced Appeal in both the ZA case and the HPOZ case.

N.U.P.C.A. is a long-established (more than 30 years) organization whose primary mission is the conservation of the character of the University Park, North University Park and the other neighborhoods surrounding the USC campus. Members of our organization worked very hard over the past three decades to adopt zoning and land use policies which support our community's core goal of enhancing the historic character and livability of these neighborhoods dating from the 19th century. As a result of the efforts of many neighbors and stakeholders, not only was an HPOZ ultimately adopted in University Park but also several National Register Districts were designated - a higher level of recognition and honor than a local historic district.

The proposed project is NOT COMPATIBLE (from either a design or zoning perspective) with either Secretary of Interior Standards for infill construction or specifically with the University Park HPOZ Preservation Plan.

It is also incompatible with several adopted citywide land use policies.

N.U.P.C.A. had previously commented in some detail on this Project's conflicts with adopted land use policy and local zoning, and we are re-submitting those comments for your review today (as we now understand that prior submissions in the file are not necessarily forwarded to Commission Members for their review at the time of an APC hearing.)

In addition to N.U.P.C.A.'s original comments, I would like to draw your attention to the following issues, impacts and disputes we have with the rendered decisions:

1). The Zoning Administrator has chosen to confirm the RD1.5 zoning for the housing component of the project, while retaining the PF zoning for the unrelated-to-the-project parking for teachers and staff of the Norwood School. Without agreeing that this is an appropriate tack, N.U.P.C.A. still wonders how a public Community Room (or 'Area') use for a computer lab and after-school learning center can be approved? Neither zone permits it by right. The Zoning Administrator did not make an appropriate finding to support this use, having relied apparently on the fact that LAUSD owns the parcel. State law has made school campuses "community centers" but the law does not extend to all school district-owned properties.

2). The Zoning Administrator's Determination is not fully compliant with the City's Core Findings Ordinance, Ordinance No. 182095, effective date May 7, 2012. (The subject case was filed on May 8, 2012.) Although the Associate Zoning Administrator Charles Rausch made all of the "related" findings to the specific subsections in the Los Angeles Municipal Code, Mr. Rausch failed to make (e.g., did not even discuss) the FIRST required Core Finding:

*"E. Findings for Approval. A decision-maker shall not grant a conditional use or other approval specified in Subsections U, V, W, or X of this Section without finding:*

*1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region"*

N.U.P.C.A. is not commenting in this instance as to whether or not the Core Finding could be achieved, but rather that there was no attempt to follow the law. It is evidence of the kind of cherry-picking that has gone on in this case, where decision-makers are choosing elements of the applicable plan (be it the University Park HPOZ Preservation Plan, the South Los Angeles Community Design Overlay or, in this instance, the Core Findings Ordinance) to support their decisions.

3). In the same vein, regarding the HPOZ/Certificate of Compatibility case: N.U.P.C.A. concurs with the HPOZ Board and disagrees with the Director of Planning that this project complies with the University Park HPOZ Preservation Plan. Certainly many other commentators have reached the same conclusion: In terms of lot coverage, setbacks (relative both to historical Sanborn Maps and current prevailing setbacks), historic patterns of development, and scale/massing, this project does NOT conform with the Preservation Plan and is NOT compliant with Secretary of Interior Standards.

The citywide HPOZ ordinance does give the Director of Planning the authority to approve, approve in part and/or to deny an application for a Certificate; however, the ordinance also states that the Director shall base a decision in the absence of a preservation plan on the following:

*"(1) architectural design; (2) height, bulk, and massing of buildings and structures; (3) lot coverage and orientation of buildings; ... and (9) yards and setbacks;" additionally a project "shall be contextually compatible with the massing, size, scale, and architectural features of nearby structures in the Preservation Zone."*

The University Park Preservation Plan exactly incorporates the ordinance language and there is no reason to believe that the Director of Planning would therefore be able to stray from the word "shall" to instead pick and choose only some elements to abide by.

Furthermore, for clarity, four of the five sitting Board members of the University Park HPOZ have stated (three voted for the record, the fourth e-mailed when out of town) that the project is not in compliance with the requirements of the Preservation Plan. And the Board has submitted multiple letters regarding their initial decision, and subsequently their disagreement with the Director's decision, the Zoning Administrator's decision and the environmental clearance. N.U.P.C.A. relies on our community-based Board members and their expertise to ensure that development is compatible with the character of our community, and it is shameful that city officials -- after many years of acknowledging the expertise in our community -- has now chosen to ignore it.

This project, and its many variations to adopted policies, if granted, would be materially detrimental to the character of the surrounding neighborhood. N.U.P.C.A. therefore urges the Area Planning Commission to support the two Appeal(s) in their entirety, and reject this proposed project.

In addition, for purposes of CEQA, N.U.P.C.A. notes that at minimum, there is a disagreement among experts regarding the impacts of this project on not only the local historic district but also the National Register Historic District, and as a result we request that you not certify the current MND environmental clearance and instead require a new MND that explores the potential impacts and mitigations to adjacent historic resources.

Sincerely,

Laura Meyers  
Vice-President, N.U.P.C.A.

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