



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: VTT-74193-1A

Project Address: 3900 South Figueroa St., 3900-3972 South Figueroa St., 3901-3969 South Flower Dr., 450 W. 39th St.

Final Date to Appeal: April 5, 2019

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Jim Childs, West Adams Heritage Association (WAHA)

Company: West Adams Heritage Association (WAHA)

Mailing Address: c/o 2341 Scarff Street

City: Los Angeles State: CA Zip: 90007

Telephone: 213 747 2526 E-mail: jeanjim2341@att.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self, Other:

- Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

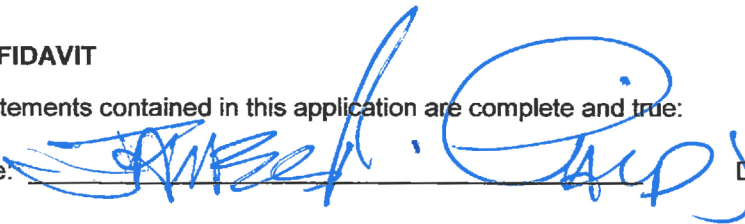
If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: April 3, 2019,

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <b>\$ 89<sup>00</sup></b>	Reviewed & Accepted by (DSC Planner): <b>Blayne Sutton - Wills</b>	Date: <b>4-3-19</b>
Receipt No: <b>0103022440</b>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified	<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

## West Adams Heritage Association

Master Appeal Form Continuation - Attachment

**VTT 374193-1A**

**Related Case: CPC-2016-2658-VZC-HD-MCUP-ZAD-SPR**

**ENV-2016-1892- EIR (SCH 2016071049)**

**3900 S. Figueroa, 3901-3969 S. Flower Street, 450 W. 39<sup>th</sup> Street, CD 9, Southeast Community Plan, North University Park – West Adams Neighborhood Stabilization Overlay**

The City Planning Commission erred in its approval of the tract map for the above referenced project, known as “The FIG.” We support the position of Commissioner who Mack spoke against the tentative tract map decision, as well against the other CPC decisions relevant to this case supporting this project.

We hereby appeal the decision and ask City Council to finally bring some sense of responsibility and justice to this process. The CPC abused its discretion and failed to respond to the substantial evidence in the record which would have justified denial of the tract map.

The entire history of this development has been replete with misrepresentations and failure to independently judge the project. From the first NOP meeting, the developers believed that the ruination of the Flower Drive Historic District was a trifle and something that could be ignored. The City curiously has been an enabler for the destruction of historic resources rather than a true steward.

The City made a fundamental error in judgement early in the process when it directed the developer to “pancake” his project from the original 21 story tower concept to a limit of 7 stories which then necessitated the destruction of the Flower Drive Historic District. We question how a justification for “compatibility” can ignore the genocide of an entire neighborhood. The belief that this 7 story version would be more “compatible” with the surroundings is an arbitrary decision that had no transparency and is unexplained.

- The City cannot approve a project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative that eliminates these impacts. There is an alternative, the “tower” alternative, that meets the development objectives, provides the economic benefits and preserves the Flower Drive Historic District and its affordable 32 units RSO housing. It is not in the FEIR.
- The CPC approved the tract map when it could not reasonably make the required findings of the Subdivision Map Act; the SE Community Plan designates the Flower Drive as RD1.5.
- There was insufficient fact based evidence to support the adoption of the severely flawed FEIR.

The City enabled this abuse of discretion by misstatement, obfuscation and omission in the materials (including the FEIR) that were placed before the CPC and DAA. The DAA and hearing officers also ignored the substantial testimony by WAHA and others at their December 5 hearing and fail to pass on these details. Curiously, the DAA issued their decision 48 hours after the actual hearing.

At the December 5 public hearing for the Tract Map, numerous persons who reside on Flower Drive urged that this displacement of families and destruction of population, housing and historic resources be stopped. Nothing in the decision material shows the content of that testimony nor the salient facts brought forward at the public hearing. Neither the hearing officer nor CPC reacted nor comprehended the facts of the human suffering that this project imposes on families who have lived on Flower Drive for decades.

The CPC decision (as does the FEIR) largely ignores and sanitizes what is really happening here. We urge the City Council to rectify the injustice and displacement of families and the failure to include an alternative for your consideration that would both save the rent stabilized housing and preserve a significant historic resource and allow for the new development and the accompanying benefits.

The decision makers erred because what was before them directed them to a foregone conclusion, omitting significant facts and which drove the reviewer to accept a previously embraced decision. The actual facts and the existence of a tower alternative were obscured deliberately by omission, skewing the factual analysis. This is not compliant with CEQA.

The decision minimizes the true impacts to affordable housing in the demolition of eight multifamily apartment buildings containing 32 units within the Flower Drive Historic District by ignoring the widespread displacement of persons who will not be able to qualify for the new low income housing components even if they withstand the disruption to their lives and well-being that this project causes.

We urge the City Council to **not certify the FEIR but rather send it back for recirculation to include a tower alternative that preserves the RSO affordable historic housing and provides also for the benefits of development.** Upon inclusion and recirculation of this alternative option, the City has an obligation under the law to adopt the environmentally superior alternative; then the current proposed tract map is moot.

This win/win alternative was not included in the FEIR. This alternative, the towers alternative, would provide for all of the benefits so richly touted in the decision while preserving the families and buildings in the district.

In addition, we provide the following comments on the Subdivision Findings and the FEIR and our reasons for this appeal.

## **SUBDIVISION FINDINGS:**

### **1. The proposed map is not consistent with applicable general and specific plans. (The DAA decision states it is.)**

The DAA decision fails to analyze the project in the context of the Southeast (SE) Community Plan objectives. There is a lack of recognition of the goals of the SE Community Plan which includes:

p. I-5. The intrusion of incompatible higher density resident and commercial uses in lower density residential area; the need to preserve and enhance historic resources;

p. I-7 The historic resources are a valuable asset to this Community They offer significant opportunities for developing neighborhood identity and pride within the Community. It is important to retain the currently available inventory of such buildings.

p. I-9 Inconsistent architectural development, which does not address neighborhood or community themes;

p. III-2, 1-1.2

Protect existing single family and low-density residential neighborhoods from encroachment by higher density and other incompatible uses;

p. III 3, 1-3.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods;

p. III-39 GOAL 18: A COMMUNITY WHICH PRESERVES AND RESTORES THE MONUMENTS, CULTURAL RESOURCES, NEIGHBORHOODS, AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.

p. III-41. Policy 18.4.1 to assist private owners of historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

The FEIR also fails to analyze impacts and alternatives in the context of the **newly adopted** Southeast Community Plan. The FEIR for the South and Southeast Community Plans adopted on November 22, 2017, also provides guidance to developers concerning preservation goals and objectives, for example:

Goal LU22: Preserve neighborhoods that are identified and/or appear to be eligible for historic district status by initiating and adopting new Historic Preservation Overlay Zones (HPOZs) and other neighborhood conservation techniques.

Policy LU22.1 Support Continued District Designations. Promote district designations, as well as maintenance and rehabilitation of historically significant structures in potential and proposed historic districts.

Policy LU22.2 Promote Neighborhood Conservation Techniques. Promote the initiation and adoption of innovative neighborhood conservation techniques such as community plan implementation overlays and community design overlays for areas that retain cohesive character but are not eligible to become an HPOZ.

Goal LU23: A community that capitalizes upon and enhances its existing cultural resources.

Policy LU23.1 Forge Partnerships for Community Preservation. Promote public/private partnerships to create new informational and educational programs, tours and signage programs that highlight the community's history and architectural legacy.

Policy LU23.2 Protect Community-Identified Cultural Resources. Protect and enhance places and features identified within the community as cultural resources for the City of Los Angeles.

Policy LU23.3 Coordinate Cultural Programs. Encourage the coordination of cultural programs at local schools utilizing resources such as the Cultural Affairs Department and local artists.

Policy LU23.4 Cultural Heritage Tourism. Encourage cultural heritage tourism by capitalizing on existing monuments within the community and supporting efforts to showcase important historic resources and events, such as the Watts Cultural Renaissance Plan.

SOURCE: City of Los Angeles. South and Southeast Los Angeles Community Plans, 2017.

In the light of these acknowledged goals and policies, how can this project be approved in its current form?

**This proposed Project lies within the CRA Exposition/University Park Redevelopment Project Area**, which remains a governing “specific plan” type land use overlay. The Project conflicts with multiple goals and elements of the redevelopment plan as the FEIR admits. The redevelopment plan also requires the preservation of historic resources with “special consideration.”

Given that this project also does not conform to either the former or newly adopted Southeast Community Plan (was R-4 and is RD1.5 zoning on Flower), nor the Redevelopment Plan, the DAA should not have granted the tract map request in its present form and **not** adopted the FEIR.

## **Government Code section 66474.2(b)**

The FEIR response to comments claims that because the application for “the FIG” project was deemed complete prior to the adoption of the Southeast Los Angeles Community Plan Update, and it is a vesting tract map, the Southeast Community Plan Update should not apply. There is, however, an exception to this rule. Here, the Southeast Los Angeles Community Plan update should apply to “the FIG” project because the City initiated the proceedings to update this community plan prior to September 8, 2016, the date on which the City found “the FIG” project application to be complete. The City also provided proper notice of the pending update to this community plan prior to this date. Thus, pursuant to **Government Code section 66474.2(b)**, the updated community plan **does** apply to the vesting tentative tract map action

### **2. The site is NOT physically suitable for the proposed type of development.**

The merger of lots should be rejected without adequate environmental review and adoption of a preservation alternative. Merging all lots on the project site together is the first step towards eliminating the Flower Drive Historic District. While the DAA decision states that *there are no geological or seismic impacts, hazards and hazardous material, and police and fire safety*<sup>1</sup> there is no mention of the suitability of eliminating the physical tracts which are the RSO housing. This is the physical undoing of the District.

### **3. The site is NOT suitable for the propose density of development.**

The FEIR and the DAA decision ignores the residential R-4 zoning under the former southeast plan , the RD1.5 zoning under the updated SE Community Plan, and had to issue an errata to revise that misinformation. Completely ignored in the CPC decision is the RD1.5 zoning designated under the newly adopted Southeast community plan for the Flower Drive historic district parcels. All of the effusive descriptions of the allowance of unlimited residential guest rooms and density ignores the planning concept that places major development on Figueroa while eliminating Flower Drive, eliminating the low medium 2 residential, to avoid compliance with the Neighborhood Stabilization Ordinance (NSO).

### **4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat<sup>2</sup>**

If only human beings and families were given the same respect as lemmings. The CPC had the opportunity to listen to two different hearings wherein residents of the 3900 block of Flower Drive described the significant impacts on the families and the complete upheaval of historic patterns of land use and population, which approval of this tract map will trigger.

The Flower Drive designation eloquently notes its historic context:

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<sup>1</sup> Advisory Agency Decision, p. 9

<sup>2</sup> Deputy Advisory Agency Decision, p.100

*“Today, the Flower Drive District remains the last intact cluster of multi-family residences created in the once larger Zobelein Tract during the Roaring Twenties. Further, the District and its contributing elements continue to retain their original use and association as multi-family dwellings for the working and middle classes in the University District south of downtown.”*<sup>3</sup>

The DAA decision erroneously concludes *“the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community.”*<sup>4</sup> This is simply not true but rather a myopic selection of what standards are chosen to judge consistency. The DAA and CPC decisions and the FEIR “cherry pick” what criteria should be set as the standard for assessing existing development and community character. Figueroa is different than Flower in density and zoning. By genocide of a residential historic community which this proposed project brings, you no longer have the community character standard established by Flower Drive. The DAA completely ignores certain elements of the community character and the contextual support of its sister historic building, the Zobelein estate, as well as Exposition Park and Christmas Tree Lane. So again, omission and bad facts guide the decision making.

It is NOT good enough to support a project because it is **“generally consistent with existing development and urban character of the surrounding community.”**<sup>5</sup> General is not good enough.

The CPC and the City has dismissed the Neighborhood Stabilization Ordinance (NSO) which was intended to preserve just such family housing and protect it from the pressures of student housing development. The decision states that while the NSO exempts Figueroa, it need not apply it to Flower Drive because **once the tract map is approved here will be no Flower Drive** and all development will front Figueroa. This is yet another sleight of hand that obscures the issues and ought not to be permitted. The NSO Ordinance applies to Flower Drive. The existing historic district fronts Flower Drive not Figueroa.

### **THE FEIR SHOULD NOT BE ADOPTED**

**The FEIR is not an objective analysis but rather is a document skewed toward adoption of the proposed project rather than an objective review of the facts**

The demonstrable negative impacts on both housing resources and on the Flower Drive Historic District are not sufficiently analyzed nor are they adequately mitigated. The cumulative impacts on housing and on historic resources are also not adequately recognized nor evaluated. The FEIR consistently states that these negative impacts are unavoidable which is **simply not true**. A project design that incorporates the Flower Drive Historic District and builds on the non-historic

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<sup>3</sup> Letter, ADHOC, by Jim Childs, November 27, 2017 to Milena Zasadzien, City Planning

<sup>4</sup> Deputy Advisory Agency Decision, p. 100

<sup>5</sup> Deputy Advisory Agency decision, p. 100



parcels is possible. Not only is it possible, but it has been the subject of two meetings called by the developers' representative. We also note that the project originally included a 21 story hotel tower which allowed for more flexibility in site planning.

We believe that an alternative can be devised that preserves the historic and rent controlled housing while meeting most of the project's objectives. We also urge the developer to make the majority of the parking underground which would also allow for a design that is more flexible and aesthetically pleasing.

*"In a series of meetings held last year at the offices of the project architect, a number of alternatives were presented. A review of the effects of each one forced a difficult decision from the community as they struggled to find common ground and reach a compromise with the developer. The alternative accepted by the community would have given the developer perhaps 98% of what he was asking for while preserving the Flower Drive District. It was not an ideal solution but was pragmatic. The DEIR has dismissed any real preservation alternatives as the developer continues his campaign to seek an "all or nothing" result. The DEIR refers throughout to "unavoidable" impacts, which is deceptive as most, if not all, of the impacts of this project are design flaws and therefore avoidable."*<sup>6</sup>

The meeting's purpose was described as *"As a few of you know, after the scoping meeting, we decided to engage the Page & Turnbull team to help us identify options that might retain some or all of the contributors while carrying out the project program. I am not sure we will find a solution but we are looking for it. I would ask that you participate in a discussion on this. The team has some preliminary thoughts to which we want to get your reaction and of equal or greater importance is we want to hear your thoughts."*<sup>7</sup>

The rationale for not including the tower alternative provided by the representative of the development team at the November 5 public hearing was that those preservation representatives in attendance were not able to arrive at a consensus. This is another intellectually fraudulent comment: the consensus was to preserve the Flower Drive and that a "towers" version would be supported.

*"At the conclusion of the second meeting I understood that there was a consensus for a proposed new Project Alternative concept, which would retain the elements of the FLOWER DRIVE HISTORIC DISTRICT, the proposed 21-story Hotel, and add a second tower for the residential components."*<sup>8</sup>

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<sup>6</sup> Letter, Mitzi March Mogul, November 21, 2017 to Milena Zasadzien, City Planner

<sup>7</sup> Bill Delvac, Attorney for Spectrum, e-mail of 10/18/2016, Spectrum Flower Drive Options

<sup>8</sup> ADHOC letter, Jim Childs, November 27, 2017, to Milena Zasadzien, City Planner

The exact details were not hashed out because there were no further meetings. There **was** a consensus. The representative is being somewhat disingenuous. A further meeting could have provided the details of such an alternative.

While the FEIR recognizes that the demolition of 7 out of the 17 contributing resources in the Flower Drive Historic District is a significant impact, it incorrectly claims this impact is unavoidable. Demolition of these resources is unnecessary as there are feasible alternatives proposed that could allow for development of needed housing and commercial uses that would incorporate these existing residential units into the Project.

The response by the developer's representative at the CPC to justify the 7 story design was that no building on Figueroa was more than 11 stories (the USC Radisson Hotel.) Well, that by itself is more than 7 stories. And you need only walk across the street to the USC campus and you will see watch tower buildings along side of two and three story halls of learning. How 7 stories became sacrosanct is an arbitrary and capricious mystery and the derivation of this embedded prejudice are not known.

### **Cumulative Impacts**

The FEIR fails to adequately analyze cumulative impacts. The City claimed that it did not have to analyze the 3800 Figueroa project by another developer on the site north of this development and adjacent to the remaining contributors to the Flower Historic District because the application was not submitted until after the NOP for this project was published. That is not the standard for evaluating cumulative impacts. The EIR must analyze reasonably foreseeable probable future projects.

What is also telling about the 3800 Figueroa Project is its retention of ALL of the Flower Drive historic buildings with design considerations that enable the new buildings to step down and give some protection to the eleven multi-family buildings of Flower Drive. This can be done: new development can co-exist with the old; just as we see in Exposition Park where we have the Lucas Museum and Science Center next door to the Museum of Natural History and the Rose Garden.

The FEIR fails to consider impacts to the northerly section of the Flower Drive Historic District. It contains within it a view that somehow Districts are inconsequential and malleable to the aims of a developer. This was confirmed at the NOP scoping meeting of August 10, 2016 wherein the developers' representative stated to one of our representatives "Well you at least have eleven buildings left in the District." This weighs heavily on the prejudice with which the developer has treated and misunderstood the significance of the Flower Drive Historic District and how indeed a District is significant in its relationship to all of the properties within a District. When the NOP comments contain so many suggestions by WAHA, NUPCA, ADHOC, the Los Angeles

Conservancy, and others that Flower Drive be evaluated in its total context, this glaring omission also calls in question the accuracy of the impacts analysis in the FEIR.

The non-identified cumulative impacts extend not only to the northerly section of the district, but to all affordable housing that is in the Exposition Park-University Park neighborhood that is threatened with demolition and insensitive new construction. Tally the number of demolitions of vintage housing that have occurred in his area and the accompanying loss of RSO historic affordable housing. The FEIR does not.

The developers have gotten on a train that waxes poetic about their development and ignores the severe negative impacts; even when recognizing impacts, they state their desire for this project and its benefits overrides the environmental considerations. The result: a train wreck to people and historic resources.

### **Inadequate Mitigations**

You cannot mitigate impacts to a historic district by moving three or four historic apartments elsewhere. The decision makers fail to understand that a District relies on its context and the relationship of each of the buildings to the other. Part of the districts uniqueness is that nineteen buildings have survived for almost a hundred years relatively intact, creating a grouping of buildings and people that warrants attention, designation and preservation. So much so, that the State Historic Resources commission found the District eligible not once but twice over politically connected opposition. <sup>9</sup>

### **Alternatives**

The range of alternatives is unreasonable when one realizes there is no discussion of the omitted alternatives: the original 21 story hotel tower version, and the two tower, Page & Turnbull version. A FEIR should contain a reasonable range of alternatives to foster informed decision making as required by 14 Cal Code Red section 15126.6(a). There is no alternative that offers substantial environmental advantages over the proposed project **and** meets all of project objectives. The FEIR fails to meet the most basic objectives of an alternatives discussion and therefore is legally deficient. The FEIR evades then the responsibility and obligation of the proponent to adopt an environmentally superior alternative because it has identified an environmentally superior alternative that does not meet the developer's expansive list of project objectives.

As CEQA expert Amy Minter explained: "The project objectives determine what constitutes a reasonable range of alternatives. (CEQA Guidelines § 15126.6(a).) The Project's underlying

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<sup>9</sup> The CA State Historic Resources Commission determined that Flower Drive met the criteria for a California Register Historic District not once, but twice, on July 25, 2008 and again on November 7, 2008

purpose is “to revitalize the Project Site by developing a high quality mixed-use development that provides new multi-family housing opportunities and neighborhood-serving retail and restaurant uses that serve the community and promote walkability.” (DEIR p. II-7.) There is no reason that an alternative retaining the historic buildings would not satisfy the Project’s underlying purpose.”<sup>10</sup>

At what point does the commitment the applicant has made proposing a development that severely impacts such a sensitive historic site, in a very fragile historic environment, become an unwise speculative venture that cannot be permitted in the light of the severe, adverse environmental impacts? The FEIR has engaged in discussion weighted in favor of the project as proposed and without regard for the actual environmental setting. The VTT decision continually attempts to justify the project with the oft repeated “The Project Site is located in the highly urbanized downtown area of Los Angeles.” This mantra is overused and symptomatic of the generalizations and prejudice of this entire decision. “The Project Site is located in historic University Park and includes numerous historic districts, cultural monuments and a landmark, and is one of the most revered historic neighborhoods south of downtown including a California Register District within the development site” would be a more accurate and specific description. Again, the facts are skewed in favor of the Project.

### **Public Monies are being provided**

At the DDA hearing of December 5, the proponent talked about what rights were accrued to him because he purchased the property. What was not stated, was that all of the responsibilities of stewardship of the historic properties accrued to him by his ownership and that the development limitations were well known to all upon his purchase. All of the owners had to be aware that Flower Drive was a historic district and that the Redevelopment Plan called for its preservation and inclusion in any new development. When Ventus purchased the property they became stewards of these historic resources.

Further, public monies are being expended to finance this project which imposes another element of responsibility and stewardship to safeguard the public’s interest. Severe environmental impacts to historic resources, population and housing should not be subsidized.

### **Eliminating Severe Impacts**

The FEIR alternatives fail to meet the test of eliminating the substantial and severe environmental impacts of the project as proposed. One of the primary purposes of CEQA is to identify, through the evaluation of alternatives to the proposed project, ways in which the environmental effects of a project can be avoided or minimized. It is not true that the negative impacts are unavoidable. **None of the alternatives provided, except for Alternative #2, avoid**

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<sup>10</sup> Amy Minter, Chatten-Brown, Carstens and Minter, November 27, 2017 letter to City Planning commenting on the DEIR

**impacts and demolition to the district. But such an alternative is possible. But is not included in the FEIR.**

CEQA: Section 21002 of CEQA states, in part, that: “... *it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...*”

### **Overriding Considerations**

There is no justification for a statement of overriding considerations when an alternative exists that preserves Flower Drive and diminishes impacts. The City cannot approve project that has severe environmental impacts (which the FEIR acknowledges) when there is a feasible alternative.

“One of the alternatives arrived at which received support by the preservation community at the meeting: *“The full preservation alternative is with 2 towers and underground parking, 1 residential bldg. 7 stories. Requires removal of the Flower Dr. Garages. Parking at rear rather than front (a la Biltmore)”*; *Project requires zone change from C21L to 2D for a height increase; they stated that the “hotel has to be on a corner.”*<sup>11</sup>

A curious justification for the seven stories is contained in the FEIR: that public input and the planning department decided that seven stories is more compatible than the original 21 one story tower concept of the developer. This is neither explained nor are any facts provided.

The decision makers should evaluate compatibility. Where is the factual basis to say that members of the public found a seven story development more compatible when it destroys a historic district? And how can this conclusion be arrived at under closed doors with no review nor scrutiny?

City staff should not be able to arbitrarily reject this less impactful alternative of one or two towers based on a compatibility concern for which there is no relevant information provided. The City decision makers, including the DAA and the CPC, should have been allowed to consider the towers Page and Turnbull alternative and determine whether there were any compatibility issues that would render it infeasible; or whether in the light of options, towers would be a less damaging option.

Respectfully yours,

Jim Childs  
on behalf of the West Adams Heritage Association

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<sup>11</sup> Mitzi March Mogul, notes from meeting with Page & Turnbull and the developers, 11/21/2016

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