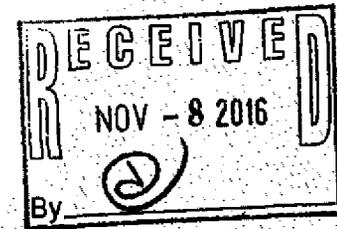


November 8, 2016

Attn: LA City Council
 LA City Hall
 200 N. Spring St.
 Los Angeles, CA 90012



Re: Item 11 (council file 16-1048) VTT-73704-SL-2A/ ENV-2015-2618-MND

Dear Honorable Councilmembers,

I urge you to please support this appeal and reject the proposed mitigated negative declaration (MND). After diligent review of the case file, there are glaring failures in the city's processing of this application that leave it vulnerable to legal challenge. The city has adopted a flawed MND based on incorrect data on its environmental assessment form that omits facts that would require additional review and mitigation measures in order to be compliant under CEQA law.

1. ENVIRONMENTAL ASSESSMENT FORM LISTS FALSE/MISLEADING INFORMATION PERTAINING TO RENTAL AMOUNTS

According to applicant's Environmental Assessment Form (EAF), the average rent in effect at the time of application was \$1350. However the Tenant Information Charts filed with the city lists 4 tenants with rental amounts of: \$440, \$575, \$1200, and \$2300 which is equivalent to an average of \$1129, a more than \$200 discrepancy. Additionally applicant failed to mention that the family at 5261 Hermitage was a family of 6, with another child on the way. At least three of these rental amounts fit under the defined criteria for an affordable unit under CEQA, which would require mitigation, as further explained below.

Evidence to the record suggests that this developer has a pattern of practice of providing inaccurate information relating to rental amounts. The letter from Coronado Street Citizen's Coalition dated **Wednesday, February 11, 2015**, states:

"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."

2. ADOPTED MND FAILS TO DISCLOSE THAT PROJECT WILL RESULT IN NET LOSS OF AFFORDABLE UNITS (AS DEFINED BY FEDERAL AND CITY STANDARDS)

According to the LA CEQA Thresholds Guide (2006), under section J.2, page J.2.3, the following question is one of two screening criteria:

"Would the project result in the net loss of any existing housing units affordable to very low- or low-income households (as defined by federal and/or City standards), through demolition, conversion, or other means?"

At the time this application was submitted, the city of Los Angeles 2015 AMI (adjusted median income) limits for low income were \$47850 for one person and \$54650 for two. Based on these limits, rents BELOW \$1196 for one person and \$1366 for two people would have met the standard of the screening criteria. According to the Tenant Information Form filed with the vesting tentative tract map (VTT), all three units listed fit that screening criteria and would require, under CEQA, further review and mitigation of potentially significant impacts.

According to the LA CEQA guide, potential mitigation measures include the following:

- *"Exceed the statutory requirements for relocation assistance; and*
- *increase the number of housing units affordable to lower income households."*

3. FAILURE TO IDENTIFY THE CUMULATIVE IMPACT OF LOSS OF RENT-STABILIZED HOUSING UNITS

The second screening question for establishing significance is:

"Would the project result in a net loss of housing equal to or greater than a one-half block equivalent of habitable housing units through demolition, conversion, or other means? (One-half block is generally equivalent to 15 single-family or 25 multi-family dwelling units.)"

Individually this criteria is entirely arbitrary. According to the city's Housing Element on page 1-37, more than 65% of the city's rental units are in buildings with less than 20 units and therefore this threshold does not appropriately reflect the bulk LA's multi-family housing stock. The city should re-examine this threshold of significance and determine whether the threshold is supported by substantial evidence that remains relevant to today's housing market. However, even if the threshold remains unchanged, this project appears to have a significant cumulative impact upon population and housing in Los Angeles and therefore the city must consider feasible mitigation for the environmental impacts caused by this project.

The impacts include health effects on humans and urban decay caused by housing insecurity and homelessness as a direct result of reduced rent-controlled housing for moderate-income households. This and similar projects- under the City's threshold for considering whether projects like this one pose a significant impact on population and housing- lacks a basis in substantial evidence, was adopted without adequate public review, and—most importantly—is outdated in light of the City's worsening housing crisis.

The proposed MND in this case found that there will be "no impact" on population and housing because "the removal of 9 units from the housing market does not meet the minimum threshold of 25 multi-family that was adopted by the City of Los Angeles as creating a potential impact." This finding is inadequate to satisfy CEQA for the following reasons:

- The finding fails to consider the cumulative impact (as required by CEQA and by the Threshold Guide) of a multitude of other past, present, and proposed projects that continue to diminish the stock of rent-stabilized housing.
- The City was required to consider these projects to comply with its own thresholds and with CEQA.

The following is a partial list of other proposed projects that have unmitigated impact under Population and Housing that the City chose to issue an MND for in the last three months, even though rent-controlled

housing would likely be lost as a result of project approvals. The City has chosen to ignore each of these projects as having a significant impact on population and housing because they fall below a threshold, but cumulatively they present a disastrous trend:

- ENV-2015-3355-MND 340 N Patton St (CD1)
- ENV-2015-4273-MND 1952 S Manning (CD5)
- ENV-2016-24-MND 5517 W Carlton Way (CD13)
- ENV-2016-121-MND 5137-5149 ½ Colfax Ave (CD2)
- ENV-2016-600-MND 11433-11451 W Albers St (CD2)
- ENV-2016-1275-MND 5841 W David Ave (CD10)
- ENV-2016-1388-MND 9346 N Lemona Ave (CD7)
- ENV-2016-619-MND 5959 Franklin Ave (CD4)

Additionally, within 300 ft of the subject property, the cumulative loss of RSO housing exceeds the 25 unit threshold. At 5333 Hermitage 18 RSO units were vacated by the Ellis Act and demolished to make way for a luxury apartment complex. Across the street another 2 RSO units were demolished.

These are examples of how throughout the city, applications to demolish RSO units through MNDs that fail to offer replacement housing as a mitigation measure are being approved without the required review under CEQA. While by-right projects do not trigger this review, projects that require an entitlement process are subject to more rigorous analysis under CEQA to determine whether they aggravate the affordability crisis further by creating an imbalance in the supply of housing at various income levels -not only reducing the supply of affordable options, but by domino effect, by triggering surrounding properties to demolish and build luxury housing, thereby reducing affordability. The city's continual failure to require mitigation of the loss of RSO and affordable housing on a project specific basis, is the fatal flaw in the city's planning process that has led us to the cumulative loss of more than 20,000 RSO units and counting since 2000. It is a death by 1,000 cuts.

4. FAIR ARGUMENT: SIGNIFICANCE OF HERMITAGE PROJECT IMPACT WITH REGARDS TO POPULATION AND HOUSING.

City planning's response to most of the appeal points raised by the appellant have been that the city's zoning code would allow the construction of a 35 unit apartment building by right which would be denser than the proposed project therefore cause more traffic and other environmental impacts. However, that same 35 unit apartment building would be subject to restrictions under the rent-stabilization ordinance (RSO), per the LAMC 151.28 Ellis Act Provisions- Rental of Replacement Units and so we would in fact get 35 RSO units or at least 20% (7) covenanted low income unit for a period of 55 years. An amendment to this code is currently being pursued by the city to require a minimum one-for-one replacement.

It stands to reason that it is a fair argument that a project approval by discretionary action should incorporate at least as much mitigation as would a by-right project under allowable zoning laws.

5. FAIR ARGUMENT: THE SIGNIFICANCE OF THE HEALTH IMPACT OF LACK OF AFFORDABLE HOUSING OPTIONS

The link between housing and health, is undeniable, as evidenced by research presented in various studies. According to the Health Impact Assessment and Housing study by the Health Impact Project (March 2016):

http://www.pewtrusts.org/~media/assets/2016/03/guidance_for_the_public_health_sector.pdf

“Research has consistently demonstrated the link between housing and health. For example, a lack of affordable housing limits people’s ability to acquire and maintain adequate shelter and meet other basic needs. Financial constraints can force families to choose between paying for rent, utilities, food, or medical care. The design and quality of housing can affect health outcomes such as asthma, cardiovascular disease, cancer, and injury, while the location and the social, economic, and built environments of the surrounding neighborhood can have implications for health through access to supportive resources, opportunities, and social networks and relationships”

Under CEQA, effects on human health are significant environmental effects that must be identified and mitigated. The city’s continual approval of projects without consideration for the direct, indirect, individual, and cumulative impacts of the loss of RSO housing is what has led to our current affordability crisis, and its consequent significant environmental impacts on health and homelessness.

6. MITIGATION OF PROJECT IMPACT TO AFFORDABLE HOUSING STOCK

The city council has asked City Planning and HCID to identify strategies to protect our RSO stock. Yet, continuously, the city approves projects that destroy RSO housing, without utilizing the tools it has under CEQA to require replacement housing and additional mitigation to the displaced tenants, who often are getting less than one year of rent differential as their statutory relocation benefits and are left with no viable housing options. This is a major factor in our homeless epidemic as more and more people are pushed out of their housing and into the streets, directly and indirectly.

The Housing Element and even the city’s CEQA guidelines emphasizes as a policy imperative the need to preserve and/or replace existing affordable housing options. One way to achieve this goal with this project is to require the following mitigation measures as conditions of approval:

1. Compel the project applicant to set aside units available for purchase by low income individuals to compensate for the loss of the 9 RSO units. This could be made possible through HUD-subsidized lending programs made available to qualifying individuals if the units are made available for purchase at reduced prices, closer to \$300,000.
2. Compensate the displaced tenants at amounts that exceed statutory requirements that are commensurate with the difference between the exceptionally below-market rents that were in effect at the time and current market rates for comparable units.

Please don’t let this be one more case that needs to resolve itself in the judicial system. It is in the city’s best interest for you to reject the adopted MND and uphold the appeal.

Respectfully,
Sylvie Shain

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

ENVIRONMENTAL ASSESSMENT FORM

EAF Case No.: 2015-2018 Z.A. Case No.: _____ Case No.: VTM No. 73704
Council District No.: 2 Community Plan Area: North Hollywood - Valley Village
PROJECT ADDRESS: 12300-12301 & 12302 W. Weddington St. And 5261, 5263, 5303, & 5305 Hermitage Ave.
Los Angeles, CA 91507
Major Cross Streets: Hermitage Ave.
Name of Applicant: UB Valley Village, LLC
Address: 8150 Beverly Blvd, # 100 Los Angeles, CA 90048
Telephone No.: 714-665-6569 Fax No.: (310) 593-6997 E-mail: _____

OWNER	APPLICANT'S REPRESENTATIVE (Other than Owner)
Name: <u>UB Valley Village, LLC</u>	Name: <u>Steve Nazem</u> (Contact Person)
Address: <u>8150 Beverly Blvd, # 100 Los Angeles, CA 90048</u>	Address: <u>275 Centennial Way, Tustin, CA 92780</u>
Telephone No.: <u>714-665-6569</u>	Telephone No.: <u>Tel: 714-665-6569</u>
Signature: <u>[Signature]</u>	Signature: <u>[Signature]</u> (Applicant's Representative)

The following Exhibits are required (3 copies of each exhibit and 3 Environmental Assessment Forms for projects in Coastal & S.M. Mtn. Zones): All Exhibits should reflect the entire project, not just the area in need of zone change, variance, or other entitlement.

NOTE: The exhibits are IN ADDITION TO those required for any case for which the Environmental Assessment Form is being filed.

- A. **2 Vicinity Maps:** (8 1/2" x 11") showing nearby street system, public facilities and other significant physical features (similar to road maps, Thomas Brothers Maps, etc.) with project area highlighted.
- B. **2 Radius/Land Use Maps:** (1" = 100') showing land use and zoning to 500 feet (100 feet of additional land use beyond the radius for alcoholic beverage cases); 100' radius line (excluding streets) okay for Coastal building permits 300' for site plan review applications.
- C. **2 Plot Plans:** showing the location and layout of proposed development including dimensions; include topographic lines where grade is over 10%; tentative tract or parcel maps where division of land is involved to satisfy this requirement, and the location and diameter of all trees existing on the project site.
- D. **Application:** a duplicate copy of application for zone change, (including Exhibit "C" justification) batch screening form, periodic comprehensive general plan review and zone change map, variance, conditional use, subdivider's statement, etc.
- E. **Pictures:** two or more pictures of the project site showing walls, trees and existing structures.
- F. **Notice of Intent Fee:** an UNDATED check in the amount of \$75 made out to the Los Angeles County Clerk for the purpose of filing a Notice of Intent to Adopt a Negative Declaration as required by § 15072 of the State CEQA Guidelines.
- G. **Hillside Grading Areas/Haul Route Approval:** Projects within a Hillside Grading Area involving import/export of 1,000 cubic yards or more shall submit a soils and/or geotechnical report reviewed & approved by LAGBS (reports needed to be determined by LADBS) to include measures to mitigate impacts related to grading and obtain a Haul Route Approval from the Board of Building & Safety Commissioners (refer to <http://www.lacity.org/LADBS/forms/forms.htm>).

APPLICATION ACCEPTED BY: <u>DENNIS CHEW</u>	DATE: <u>7/13/15</u>
ENVIRONMENTAL ASSESSMENT APPROVED BY: _____	DATE: _____
RECEIPT NO.: <u>0203238007</u>	

DIR-2015-2697

I. Project Description:

Briefly describe the project and permits necessary (i.e., Tentative Tract, Conditional Use, Zone Change, etc.) including an identification of phases and plans for future expansion:

Demolish existing one duplex rental, one triplex rental, and one fourplex rental, for creation of 28 small lot homes
File for Vesting Tentative Tract Map, Request for merger of public street (Weddington St.) as a part of this subdivision

HO PROJECT PERMIT COMPLIANCE.

Will the project require certification, authorization, clearance or issuance of a permit by any federal, state, county, or environmental control agency, such as Environmental Protection Agency, Air Quality Management District, Water Resources Board, Environmental Affairs, etc.? If so, please specify:

Rule 403 permit from SCAQMD
Los Angeles County Department of Public Works construction storm water permit

II. Existing Conditions:

- A. Project Site Area 42,342 S.F. (0.972 Acres)
 Net and 42,342 S.F. (0.972 Acres) Gross Acres 42,342 S.F. (0.972 Acres)
- B. Existing Zoning OQR3-1
- C. Existing Use of Land A duplex, a triplex and a fourplex rental units
 Existing General Plan Designation Medium Residential
- D. Requested General Plan Designation Medium Residential
- E. Number 9 type multi-family and age \pm 75 of structures to be removed as a result of the project. If residential dwellings (apts., single-family, condos) are being removed indicate the number of units: 9 and average rent: \$1,350

Is there any similar housing at this price range available in the area? If yes, where?

Many Rental Units in Vicinity of the project site

- F. Number 24 Trunk Diameter 4" - 28" and type (see tree report) of existing trees.
- G. Number 18 Trunk Diameter 4" - 28" and type (see tree report) of trees being removed (identify on plot plan.)
- H. Slope. State percent of property which is:
100 Less than 10% slope 10-15% slope over 15% slope
If slopes over 10% exist, a topographic map will be required. Over 50 acres, 1" = 200' scale is okay.
- I. Check the applicable boxes and indicate the condition on the Plot Plan. There are natural or man-made drainage channels, rights of way and/or hazardous pipelines crossing or immediately adjacent to the property, or none of the above.
- J. Grading: (specify the total amount of dirt being moved)
0-500 cubic yards.
2,000 C.Y. if over 500 cubic yards. indicate amount of cubic yards.
- K. Import/Export: indicate the amount of dirt being imported or exported 2,000 C.Y. Import

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If the project involves more than one phase or substantial expansion or changes of existing uses, please document each portion separately, with the total or project details written below. Describe entire project, not just area in need of zone change, variance, or other entitlement.

III. Residential project (if not residential, do not answer)

- A. Number of Dwelling Units-
Single Family 28 Apartment 0 or Condominium 0
- B. Number of Dwelling Units with:
One bedroom 0 Two bedrooms 9
Three bedrooms 15 Four or more bedrooms 3
- C. Total number of parking spaces provided 63
- D. List recreational facilities of project N/A
- E. Approximate price range of units \$ 600K to \$ 800K
- F. Number of stories 3, height 30' feet.
- G. Type of appliances and heating (gas, electric, gas/electric, solar) Gas/Electric
Gas heated swimming pool? N/A
- H. Describe night lighting of the project will be provided
(include plan for shielding light from adjacent uses, if available)
- I. Percent of total project proposed for:
Building 55
Paving 30
Landscaping 15
- J. Total Number of square feet of floor area 59,548 S.F.

IV. Commercial, Industrial or Other Project (if project is only residential do not answer this section). Describe entire project, not just area in need of zone change, variance, or other entitlement.

- A. Type of use _____
- B. Total number of square feet of floor area _____
- C. Number of units if hotel/motel _____
- D. Number of stories _____ height _____ feet.
- E. Total number of parking spaces provided: _____
- F. Hours of operation _____ Days of operation _____
- G. If fixed seats or beds involved, number _____
- H. Describe night lighting of the project _____
(Include plan for shielding light from adjacent uses, if available)
- I. Number of employees per shift _____
- J. Number of students/patients/patrons _____
- K. Describe security provisions for project _____
- L. Percent of total project proposed for:
Building _____
Paving _____
Landscaping _____

Historic/Architecturally Significant Project

Does the project involve any structures, buildings, street lighting systems, spaces, sites or components thereof which may be designated or eligible for designation in any of the following: (please check)

- National Register of Historic Places _____
- California Register of Historic Resources _____
- City of Los Angeles Cultural Historic Monument _____
- Within a City of Los Angeles Historic Preservation Overlay Zone (HPOZ) _____

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V. Hazardous Materials and Substance Discharge

Does the project involve the use of any hazardous materials or have hazardous substance discharge? If so, please specify. NO

- A. Regulatory Identification Number (if known) _____
- B. Licensing Agency _____
- C. Quantity of daily discharge _____

VI. Stationary Noise Clearance: A clearance may be necessary certifying the project's equipment (e.g., air conditioning) complies with City Noise Regulations.

Some projects may require a Noise Study. The EIR staff will inform those affected by this requirement.

VII. Selected Information:

- A. Circulation: Identify by name all major and secondary highways and freeways within 1,000 feet of the proposed project; give the approximate distance(s):
Hermitage Ave, Magnolia Blvd, Chandler Blvd
- B. Air: All projects that are required to obtain AQMD permits (see AQMD Rules and Regulations) are required to submit written clearance from the AQMD indicating no significant impact will be created by the proposed project.*

VIII. Mitigating Measures:

Feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the development may have on the environment. _____

To be provided pursuant to the CEQA analysis

* Contact the South Coast Air Quality Management District at (909) 396-2000 for further information.

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**TENANT INFORMATION CHART (AT TIME OF FILING APPLICATION)
FOR DEMOLITIONS, CONDOMINIUM CONVERSIONS AND COASTAL TRACTS**

* Address of Project: 5303-5305 N Hermitage Ave & 12301 Weddington St., Valley Village, CA 91607 Tract Map No. VTT # 73704

Date: 7/7/15 Prepared by: Rebecca FOR ALL TRACTS

Apt. No.	Name of Tenant	Age	Disabled/ Handicapped		No. of Minor Children (18 or under)	No. of Bedrooms	Rent Schedule		OFFICE USE ONLY	
			Yes	No			18 Months prior to filing	At time of filing	Approval CP-6343	Purchase CP-6344
12301 *12 Weddington	Ryann Wenig	<62		X	NONE		\$1,200	\$1,200		
5303 Hermitage	Sara Rivas	<62		X	NONE		\$575	\$575		
5305 *12 Hermitage	Jennifer Getz	30's		X	NONE		\$440	\$440		

* If multiple addresses use separate sheets for each addresses

**TENANT INFORMATION CHART (AT TIME OF FILING APPLICATION)
FOR DEMOLITIONS, CONDOMINIUM CONVERSIONS AND COASTAL TRACTS**

* Address of Project: 5261 Hermitage Ave. Valley Village, CA 91607 Tract Map No. VTT # 73704
 Date: 7/7/15 Prepared by: Rebecca FOR ALL TRACTS

Apt. No.	Name of Tenant	Age	Disabled/Handicapped		No. of Minor Children (18 or under)	No. of Bedrooms	Rent Schedule		OFFICE USE ONLY	
			Yes	No			18 Months prior to filing	At time of filing	Approval CP-6343	Purchase CP-6344
1	Ruth & Gideon Dareshrad	43s 53s		X	-	3		\$2,300		

* If multiple addresses use separate sheets for each addresses

CP_6345 (1/18/05)

VTT 73704

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Los Angeles County 4-Person Area Median Income: \$64,800	Extremely Low	17950	20500	23050	25600	28410	32570	36730	40890
	Very Low Income	29900	34200	38450	42700	46150	49550	52950	56400
	Low Income *	47850	54650	61500	68300	73800	79250	84700	90200
	Median Income	45350	51850	58300	64800	70000	75150	80350	85550
	Moderate Income	54450	62200	70000	77750	83950	90200	96400	102650
<i>* Low income exceeding median income is an anomaly for this county due to HUD historical adjustments to median income. Household lower income figures are derived from very-low income figures that are not adjusted by HUD for exceptions.</i>									
Madera County 4-Person Area Median Income: \$57,900	Extremely Low	12150	15930	20090	24250	28410	32570	35300	37600
	Very Low Income	20300	23200	26100	28950	31300	33600	35900	38250
	Low Income	32450	37050	41700	46300	50050	53750	57450	61150
	Median Income	40550	46300	52100	57900	62550	67150	71800	76450
	Moderate Income	48650	55600	62550	69500	75050	80600	86200	91750
Marin County 4-Person Area Median Income: \$103,000	Extremely Low	24650	28150	31650	35150	38000	40800	43600	46400
	Very Low Income	41050	46900	52750	58600	63300	68000	72700	77400
	Low Income	65700	75100	84500	93850	101400	108900	116400	123900
	Median Income	72100	82400	92700	103000	111250	119500	127700	135950
	Moderate Income	86500	98900	111250	123600	133500	143400	153250	163150
Mariposa County 4-Person Area Median Income: \$61,900	Extremely Low	13000	15930	20090	24250	28410	32570	36730	40890
	Very Low Income	21700	24800	27900	30950	33450	35950	38400	40900
	Low Income	34650	39600	44550	49500	53500	57450	61400	65350
	Median Income	43350	49500	55700	61900	66850	71800	76750	81700
	Moderate Income	52000	59450	66850	74300	80250	86200	92150	98100
Mendocino County 4-Person Area Median Income: \$58,900	Extremely Low	12200	15930	20090	24250	28410	32570	36000	38300
	Very Low Income	20300	23200	26100	29000	31350	33650	36000	38300
	Low Income	32500	37150	41800	46400	50150	53850	57550	61250
	Median Income	41250	47100	53000	58900	63600	68300	73050	77750
	Moderate Income	49500	56550	63650	70700	76350	82000	87650	93300
Merced County 4-Person Area Median Income: \$57,900	Extremely Low	12150	15930	20090	24250	28410	32570	35300	37600
	Very Low Income	20300	23200	26100	28950	31300	33600	35900	38250
	Low Income	32450	37050	41700	46300	50050	53750	57450	61150
	Median Income	40550	46300	52100	57900	62550	67150	71800	76450
	Moderate Income	48650	55600	62550	69500	75050	80600	86200	91750
Modoc County 4-Person Area Median Income: \$57,900	Extremely Low	12150	15930	20090	24250	28410	32570	35300	37600
	Very Low Income	20300	23200	26100	28950	31300	33600	35900	38250
	Low Income	32450	37050	41700	46300	50050	53750	57450	61150
	Median Income	40550	46300	52100	57900	62550	67150	71800	76450
	Moderate Income	48650	55600	62550	69500	75050	80600	86200	91750
Mono County 4-Person Area Median Income: \$81,200	Extremely Low	17050	19500	21950	24350	28410	32570	36730	40890
	Very Low Income	28450	32500	36550	40600	43850	47100	50350	53600
	Low Income	44750	51150	57550	63900	69050	74150	79250	84350
	Median Income	56850	64950	73100	81200	87700	94200	100700	107200
	Moderate Income	68200	77950	87700	97450	105250	113050	120850	128650
Monterey County 4-Person Area Median Income: \$68,700	Extremely Low	15250	17400	20090	24250	28410	32570	36730	40890
	Very Low Income	25400	29000	32650	36250	39150	42050	44950	47850
	Low Income	40600	46400	52200	58000	62650	67300	71950	76600
	Median Income	48100	54950	61850	68700	74200	79700	85200	90700
	Moderate Income	57700	65950	74200	82450	89050	95650	102250	108850