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May 10, 2014

Hon. Councilmember Jose Huizar, Chair  
Hon. Councilmember Gilbert A. Cedillo  
Hon. Councilmember Mitchell Englander  
Planning and Land Use Management Committee

c/o Sharon.Gin@lacity.org

RE: Item 8 (14-0232) and 9(14-0232-S1)  
Oak/Norwood Project, 2003-2023 Oak Street (904 W. 20<sup>th</sup> Street, 2009, 2015, 2021, 2023-2025  
Oak Street, 903-909 W. 21<sup>st</sup> Street)  
ENV-2012-83 MND, CASE NO. ZA-2012-1216 (ZAA) SPR / DIR 2012-1217-CCMP/  
UNIVERSITY PARK HPOZ

Honorable Committee Members:

I am contacting you regarding to the proposed project and its Mitigated Negative Declaration "ENV-2012-83 MND" and associated DIR 2012-1217-CCMP and ZA 2012-1216 ZAA. This matter is scheduled for consideration of two appeals at the PLUM committee on May 13, 2014. As an appointed HPOZ Board member selected for my expertise in preservation, I submit that there are serious issues with the project's compliance with the University Park Preservation Plan, the standard by which all projects in the HPOZ are evaluated.

I request that you support the two appeals and deny this project because the environmental impacts of the project are neither fully identified nor addressed by the MND. More specifically, 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 project, in my view and in the view of the HPOZ Board and other experts, is **not** in compliance with the UP Preservation Plan, the significant negative impacts to cultural resources are **not mitigated**.

The massing, setbacks, lot coverage, height and historic pattern of development are contrary to the character defining elements of the Oak Street, 21st Street, and 20th Street block faces and set a new and incompatible precedent for development in this area. The developer has cherry-picked more massive examples to support the development ignoring the basic principle of what is prevailing as defined by the Preservation Plan, identifying what are the most controlling block faces to measure what s compatible.

The AZA in his discretionary authority applied a 1946 zoning policy allowing the six parcels to be treated as one. This arcane policy could not have envisioned the requirement of the preservation plan to retain historic patterns of development. The AZA erred in his discretion to

permit the reconfiguration of the six historic parcels to be treated as one parcel, with the side yards being treated as new front yards and the rear yards being considered as side yards. It was an arbitrary and unfounded decision which violates the Preservation Plan.

The MND further exacerbates traffic and circulation issues and fails to include any comprehensive traffic study. By developing a 31,571 square foot, 29 unit, 54 bedroom apartment building with only 32 resident parking spaces will mean more demand for street parking. The provision for sharing the parking, with tenants and staff, does not conform to RD1.5 zoning. Providing 40 parking spaces for school staff leaves the question where will all the remainder of the ninety or so staff cars go? The existing surface lot is full and chain link fence proclaims "staff parking only."

The neighborhood surrounding this project already suffers tremendously from morning and afternoon traffic issues resulting from activities (drop-off / pick-up) of the four schools in the immediate area; The Gertz-Ressler HS & Richard Merkin Middle School (2023 S. Union Ave.), Downtown Value School (950 W. Washington Blvd.) & the Norwood Elementary School.

The fact that the Norwood School blocks off north-south traffic on the adjacent section of Oak St. compounds the issue as most of the traffic funnels down Toberman St. on its way to Washington Blvd. Toberman St., while allowing two travel lanes, has highly restrictive parking that only allows for eastside curb parking south of Washington Blvd. The reason for this is that Toberman St. is only 30 feet wide at this point and can only accommodate three car widths for travel and parking.

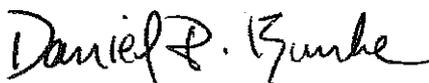
Taken into consideration with the location of the Downtown Value School located on the corner of Washington and Toberman, Toberman frequently becomes impassable, with double parked cars (from student drop-off) lowering the travel lane to one car width.... for both directions. The Norwood Learning Village project will add additional traffic to a section of the neighborhood that unfairly must live with the current situation.

Also, concerning an issue not directly related to traffic, but certainly to the viability of the project, I request that the Dept. of City Planning not ignore historic setbacks, permit a shared tenant and school staff parking configuration but rather advise the developer to conform strictly to the limitations of RD1.5 and satisfy the design guidelines outlined by the University Park HPOZ. It has also been pointed out that while the nearest adjacent zoning is RD1.5, the actual adjacent usage is far less, consisting of many single family dwellings. Further the arbitrary combination of the PF zoning as well as the RD1.5 zoning to allow for the mixed tenant and employee/public use of the parking element "because it is under the control of the LAUSD" is flawed and capricious logic.

The community and city empowered my local HPOZ in the late 1990's to hold residents to an appropriate "design envelope". While not always in my personal interest, the guidelines do indeed maintain and create buildings and structures conducive to a successful and thriving community. I welcome this development as long as the project adds more to the community than it detracts. Requiring that this project conforms to the UPHPOZ design guidelines insures that this will happen. Unfortunately, the project in its current form does not.

Please include these comments in all case files. Thank you for your time.  
Sincerely,

Daniel J. Burke





Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

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**CF 14-0232 & CF 14-0232-S1**

1 message

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**Sharon Gin** <sharon.gin@lacity.org>  
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, May 12, 2014 at 12:03 PM

Councilmembers Jose Huizar, Gilbert Cedillo and Mitchell Englander

Planning and Land Use Management Committee

Re: Special Meeting May 13, 2014

Dear Councilmembers

I am writing to express my concerns regarding Agenda Items 8 and 9 of your May 13 special meeting.

The appeals before you are an attempt to uphold clearly expressed, community-determined standards in the face of an inexplicable veto by the city's planning director. I'm asking you to veto that veto, support the appeals, and return community planning to the community.

Simply put, this intrusive proposal violates standards for setbacks, footprint, height and bulk, and offers those violations as "mitigation" because the developer's earlier proposals were even worse!

University Park's standards are clearly detailed in a Preservation Plan, adopted nine years ago and available to any would-be developer, online or in person from the Planning Department. The plan was born at a series of public meetings at which residents called for preserving their neighborhood's historic character and its low-rise, low-density profile.

I was in at the plan's birth, as a founder and eight-year member of the University Park HPOZ board, and a six-year board member of its predecessor, the Community Redevelopment Agency's Project Area Committee for the Adams-Normandie 4321 neighborhood. Our HPOZ board spent more than a year consulting the community and debating the details before ultimately adopting our Preservation Plan on a unanimous vote.

Our aim was to remove uncertainty for homeowners and developers by spelling out, as precisely as possible, what the requirements are in our community and what elements of a project would not be acceptable. The process only works if people have confidence that the plan means what it says, and that all applicants will be treated equally, whatever their credentials.

This project fails to conform to clearly stated, measurable criteria, and its approval by the planning director raises serious questions about equal treatment that must be addressed.

Sincerely

Janice Robinson

Janice Robinson

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—  
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May 12, 2014

**ORIGINAL BY U.S. MAIL**

**VIA E-MAIL [councilmember.huizar@lacity.org](mailto:councilmember.huizar@lacity.org)**

The Honorable Jose Huizar, Chair  
Planning and Land Use Management Committee  
Los Angeles City Council  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012

Re: Council File Nos. 14-0232 and 14-0232-S1  
2003 S. Oak Street  
PLUM Hearing Date: May 13, 2014  
**Support for Project Approval**

Dear Councilman Huizar:

This law office represents Thomas Safran & Associates, the applicant in the above-referenced matter. The proposal is for the Norwood Elementary School Workforce Housing/Joint Parking Project located at 2003 S. Oak Street (the "Project"). The Project consists of the construction of a 29-unit two-and three-story multi-family residential affordable housing development, with private amenities and 72 underground parking spaces. The property is located within the University Park Historic Preservation Overlay Zone ("HPOZ"). As such, the following Project approvals were required:

1. Certificate of Compatibility pursuant to the HPOZ;
2. Zoning Administrator's Adjustment for reduced front yard setback; and
3. Site Plan Review.

The Planning Director approved the Certificate of Compatibility for the Project on July 18, 2013, and the Zoning Administrator approved the Adjustments and Site Plan Review on October 23, 2013. Both determinations were appealed, and a joint hearing on both appeals was heard by the South Los Angeles Area Planning Commission ("SLAAPC") on January 21, 2014. The SLAAPC denied both appeals and sustained the respective actions of the Zoning Administrator and the Director of Planning to approve the project. The SLAAPC also adopted the Mitigated Negative Declaration for the Project, ENV-2012-83-MND-REC1 ("MND"). The SLAAPC vote was unanimous.

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While the SLAAPC's determinations upholding the approvals of the Certificate of Compatibility, Zoning Administrator's Adjustment and Site Plan Review are not further appealable, a project opponent has appealed the adoption of the MND pursuant to State law. **On behalf of our client, we respectfully request that the City Council deny the pending Appeals<sup>1</sup> and uphold the adoption of the MND by the SLAAPC.**

**A. State Law Provides for An Appeal of the MND to the City Council.**

California Public Resources Code § 21151(c) provides:

"If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to [the California Environmental Quality Act ("CEQA")], that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any."

The State CEQA Guidelines provide that local lead agencies must provide for such CEQA appeals, and may establish procedures governing the appeals. A draft ordinance to implement Public Resources Code § 21151(c) in the City of Los Angeles has been prepared, but has not yet been adopted.

Nevertheless, despite the fact that the Certificate of Compatibility, Zoning Administrator's Adjustment and Site Plan Review approvals are not further appealable and have now become final, under State law the City Council is required to hear the pending appeals of the MND.

**B. The MND Complies with CEQA.**

The City of Los Angeles Department of City Planning is the Lead Agency under CEQA. An Initial Study is a preliminary analysis prepared by and for the City of Los Angeles as Lead Agency to determine whether an Environmental Impact Report or a Negative Declaration or Mitigated Negative Declaration must be prepared for a proposed project. In this case, the City correctly determined that an MND be adopted for the project (Case No. ENV-2012-0083-MND-REC1) and the MND was published in accordance with CEQA's mandatory 20 day public comment period.

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<sup>1</sup> While only one MND is at issue, ENV-2012-83-MND-REC1, it constitutes the City's environmental review of two cases, DIR-2012-1217-CCMP and ZA 2012-1216-ZAA-SPR. As such, there are two pending appeals.

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Pursuant to CEQA Guideline 15064, an MND is prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. "Substantial evidence" is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible, and of solid value. See Stanislaus Audubon Soc'y v. County of Stanislaus, 33 Cal.App.4th 144 (1995). Argument, speculation and unsubstantiated opinion or narrative do not constitute substantial evidence under CEQA. See Pub. Res. Code §§ 21080(e), 21082.2(c); 14 Cal. Code Regs. §§ 15064(f)(5), 15384.

As shown in the environmental analysis contained in the City's Initial Study, the Project involves some potentially significant effects on the environment, but these potential effects will be reduced to less-than-significant by project revisions in the form of mitigation measures. With regard to some other impacts, the Initial Study shows that no substantial evidence indicates that the project would have a significant environmental effect. The record in this case supports the City's adoption of the MND. See Citizens for Responsible Development v. City of West Hollywood (1995) 39 Cal.App.4th 490, 498-499 [EIR not required on any project proposed to be carried out or approved unless substantial evidence in light of whole record supports fair argument that proposed project may have significant effect on environment and, in absence of such finding, adoption of mitigated negative declaration must be upheld].

The appeals in this case are based upon the sole claim that the Project lacks compliance with the University Park Preservation Plan ("UPPP"). As an initial matter, the Director of Planning expressly found that the Project is in compliance with the provisions and intent of the UPPP. The Director's Determination was sustained on appeal by the SLAAPC. That decision has now become final, and the appellant may not take a second bite at the apple with regard to that Determination by way of these appeals.

State law establishes the threshold of "substantial adverse change" for historical resources as demolition, destruction, relocation, or alteration activities that would impair the significance of the historic resource. Pub. Res. Code § 5020.1(q); see also 14 Cal.Code Regs. § 15064.5(b)(1). The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance can be considered to materially impair the resource's significance. 14 Cal.Code Regs. § 15064.5(b)(4). Actions that affect a historic resource but do not result in a tangible, perceptible change are not environmental impacts subject to CEQA. Martin v. City & County of San Francisco (2005) 135 Cal.App.4th 392.

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Here, the Project will not physically harm any of the contributing buildings within the HPOZ area. The Project will be visible from adjacent historically significant properties. However, those properties will retain sufficient integrity and will continue to be contributors within the HPOZ. The Project site itself is a vacant LAUSD parking lot and is not a historic resource. As such, the Project will not result in the demolition or alteration of any kind of a historic resource.

As there is no substantial evidence that the Project may have a significant effect on the environment, the City's Initial Study correctly concluded that an MND be prepared for the Project, and these appeals must be denied. See Citizens for Responsible Development v. City of West Hollywood, supra, 39 Cal.App.4th at 499 [mandamus action challenging lack of EIR for proposed low-income housing project that would incorporate historic structures and demolish other buildings on property; MND upheld].

**C. Conclusion.**

As set forth above, the City's approval of the MND was consistent with the law, and the appeals must be denied.

The Project is a joint venture with LAUSD and will provide much needed low income housing. It has wide support from the community and from the First District Council Office. Copies of the letters and petition in support of the Project are enclosed. **Again, we respectfully request that the Council deny the appeals and uphold the approval of the MND.**

Thank you for your consideration of this matter. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By   
FRED GAINES

cc: Councilmember Gilbert A. Cedillo (Via Email)  
Councilmember Mitchell Englander (Via Email)  
Sharon Gin, Legislative Assistant (Via Email)  
Gerald G. Gubatan, Planning Deputy, Council District 1 (Via Email)

Jean Frost

2341 Scarff Street, Los Angeles, CA 90007

May 13, 2014

Hon. Councilmember Jose Huizar, Chair  
Hon. Councilmember Gilbert A. Cedillo  
Hon. Councilmember Mitchell Englander  
Planning and Land Use Management Committee

c/o Sharon.Gin@lacity.org

**RE: Item 8 (14-0232) and 9 (14-0232-S1)**

Oak/Norwood Project, 2003-2023 Oak Street (904 W. 20th Street, 2009, 2015, 2021, 2023-2025 Oak Street, 903-909 W. 21st Street)

ENV-2012-83 MND REC1, CASE NO. ZA-2012-1216 (ZAA) SPR / DIR 2012-1217-CCMP/ UNIVERSITY PARK HPOZ

Honorable Committee Members:

The present proposal, and its associated MND, no matter what degree of revisionist history the planning department and the Los Angeles Unified School District may wish to apply, does not withstand any fact based analysis. Given my long history of participation in University Park and its planning policies, first with the CRA, and now with the UPHPOZ Board, the record that Planning and the LAUSD would have you use to create an understanding of the issues is simply not borne out by the facts. From the condemnation of land by LAUSD to create recreational space for children, to the Urban Design Guidelines of the CRA Project Area, to today's University Park Preservation Plan, I can speak with authority and expertise because I was there.

I believe a very good development can occur here, one that meets the needs of affordable housing and the preservation goals of the community. But the misrepresentation of both history and facts has got to stop, and I pray it stops with you as our elected representatives.

First, the property in question was acquired by eminent domain and neighbors were displaced. That is the record of the Los Angeles Unified School District v. Fernando Gonzalez, Teresa Gonzalez, Fernando L. and Carmen H. Salcedo et al, Superior Court Case No. 617605.

Seventeen persons were displaced and the LAUSD in its case files and in its resolution promised "Said public use and improvements are planned and located in a manner which will be most compatible with the greatest public good and the least private injury."

We have had the private injury of a parking lot. Now the planning department is using as its baseline for environmental purposes, an asphalted parking lot that represents the dereliction of the LAUSD for the past twenty six years. The neighborhood has endured this eyesore, and the infliction of this eyesore is being used to justify a new project that does not meet the requirements of the University Park Preservation Plan (UPPP) and is out of scale with the surrounding neighborhood.

The LAUSD could have purchased a mortuary and vacant land to the north to expand its schoolyard recreational space, but the school staff analysis was that choice of expansion would be twice as expensive, from \$800,000 to 1.8M in 1985 dollars. But in this scenario, no residents would have been displaced. And the low cost historic housing would have remained on site.

The LAUSD also failed to recognize that with the purchase of the residential parcels, the LASUSD assumed vacation of Oak Street but this did not conform to the General Plan because Oak Street is a collector street and its vacation was subsequently denied.

Now, the LAUSD has now again been presumptive: first by issuing an RFP that called for some 41 units on these parcels. There is no way that the site could legally within its zoning or community context accommodate 41 units and the LAUSD was so informed by attendees at the RFP meeting. Never the less, it proceeded with and sought an unsupportable number of units and enticed developers to bid. Now, the developer makes argument that they have already cut down the usage from 41 to 29 and they must have the 29 to proceed. I would argue hat 29 should **not** be a magic number. I would argue also that LAUSD needs to make amends and make accommodations to the developer and the community to diminish its expectations of mass and mixed use parking.

The University Park HPOZ Board, from the very first meeting, said this project is too massive, particularly with Building Number 3. The HPOZ Board found that the project does not comply with the Preservation Plan. The developer's own analysis shows this. Review boards struggle to understand and make fact based decisions. The factual data is in the record and does not support Planning's conclusory arguments.

The Director of Planning by skillfully editing and arranging the data found that it does meet the Plan but a fact based analysis shows that it does not. It is clear to us that a 13,000 square foot building covering 57% of the lot does not meet the standards of the Plan. The lot coverage is excessive as illustrations in the appeals visually show. The nearby multifamily buildings are between 3,000 and 6,000 square feet, nowhere near the 13,000 of proposed building #3.

#### **MND Mitigation**

The proposed MND for the project is not legally sufficient to meet the requirements of CEQA in protection of our environment. The failure, at its core, is 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."

Since 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. The Board decision was made after lengthy review of partial elevations, data on lot coverage, review of the subject materials, massing, scale, volume, and review of the historic pattern of development for not only the subject site but also the surrounding blocks. Given that our Board has found that the project is not in compliance with the UPPP, the significant negative impacts to the environment are not mitigated. While the Director of Planning may disagree, there is, never the less, expert opinion to the contrary. When there is a disagreement between experts, for purposes of CEQA, a higher level of review must be undertaken.

It was also a recommendation by the Board and its architect during the Preservation Plan process, that any development spanning over two parcels should require an EIR. (A suggestion planning did not take, but it does demonstrate that the Preservation Plan did contemplate standards for more than a single parcel development, contrary to the representation made by the Director of Planning in his Recommendation Report to the SAPC applying more revisionist history.)

We understand how frustrating it must be for a developer to feel that he has already cut the unit count by 12 units and this number of 29 has been non-negotiable. This has led to an impasse and the developer has been more than willing to discuss aesthetics, but not that which is the core problem.

They have insisted on 29 units, approximately 30,000 volume of building, and 74 space mixed usage parking. The applicant asks for excessive buildable area to make their project acceptable from both "a **design and financial standpoint.**" That does not permit their exclusion from the requirements of the Preservation Plan, which requires that development be compatible with the pattern of the known site plans of the now vacant parcels. The buildable area needs to be examined in terms of the Preservation Plan which states that the HPOZ would like to see "the relationship is of building to lot area not exceed 35%." The purported building to lot area stated by the proponents is 49%, which far exceeds this objective. And the MND failed to analyze impacts of the development on the Twentieth Street National Register District which is not even acknowledged in the MND and the initial study and checklist.

#### **Application of PF Zoning**

The ZA has however used RD1.5 zoning requirements but then, without justification, uses the PF zoning to justify an underground parking lot for school staff mixed with tenant parking. This 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. Everything about this development is discretionary and not by right.

The AZA in his discretionary authority applied a 1946 zoning policy allowing the six parcels to be treated as one. This arcane policy could not have envisioned the requirement of the preservation plan to retain historic patterns of development. The AZA erred in his discretion to permit the reconfiguration of the six historic parcels to be treated as one parcel, with the side yards being treated as new front yards and the rear yards being considered as side yards. It was an arbitrary and unfounded decision which violates the Preservation Plan.

#### **The Director Recommendation to SAPC**

The Director in an effort to justify his decision has attempted to diminish the authority of the University Park Preservation Plan. He states: "The Guidelines, however, are just that: Guidelines, and not standards which have the enforceability of an ordinance. Although repeatedly referred to by the Appellant as "requirements", they are in fact advisory guidelines." Nothing could be further than the truth. This is a blatant attempt by a person who was not present at the drafting of the Preservation plan, nor engaged in the year long process of public meetings, to misrepresent the purpose and intent of the Plan. And the Plan is empowered by the Preservation Ordinance and was adopted unanimously by the Planning Commission.

And we noted earlier, the Plan did contemplate development over multiple parcels, another misrepresentation by the Director. As the Director states "The Plan generally envisions small-scale development on a single lot or a small consolidation of lots. The Norwood project is the redevelopment of six lots that had been previously consolidated to one large .73 acre surface parking lot. The multi-family typology of the Norwood project is not one contemplated by the UPPP. The plan provides guidance on new, small-scale multi-family projects, but is inadequate in addressing unanticipated forms such as the Norwood project." This is simply untrue. The Plan did contemplate development over multiple parcels and subjected them to the same rigorous standards as any infill developer.

### **Project Non-Conformance**

The project as proposed is not in substantial conformance with the purpose, intent and provisions of the General Plan, the community plan and any applicable specific plan. Applicable objectives of the South Community Plan requires "preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, setbacks and appearance." (11-3)

The Norwood project fails many of the tests for compliance with the General and Community Plan, and Preservation Plan. The South Community Plan requires "Such new development should explore the existing development patterns, infrastructure, street systems, urban design, architectural features and historical resources in order to maintain community context (III-1)

### **Conclusion and Recommendation**

In its present configuration, the MND for the project is legally insufficient and relies on mitigations that do not exist in fact. The project is not compatible for a site plan in this historic area, and that unless the project is redesigned to reduce significant impacts and conform to the South Community Plan and the UPPP, an EIR should be required. The project needs to "Retain the historic relationship between buildings, and streetscape." (Urban Design Guidelines adopted for the area in 1981.) While the developer has made progress in streetscape elements, there remain insurmountable features of this project in order to secure compliance with the UPPP and mitigate the severe and irreparable environmental damage. At the first meeting with the developer about the project, I suggested it was too big. While there are design improvements in terms of the façade, it remains substantially the same: too big, too massive, too voluminous, out of scale for the neighborhood, and includes a parking lot configuration that cannot be justified in this fragile environmental setting.

There are solutions possible: omitting the school staff parking, placing the community room underground in its place, reducing the third story volume of building 3, and reducing the rear yard lot coverage.

Such a positive solution would require that the parties, particularly the LAUSD who has imposed such harm to this neighborhood, meet and resolve the issues.

Sincerely,

Jean Frost  
[indiejean@att.net](mailto:indiejean@att.net), 213 747 2526