

Keith Nakata
811 N. Croft Ave.
Los Angeles, CA 90069

Members of the Planning and Land Use
Management Committee
200 N. Spring Street Room 272
Los Angeles, CA 90012
Attn: Rita Moreno, Legis. Assist.

Date: 4/16/19

Submitted in PLUM Committee

Council File No: 19-0342

Item No.: 5

Deputy: Communication from Appellant

RE: Council File 19-0342
VTT-74129-CN
714-718 North Sweetzer Ave.
Hearing Date: April 16, 2019

Dear Chair Harris-Dawson and Members of the PLUM Committee,

I am the appellant in this case and request that you support my appeal for the reasons listed below.

In 2018, 5.5 Units of Rent Stabilization Ordinance or RSO Housing were lost each and every day totally 2,007 for the year in Los Angeles. According to the Coalition for Economic Survival, between the years 2001 and 2018, 24,903 units of RSO housing were lost.

We know that the most vulnerable population for displacement are seniors on fixed incomes and working class residents. We also know the largest increase in the homeless population is the senior population which are the most vulnerable when they are forced onto the streets. Homelessness is the #1 issue in Los Angeles and has reached a crisis level.

On 2 blocks, Etco Homes has targeted and swooped in and purchased **16 lots of all Naturally Occurring RSO Housing and has evicted all of tenants in the 73 RSO units**, demolished almost all of the buildings, applied for over-the-counter building permits for apartments and then at the end, apply for an expedited condo conversion Tract Map, long after the evicted tenants have been cast to the winds.

The project for this site, Case no. DIR-2014-4762-DB, issued in September 15, 2016 was for an apartment building. Now, we are considering a Tract Map for condominiums, which will not allow for evicted tenants the right of return.

Under the Ellis Act and the City's implementing ordinance, 14 rental units in the presently permitted apartment building are subject to the Rent Stabilization Ordinance (RSO) and thus their conversion to condominiums would result in a net loss of 14 RSO units. The Ellis Act provides that if units at the property are returned to the rental market, they must be rented to either the evicted tenants or new tenants at the same rental rates allowed by RSO at the time the Notice of Intent to Withdraw was filed with the City, plus annual adjustments allowed under the RSO. (LAMC sec. 151.26(A)(2).)

Because it removes RSO rental housing from the Hollywood community, the project is incompatible with the adopted Hollywood Community Plan, which provides:

Objective 3. To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

Because it removes RSO rental housing from the Hollywood community, the project is also incompatible with the City's General Plan Framework Element, Housing Element, which provides:

- Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.2: Preserve quality rental and ownership housing for households of all income levels and special needs.

Policies:

Policy 1.2.2-: Encourage and incentivize the preservation of affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing

1.2.8 -Preserve the existing stock of affordable housing near transit stations and transit corridors. Encourage one-to-one replacement if demolished units.

Objective 1.3 Forecast and plan for changing housing needs over time in relation to production and preservation needs.

Violation of the General Plan means that the Subdivision Map Act findings cannot be made. As reflected on page 20 of the LOD, these findings are:

(a) THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL

-This project at 714-718 Sweetzer demolished 14 units of RSO Housing while receiving a density bonus for providing 2 units of affordable and now are switching the project to a luxury condominium project resulting in a net loss of 12 affordable units and drastically altering the affordability of the units that were generated and losing the ability for the tenants to the right of return, lost RSO housing.

ETCO Homes will demolish 73 units of RSO housing on only 2 blocks on the 700 block of Sweetzer and 700 block of Croft. The city fails to evaluate beyond the boundaries of the actual proposed project the RSO losses as required by the Housing Element of the General Plan. Another project on Hamel by ETCO Homes in our community has demolished 5 more lots of RSO housing with 25 more demolished RSO Units. Consideration of cumulative impacts are required under the Subdivision Map Act. and is inconsistent with the Housing Element of the General Plan.

The project's violation of the General Plan is not merely a ground for denying the project outright under the Subdivision Map Act. It is also grounds for denying the use of a "Class 32" Categorical Exemption under the California Environmental Quality Act (CEQA). Without the application of this Categorical Exemption, the project must be subject to full environmental review under CEQA.

The "Class 32" exemption, also known as the "infill" exemption, is only available for projects which are in strict compliance with both the general plan and the zoning. (CEQA Guidelines section 15332.) Accordingly, specific findings must be made about such compliance, including the following finding, reflected on page 15 of the LOD:

(a) THE PROJECT IS CONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION AND REGULATIONS.

As discussed in more detail above, because it removes RSO rental housing from the Hollywood community, the project is incompatible with the adopted Hollywood Community Plan and the City's General Plan Framework Element, Housing Element. Therefore, the project is not entitled to a Categorical Exemption and full review must be performed under CEQA.

Please refer to the Substitute Findings submitted to the Council File 19-0342 on April 15, 2019.

Under the Ellis Act and the City's implementing ordinance, 14 rental units in the presently permitted apartment building are subject to the Rent Stabilization Ordinance (RSO) and thus their conversion to condominiums would result in a net loss of 14 RSO units. The Ellis Act provides that if units at the property are returned to the rental market, they must be rented to either the evicted tenants or new tenants at the same rental rates allowed by RSO at the time the Notice of Intent to Withdraw was filed with the City, plus annual adjustments allowed under the RSO. (LAMC sec. 151.26(A)(2).)

Because it removes RSO rental housing from the Hollywood community, the project is incompatible with the policies of the adopted Hollywood Community Plan, which provides:

Objective 3. To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

Because it removes RSO rental housing from the Hollywood community, the project is also incompatible with the policies of the City's General Plan Framework Element, Housing Element, which provides:

GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.2: Preserve quality rental and ownership housing for households of all income levels and special needs.

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.

The Council Should Restore the Alley Dedication Recommended by BOE.

The City Council is entitled to, and should, restore the 2.5-foot alley dedication condition recommended by BOE, and should find that because the tract map does not include the dedication, it is inconsistent with the City's General Plan, and should deny the tract map on that basis.

The alley along the southern edge of the project (parallel to Melrose Ave.) is a substandard 15 feet in width, which is insufficient for access, including for emergency vehicles. Such substandard alleys are common throughout the City and especially in the Fifth District. Where, as here, the alley marks the border between commercial and residential zones (and therefore serves both commercial traffic and loading as well as residential traffic), the congestion is particularly acute. In order to rectify this situation, it has long been the policy of the City to require new development to dedicate and improve sufficient additional area to provide a 20-foot width, by requiring the owners on each side of the alley to dedicate a full 10 feet. Over time, this results in a standard 20-foot alley width.

At page 6 of the Appeal Analysis, Mr. Turner states: "A recommendation report prepared by the Bureau of Engineering for VTT-74129-CN requested the inclusion of a condition of approval requiring that a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley. The report also requested an improvement condition requiring the applicant to "Improve the alley adjoining the subdivision by construction of a suitable surfacing to complete a 10-foot wide half alley with 2-foot wide longitudinal concrete curbs including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer."

Nonetheless, at the public hearing held by the DAA, the applicant argued that these requirements should be deleted because construction had already commenced in the area of the proposed dedication. The BOE representative present at the hearing did not withdraw the BOE recommendation. However, he did say that findings could be made that would justify the DAA not imposing the condition. As Mr. Turner describes it: "As the building was currently under construction as the previous Density Bonus approval was not subject [sic] alley dedication and improvements and that the existing buildings along the alley had not been subject to any dedications or improvements, the representative of the Bureau of Engineering stated that they would find the omission of the recommended conditions acceptable. The Deputy Advisory Agency concurred and omitted the conditions related to the alley widening from the Letter of Determination."

The DAA then simply omitted the condition from the final Letter of Determination (LOD). The grounds for doing so were never explained, or even mentioned. Instead, the grounds for omitting the condition were offered for the first time in the "Appeal Analysis" submitted to the PLUM committee on April 11, in

response to my appeal. There were just two grounds: First, the apartment building is already under construction and the apartment building was not subject to the dedication. Second, the existing buildings along the alley had not been subject to any dedications or improvements.

The first rationale offered by the Appeal Analysis is irrelevant: Although the applicant may have been given a permit to construct an apartment building by right without the necessary dedication, it had no right to assume that the City would ignore the alley dedication requirement when considering a tract map application. The City Council need not compensate for the applicant's oversight by waiving a longstanding requirement that applies across the board to new development, and especially to tract maps.

The second rationale is not supported by the facts. This is not the case where there is a long row of properties on a city block and just one of them is being subjected to a dedication requirement. The alley between Sweetzer and Harper avenues, where the project site is located, is 315 feet long. The subject property alone accounts for 180 feet, or about 60%, of that distance. Moreover, the subject property is located at the corner of Sweetzer Avenue and the alley, not mid-block.

Directly to the south across the alley is a commercial property located at 8275 Melrose Avenue, which is developed with a three-story commercial building built in 1963. The dedication of 2.5 feet along the southern edge of the subject project would allow the alley to be widened to 17.5 feet for a linear distance of 180 feet, beginning at Sweetzer Avenue and continuing for 180 continuous feet. This would immediately improve access for through traffic on more than half of the 315-foot long alley, as well as for backing and other maneuvers in and out of the project site and in and out of the 8275 Melrose property.

Moreover, the current zoning of the 8275 Melrose property (C4-1XL) allows for a far larger building to be built on that site, and assuming that future project is required to widen its side of the alley, the combination of that future widening and the widening by the subject project would result in a 20-foot alley for a full 180 feet.

Please refer to the Substitute Findings submitted on April 15, 2019 to Council File 19-0342.

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

Section 17.05-C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. The design and layout of the Vesting Tract Map are inconsistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. The Bureau of Engineering has determined that "a 2.5 foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10 foot wide half alley." This 10-foot wide half alley is required by the Street Design Standards. The Vesting Tract Map does not contain this dedication. Therefore, the design and improvements of the proposed subdivision are inconsistent with the applicable General and Specific Plans.

The reasons above provide the basis to support the appeal and to support the maintaining the rental housing market in the City.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Nakata", written in a cursive style.

Keith Nakata

Inventory of Demolished 73 RSO Units by Etco Homes on 2 blocks

714-718 N Sweetzer Ave.

714 N. Sweetzer Ave.10 RSO Units Demolished

718 N. Sweetzer Ave.-4 RSO Units Demolished

728-748 N. Sweetzer Ave.

728 N. Sweetzer Ave- 5 RSO Units Demolished

734 N. Sweetzer Ave.-4 RSO Units Demolished

738 N. Sweetzer Ave.-4 RSO Units Demolished

742 N. Sweetzer Ave.-6 RSO Units Demolished

748 N. Sweetzer Ave.- 6 RSO Units Demolished

728-740 N. Croft Ave.

724 N Croft Ave- 4 RSO Units Demolished

728 N. Croft Ave.-4 RSO Units Demolished

734 N. Croft Ave.-5 RSO Units Demolished

740 N. Croft Ave.-5 RSO Units Demolished

Future Project by Etco Homes 713-731 N. Croft Ave./714-724 N. Alfred St.

714-719 N Croft Ave. -4 RSO Units to be Demolished

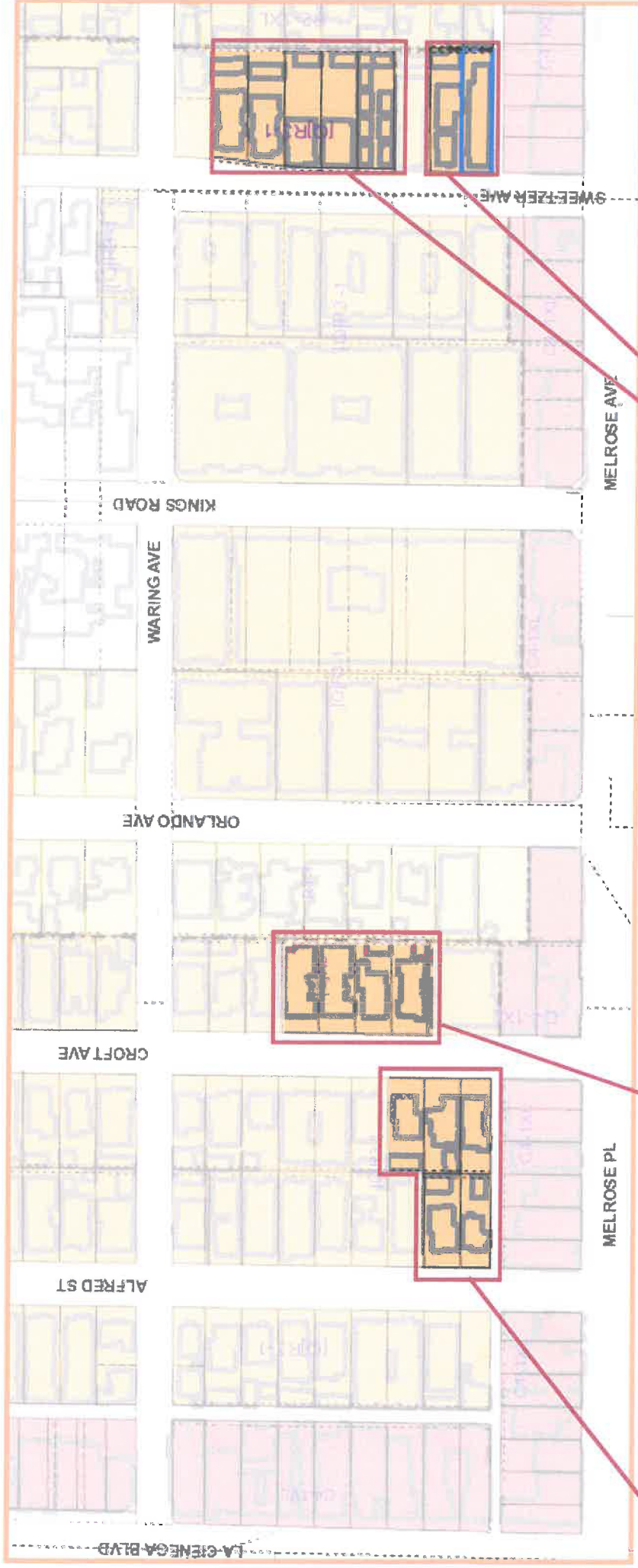
721-723 N. Croft Ave.-2 RSO Units Demolished

725-731 N. Croft Ave.-4 RSO Units Demolished

714-716 N. Alfred St.-2 RSO Units to be Demolished

718-724 N. Alfred St.-4 RSO Units to be Demolished

RSO Homes demolished by ETCO Homes in the 700 North blocks of Alfred St, Croft Ave, and Sweetzer Ave.



-ETCO Homes has demolished 73 units of RSO housing on a two 2 blocks area.

ETCO is demolishing another 25 units of RSO housing at 411-439 S. Hamel Rd.

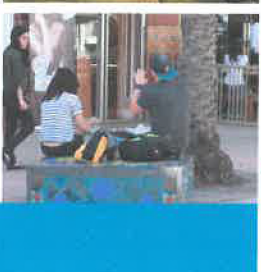
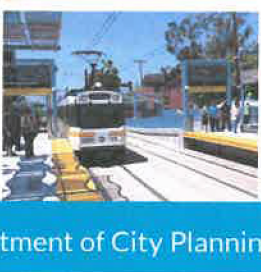
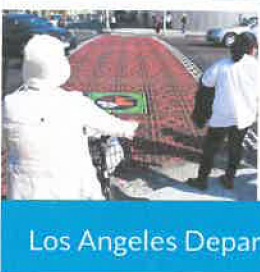
A total of 98 units of RSO housing has been destroyed in our community by this one developer.



— — — — — alley dedication (approximate)
— — — — — property line (approximate)

Mobility Plan 2035

An Element of the General Plan



Los Angeles Department of City Planning

Approved by City Planning Commission: **June 23, 2016**
City Plan Case No. CPC-2013-0910-GPA-SPCA-MS

Adopted by City Council: **September 7, 2016**
Council File No. 15-0719-S15



Great Streets for **Los Angeles**

CITY OF LOS ANGELES
**COMPLETE
STREETS**

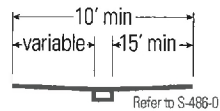
DESIGN GUIDE



Pedestrian Walkway

A pedestrian walkway is designed for pedestrian use but may also be appropriate for slow-moving bicyclists.

Walkway Width: 10-25 ft.



Alley

Alleys provide additional access outside of the main street network. They also offer opportunities for implementing green features such as permeable paving, stormwater management, lush plantings, and other sustainable practices.

Alley width: 20'

Target Operating Speed: 5 mph



Standard Cross Section
for 90° Intersection
(Plan View)

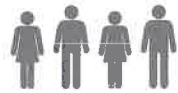
Mobility by the Numbers

Sources found in Appendix A

The City

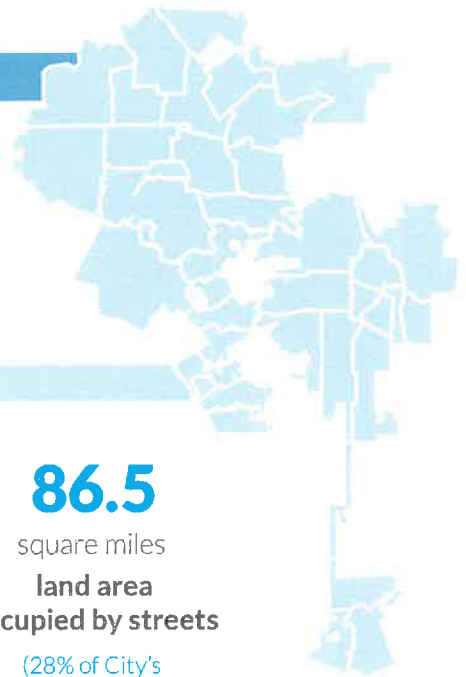
POPULATION

3.8
million



LAND AREA

468
square miles



Infrastructure

STREETS

7,500
miles



miles of
local streets



miles of
"arterial" and
"collector" streets

86.5

square miles
land area
occupied by streets
(28% of City's
total developed land)

SIDEWALKS

10,750
miles



sidewalks in disrepair

800

miles of alleys

181

miles of freeways

40,000

intersections

22,000

marked crosswalks

4,398

traffic signals

38,011

parking meters

Driven in The City On An Average Day

75.2

million miles



on freeways



on surface streets

April 16, 2019

Date: 4/16/19

Submitted in PLUM Committee

Council File No: 19-0342

Item No.: 5

Deputy: Communication Son
Appellant

To: PLUM Committee

From: Keith Nakata (appellant)

Re: Council File 19-0342 (Case No. VTT-74129-CN-2A, 714-718 North Sweetzer Ave)

The applicant, Etco Homes, argues in its April 15, 2019 letter to the PLUM Committee that the “Housing Accountability Act” (HAA), and specifically Cal. Gov’t Code § 65589.5, prohibits the City from disapproving the tract map. Etco misstates the law.

The code section cited by Etco provides: “When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist: [proceeding to state the two necessary findings].” Cal. Gov’t Code § 65589.5(j)(1) (emphasis supplied).

Etco’s tract map does not trigger this provision for two reasons. First, the tract map is not a “proposed housing development project” at all. As Etco emphasizes in its April 15 letter, the tract map is for an existing, permitted apartment building already under construction, and merely allows the conversion of the apartments into condominiums:

“The current case only concerns a condominium map and waiver of dedication for the previously approved building, which remains under construction. . . . The Map itself only facilitates the sale of the individual units as condominiums. It proposes no physical changes to the building. . . . [T]he Map and Waiver only constitute the subsequent administrative approvals required for sale, rather than rental, of the units in the approved building . . .” (Etco 4/15/19 letter, at pp. 6-8.)

The second reason that section 65589.5 does not apply to the tract map is because the map does not “comply with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete.” Specifically, the map does not comply with the 20-foot minimum alley width, which is set forth in the Street Design Standards, and which resulted in the 2.5 foot dedication condition recommended by the Bureau of Engineering (BOE). Etco does not dispute this. Further, Etco concedes in its April 15 letter that it was well aware of the dedication requirement at the time it filed its tract map application, because it expressly requested a waiver of the requirement. (See Etco 4/15/19 letter at pp. 4-5 (“Regarding condition S.3.(i).ii (alley dedication and improvement), Etco Homes requested the waiver as part of its map application . . .”).)