

Coronado Street Citizen's Coalition

Wednesday, February 11, 2015

The Big Problem

The big problem with this development is actually about the process of approval. This project should never have been approved without radical design changes in order to meet the Small Lot Ordinance Guidelines. While the guidelines are non-binding, the DCP Director wrote in a DCP memo that as of February 2014, the guidelines must be substantially met in order for approval for a small lot subdivision.

The appellants aren't anti-small lots but we are deeply troubled with the way in which the DCP's senior planner and Advisory Agency Jae Kim approved this project. Kim is known as a proponent of what he calls this "new housing technology." Yet he also claims that the Small Lot Ordinance can not be used at all to approve or deny a Small Lot Project. Kim claims that he is only allowed to look to the Map Act when approving a small lot project. This is patently false. The Map Act and the Small Lot Ordinance must both be considered in the approval process.

Also of concern is the role of the Area Planning Commission. The APC judges the appeal process and are appointed by the mayor. At the hearing for this appeal the commissioners seemed unclear of the roll of Jae Kim and the city attorney who was there to represent him. the APC consistently treated Kim as a neutral adviser on planning policy. The appellant needed to provide one valid reason why Kim erred in his initial judgement for the appeal to be upheld. The appellants provided many.

For example, the appellants presented the APC with evidence that the developer had lied on notified documents to the city concerning Rachel's rent. Raffi Shirinian and his partners Rebecca Duel and David Duel, of the company Urban Blox, fabricated higher rents on The Environmental Assessment Form to make it appear as if the current renters could easily find similarly priced rents in the area if and when their current residence was demolished. The DCP requires these documents to be notarized jurats; meaning that the signer has spoken a solemn oath that the information contained in them is true. If they are shown to be false the signer can be prosecuted.

Shirinian and the Duels also submitted what is called a Solar Report, which is a report prepared by an independent contractor. A valid Solar Report is a main requirement of the Map Act. The appellants presented indisputable evidence that the developers had submitted a false Solar Report. The Solar Report submitted was for an entirely different project but the address had been doctored by the developers. Street names were incorrect, the lot was the wrong dimensions, etc. Jae Kim stated repeatedly that he had approved the project solely on the fact that it met the requirements of the Map Act. The appellants proved that it did not. Unfortunately, the Area Planning Commission had never heard of the Map Act so they ASKED Kim if they could uphold the appeal. He, not surprisingly, said no, your hands are tied because the project meets the requirements of the Map Act. They treated Kim as a neutral adviser instead of as the defendant. This meeting was recorded by the APC but KCET filmed the entire meeting so this is well documented.

* Public Streets Belong To The State And To The People

The streets of a City, even though paid for out of City funds or by local developers under a Tract action, and even though fee title is in the City, do not belong to the City. Rather, they belong to all the people of the State. This is the general rule throughout the United States. It is also the long established rule in California. "It is settled that the public streets of a municipality belong to the people of the State" (*Keller vs. City of Oakland*). Because of these judicial rulings, the City of Los Angeles must adhere to the vacation laws of the State as codified in the California Streets and Highways Code. (Bureau of Engineering LAND DEVELOPMENT Manual - Part D)

Vacating the street, essentially privatizing a public street is not a decision to be made by the City; as it **it is not theirs to privatize**. It is also not consistent with the Valley Village Specific Plan, the North Hollywood-Valley Village Community Plan and is inconsistent with the goals and policies of the General Plan. Substantial evidence does exist demonstrating the overly congested area at the site resulting in challenging and sometimes impossible options for parking.

As the Bureau of Engineering Manual points out, "findings by the legislative body [re: the merger procedure] should be made in the same manner as prescribed in the Reversion to Acreage Sections 66499.15 and 66499.16 and proper notification must be given by the Advisory Agency on the tentative map hearing. **The Council's findings are necessary for the final map because public rights to easements are being relinquished. For a subdivision project in which the subdivision or the proposed street merger is an issue of controversy, the Bureau of Engineering should recommend the Advisory Agency not approve the merger** and accept the street vacation be processed for the City Council's approval." See Bureau of Engineering Manual, Part D - Land Development, section D224. **(SEE EX 5a)**

Furthermore, D 730 VACATION INVESTIGATION AND ANALYSIS requires substantial evidence to prove the Proposed vacated street is necessary; whereas evidence has been submitted proving it is currently in use as well as necessary. **(SEE EX 5a)**

D 754.54 USE OF STREETS: ...Streets exist primarily for purposes of travel and their use for conveyance of persons and property thereon is the paramount use. All other uses are secondary. Secondary uses must give way where they interfere with the primary use of the street. **(SEE EX 5a)**

The Department has not provided substantial evidence to support findings that warrant the public's loss of Weddington Street, how it serves the communities best interest and how it complies with the General, Specific and Community Plan.

On the contrary, letters, testimony and statements continue to be made and submitted to the department proving the use and values of Weddington street to which it serves. The public street is as much ours as it is anyone else's. If anything, the residents and neighbors in the area have more rights to this street than an outsider who has his own ideas involving personal gain to be made by privatizing it. The Department has neglected to provide any findings proving justification for the public to be forced to suffer the loss of Weddington Street; for the City to suffer this loss. An entire community has come forth proving the use, desire and needs of this street. Not considering these facts and evidence is counter to the Legislative intent of both CEQA and counter to the General Plan Framework. It is an abuse in discretion and again, serves no one's interest besides one applicant. CEQA §21168.5
In short, privatizing a public street for a project intended to profit is not consistent with the General or Specific Community Plans; as proven in the Exhibits.

* Unconstitutional Gift of Public Land to Private Party

The proposed merger/vacation of Weddington Street suggests a gift of public lands expressly prohibited by the California Constitution, Article 16, section 6. "**The Legislature shall have no power to . . . make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever.**" California Constitution, Article 16, section 6. **(SEE EX 5b)**

Here, there is no countervailing public benefit that is being conferred, that would make this transfer something other than a naked gift. Since the proposed is a private project intended to generate private profit, nothing here is a benefit to the public, and is simply not consideration for the gift of public land.

*** There is No Basis for a Finding of “UNDERUTILIZED” or Future Use or that Abandonment is in the Public Interest**

In *Citizens Against Gated Enclaves v. Whitley Heights Civic Assn.*, 23 Cal.App.4th 812, 28 Cal.Rptr.2d 451 (1994), a private community attempted to gate off public streets for private use, where they owned the land underlying the streets in fee simple based on subdivisions in 1903, but the streets had been dedicated to public use in the 1920s. The Court stated:

The City was well advised not to call the withdrawal order a vacation or abandonment. **"A street may not be vacated for exclusive private use."** (*Constantine v. City of Sunnyvale* (1949) 91 Cal.App.2d 278, 282 [204 P.2d 922].) **To abandon a public road, the City must find that it is no longer necessary, i.e., there is no present or future use for the road, and that the abandonment is in the public interest.** (Sts. & Hy. Code, § 959; *Heist v. County of Colusa* (1984) 163 Cal.App.3d 841, 848-849 [213 Cal.Rptr. 278].)

Abandonment of a street must be accomplished in the manner provided by statute since **streets are in law the property of all of the people of the state. A road may not be abandoned without a finding that the road is unnecessary for present or prospective public use.** (See *County of San Diego v. Cal. Water etc. Co.*, 30 Cal. 2d 817, 823 [186 P.2d 124, 175 A.L.R. 747]; *People v. County of Marin*, 103 Cal. 223 [37 P. 203].) **(SEE EX 6a)**

Hence, CGC §66499.16 requires a finding by the legislative body that “Dedications or offers of dedication to be vacated or abandoned ... are unnecessary for present or prospective public purposes.” **(SEE EX 8c)**

Here, it appears that the Bureau of Engineering and the Department simply made an unsupported conclusion that there is no present or future public purpose for the land, with no investigation, no analysis and no regard or consideration of the evidence submitted by the public, proving use. The Department neglects to have knowledge of the existing community at the site, the residents and neighbors surrounding the site, and has no insight as to the inner workings of this community and how much Weddington Street is utilized and depended on. There is a substantial amount of evidence entered into the record PROVING CURRENT USE and a history of existing use by the public since the 1930's.

There exists no evidence proving there is to be no future use of Weddington Street. The evidence that *has been* submitted, again, can be found in the EXHIBITS section of this document in addition to the stack of letters submitted by the public, with photos included, proving daily use.

Furthermore, the residents of the parcels have their own private parking driveway and do not utilize the street, which the Department would have known if they reviewed the evidence submitted. **THE STREET IS UTILIZED BY THE PUBLIC AND RESIDENTS OF THE ENTIRE NEIGHBORHOOD DUE TO THE EXISTING CONGESTION AND LACK OF AVAILABLE PARKING.** **(SEE EX 5d)**

In addition, Government Code section 66499.16 requires “(1) All owners of an interest in the real property within the subdivision have consented to reversion; or...”

As previously stated, the property known as 5303 Hermitage Ave. (APN 2347025010) has not been sold to the applicant- and they do not have the consent of all the interests in the real property.

There currently exists, as it has since February 24, 2016 a lis pendens due to current litigation which does involve title to this property.

Any approval of a merger/vacation/removal/alteration of any kind to Weddington Street affects the parties at interest in the property, and is highly opposed. The applicants have acted completely presumptuous choosing to proceed full speed ahead as though they already own all the parcels in question. The Department has abused its discretion in approving the proposed without considering all of the facts submitted. (SEE EX 8c)

COUNCIL FILE: 16-1048

CASE NUMBER: VTT 73704, ENV-2015-2618-MND

REQUEST: UPHOLD THE APPEAL AND VOTE AGAINST THIS PROPOSAL.

Members of the City Council,

Please consider this submission as testimony entered into the record on the topic of the Subdivision Map Act and the cities General Plan.

The Subdivision Map Act **REQUIRES** Tract Maps to **COMPLY WITH ALL ELEMENTS OF THE GENERAL PLAN.**

66473.5 No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.

A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

Here are some excerpts from the cities HOUSING ELEMENT, part of the cities own General Plan to which this proposal must comply.

*While there are clearly enough large owner-occupied dwelling units, there is a dearth of larger **rental units**. This is of particular concern **considering that a majority of large families (57%) rent their units**. Larger housing units are also generally the most expensive; so many low- and very low -income large families are unable to afford them. In addition, large families typically require child care facilities and accessible recreation areas. Given that the majority of large families are renters, there is a continuing need for affordable, large rental units.¹*

The site consists of larger, affordable rentals that offer accessible recreation areas. The Housing Element states there is a continuing need for these types of units. Therefore, 26 high luxury unaffordable boxes is a direct contradiction of the cities Housing Element.

¹ Housing Element page 1-25

The costs of homeownership have dropped since the recession; yet buying a home still remains out of reach for the majority of Los Angeles residents.²

This excerpt from the housing Element informs us that not only is there no need for 26 individual luxury homes in this 100% rental location, but the majority of Los Angeles residents can not afford them.

Therefore, this proposal is a direct contradiction with the cities Housing Element.

The median rent list price for an apartment in Los Angeles in January 2013 was \$1,770, requiring an income of about \$5,900 monthly or \$70,800 annually to be affordable (rent list price does not include utilities).³

This excerpt from the housing Element further proves tenants cannot afford the median priced apartment.

The General Plan is supposed to let us know what the needs are across the city. It informs us that we also have to consider local conditions and local circumstances.

The proposal has proven to be highly inappropriate for the site location.

The Council should not be approving such inappropriate proposals whose evidence has gone ignored throughout the entire appeal process.

Everything in our General Plan appries you to preserve our affordable housing stock. There is a direct connection to how homelessness is increasing as you continue to exterminate peoples homes.

It would be nice for the Council to acknowledge these letters as representing peoples lives. People you know. People who have supported you. This is when you are supposed to show them your support.

Sincerely,
Alice

² Housing Element page 1-47

³ Housing Element page 1-53

Hermitage Ave. has had its share of RSO units demolished.
In the end, the demolitions have done nothing but degrade the quality of life for the public, degrade the neighborhood and offer no housing.

If Local circumstances were paid attention to and the proper research was done as to the demographics of this area, we would not have a NET loss of affordable housing in the neighborhood.
We would not have an increase in homeless.



Major contributors to this degradation are
Poor planning, lack of thorough project reviews, staff denying requests to visit the project site, staff refusing to verify the information submitted by applicants which has proven to be inaccurate.

When the DCP was notified of these inaccuracies there was no effort made or interest in correcting them.

The DCP failed to comply with notice requirements, postings and public hearings for this proposal.

When notifying the Council office nothing changed.
Multiple requests were made to be placed on the list of interested parties yet notice remains an issue.

Bureau of Engineering refused to acknowledge more than a dozen emails and letters (US mail) sent by residents voicing their opposition to the relinquishment of their public street. It wasn't until half a dozen emails were resent 4 or 5 times that someone received a response, AFTER the public hearing took place. There was no concern with the fact that not one resident within the affected area was notified.

Neither direct nor cumulative impacts of this project have been adequately identified or mitigated with respect to the loss of the cities affordable housing stock.



This issue has been raised repeatedly by the public and repeatedly ignored by the Department. Failure by the city's planning department has resulted in the cumulative loss of thousands of rent-stabilized units.

CEQA mandates that the city identify these impacts!

9 Rent-Stabilized units were demolished next door to this site several months ago. Around the corner on Vantage 2 RSO units were demolished for 18 luxury condominiums.

This project MND alleged the project would not have a significant effect on the environment.

Each condo is 3 bedrooms with a monthly payment of \$4,037 and starts at \$739,000.⁴ At the time of writing this letter, **there are 14 vacancies** at this site.

⁴ <https://www.redfin.com/CA/Los-Angeles/5253-Vantage-Ave-91607/unit-104/home/108540005>



Valley Village

PROFILE

CRIME

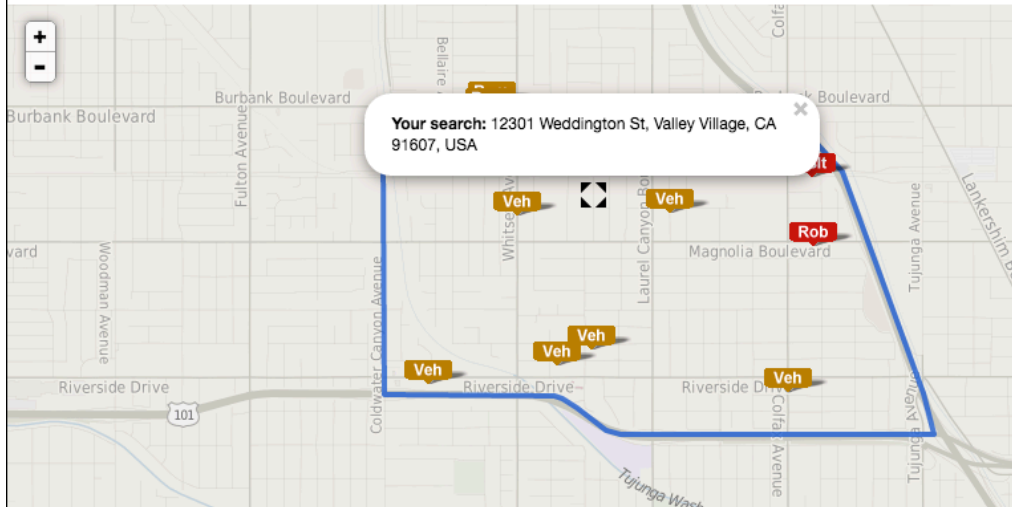
SCHOOLS

COMMENTS

KEY

● VIOLENT CRIME
● PROPERTY CRIME

Hom Homicide **Rape** Rape **Asst** Assault **Rob** Robbery **Burg** Burglary **Theft** Theft **GTA** Grand theft auto **Veh** Theft from vehicle



Six-month summary

31 VIOLENT CRIMES

361 PROPERTY CRIMES

152.7 CRIMES PER 10,000 PEOPLE

- Six-month summaries are based on the latest six months where data are available from all departments, April 4, 2016 to Oct. 2, 2016
- Over the last six months, the rate of 152.7 crimes per 10,000 people is higher than in nearby **Valley Glen** and lower than **Studio City**, **North Hollywood** and **Sherman Oaks**.
- A 2008 population estimate of 25,665 from the **L.A. Department of City Planning** is used to calculate per-capita totals.

Neighborhood Rank CRIMES PER 10,000 PEOPLE

Violent crimes: 143/209

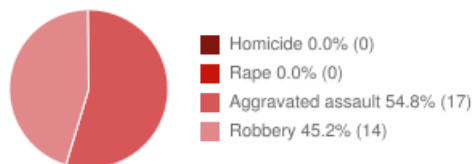


Property crimes: 55/209

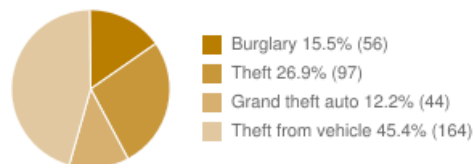


Crime types

Violent crimes (31)



Property crimes (361)



COUNCIL FILE: 16-1048

CASE NUMBER: VTT 73704, ENV-2015-2618-MND

Members of the City Council,

Can the City Council Members please review the record in its entirety? It is there awaiting your review and should be able to supply you with the evidence you need to support this appeal.

Despite Urban-Bloxx and their illegal practices the council is aware of, we still have before you a non-compliant proposal who has only made it this far because no one has reviewed the evidence in the record.

This case has brought fourth plenty of ample verifications proving it is well outside the bounds of the subdivision map act. These findings exist and continue to be neglected.

One of the most obvious flouts is CEQA.

An EIR must be prepared where there is substantial evidence that significant effects “may” occur.

League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App. 4th 86, 904-905.

A project “may” have a significant effect on the environment if there is a “reasonable probability” that it will result in a significant impact. *No Oil, Inc.v. City of Los Angeles (1974)13 Cal.3d 68, 83, n. 16.* If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1).

Why the Council finds it more suitable to disregard the record and put the people in the only position they have, that being the court system, remains a mystery.

By not upholding the Appellants appeal you have lent your conditional support to developers engaged in Extortion and Elder Abuse.

You have contributed to the homelessness problem and the environmental problems of our city.

One has to wonder just how much you get per project approval.

Sincerely,
Michael
Valley Village Renter

COMMUNICATION FROM THE PUBLIC ON OTHER PROJECTS INVOLVING THE APPLICANTS URBAN-BLOX AND RAFFI SHIRINIAN.

THIS SHALL SERVE AS ADDITIONAL EVIDENCE THAT THE APPLICANTS ARE NOT CONTRIBUTING POSITIVELY TO THE COMMUNITY'S THEY VIOLATE AND THE DEPARTMENT'S FAILURE TO ADDRESS KEY EVIDENCE AS SEEN AGAIN.

"Dear LA City Council PLUM Committee Chairman Huizar and Members,

Re: Council File #14-1746 City Hall, Los Angeles, CA 90012

Re : Vesting Tentative Tract # VTT-72899-SL-2A

Project Location : 1146/1152 Beachwood Drive, Hollywood CA 90038 .

Both I and our HSDNC PLUM Committee support this appeal by the Beachwood Gardens Neighborhood Association, of Hollywood for the following reasons.

- ***The developer has adamantly refused to work with our HSDNC Board and PLUM Committee***

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Sincerely,

Michael J. Bahe, Citizen and Resident in East Hollywood since 1951"

COMMUNICATION FROM THE PUBLIC ON OTHER PROJECTS INVOLVING THE APPLICANTS URBAN-BLOX AND RAFFI SHIRINIAN. THIS SHALL SERVE AS ADDITIONAL EVIDENCE THAT THE APPLICANTS ARE NOT CONTRIBUTING POSITIVELY TO THE COMMUNITY'S THEY VIOLATE AND THE DEPARTMENT'S FAILURE TO ADDRESS KEY EVIDENCE AS SEEN AGAIN.

*“Los Angeles City Council PLUM Committee : Council File #14-1746
C/o City of Los Angeles Planning Department
City Hall, Los Angeles, CA 90012*

**Re : Vesting Tentative Tract # VTT-72899-SL-2A
Project Location : 1146/1152 Beachwood Drive, Hollywood CA 90038 .**

INTRODUCTION :

I am appealing this decision on behalf of the Beachwood Gardens Neighborhood Association, of Hollywood, of which I am a member. The Beachwood Gardens Neighborhood Association includes residents, business owners, and property owners who advocate for responsible development in Hollywood. In this appeal, we intend to show the following :

That Deputy Advisory Agency Jae Kim erred and/or abused his discretion by issuing an approval of Vesting Tentative Tract Map No. 72899-SL without applying the proper statutes, including the Small Lot Design Guidelines, which the Advisory Agency was specifically directed to apply in this case by City Planning Director Michael LoGrande in a January 29, 2014 directive; That neither the City Planning Department, nor the applicant, has produced any setback measurements to justify the allowance of a ten-foot front setback on this project, despite repeated requests by the appellant and the Public. That the conclusions of the Project's Mitigated Negative Declaration (“MND”) and Advisory Agency's CEQA Findings of no impact/less-than-significant impacts resulting from the Project are unsubstantiated by the evidence, and therefore preclude informed decision making and proper public participation; That the Central Area Planning Commission erred and or abused their discretion at the October 28, 2014 appeal hearing of case VTT-72899- SL by failure to research and address key evidence brought forth by the appellant and the Public, thereby denying the appellant a fair and proper hearing.

The appellant, and members of the Beachwood Gardens Neighborhood Association, respectfully quote the Mission Statement of the City Planning Department :

“The mission of the City Planning Department is to create and implement plans, policies and programs that realize a vision of Los Angeles as a collection of healthy and sustainable neighborhoods, each with a distinct sense of place, based on a foundation of mobility, economic vitality and improved quality of life for all residents.”

This appeal has been filed because we, as citizens of Los Angeles, believe that the Project will not contribute to a ‘healthy and sustainable neighborhood’, will not provide the neighborhood with a ‘distinct sense of place’, and will do nothing to improve the quality of life for the residents of the neighborhood. All City Planning Department projects, large or small, should conform to these standards.

*Thank you,
Erick S.”*

California Penal Code

86.

Every Member of the legislative body of a city, who asks, receives, or agrees to receive, any bribe, upon any understanding that his or her official vote, opinion, judgment, or action shall be influenced thereby, or shall give, in any particular manner, or upon any particular side of any question or matter upon which he or she may be required to act in his or her official capacity, or gives, or offers or promises to give, any official vote in consideration that another member of the legislative body of a city, shall give this vote either upon the same or another question, is punishable by imprisonment in the state prison for two, three, or four years and, in cases in which no bribe has been actually received, by a restitution fine of not less than four thousand dollars (\$4,000) or not more than twenty thousand dollars (\$20,000) or, in cases in which a bribe was actually received, by a restitution fine of at least the actual amount of the bribe received or four thousand dollars (\$4,000), whichever is greater, or any larger amount of not more than double the amount of any bribe received or twenty thousand dollars (\$20,000), whichever is greater.