

Fwd: Regarding C.F. 16-1462

1 message

Jenna Monterrosa <jenna.monterrosa@lacity.org>

Fri, Feb 24, 2017 at 4:41 PM

To: Zina Cheng <zina.cheng@lacity.org>, Sharon Dickinson <sharon.dickinson@lacity.org>

Cc: Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hello.

I apologize for the late email but I just received this response. Can you please add the attached letter to CF16-1462?

Thank you.

Jenna Monterrosa

----- Forwarded message -----

From: **Deborah Choi** <deborah.choi@lacity.org>

Date: Fri, Feb 24, 2017 at 4:17 PM

Subject: Re: Regarding C.F. 16-1462

To: Jenna Monterrosa <jenna.monterrosa@lacity.org>

Hi Jenna,

I just received a confirmation from City Attorney that this should be in the CF. Please transmit through Planning. Thanks!

On Wed, Feb 22, 2017 at 3:09 PM, Jenna Monterrosa <jenna.monterrosa@lacity.org> wrote:

The letter is attached.

Best,

On Wed, Feb 22, 2017 at 1:49 PM, Deborah Choi <deborah.choi@lacity.org> wrote:

Hi Jenna,

Was the new letter you were referring to in pre-PLUM the one that is attached as Exhibit C of the appeal? I just wanted to confirm that we are not missing anything in the Council File.

Thank you,
Deborah Choi, CLA



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Silverstein Letter re Alexan Project and CEQA.pdf

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February 8, 2017

VIA U.S. MAIL & EMAIL

svalenzuela@crala.org,

mestrada@crala.org

Steve Valenzuela, CEO
Martha Estrada, Special Projects Manager
CRA/LA, A Designated Local Authority
448 South Hill Street, Suite 1200
Los Angeles, CA 90013

VIA U.S. MAIL & EMAIL

vince.bertoni@lacity.org

Vince Bertoni, Director of Planning
Los Angeles City Planning Department
200 North Spring Street, 5th Floor
Los Angeles, CA 90012

Re: Mandatory requirements incumbent on CRA/LA under LAMC Sec. 16.05G; in the matter of the Alexan project (located at 850 S. Hill St., Los Angeles, APN 5144-017-037; ENV-2006-6302-MND; ENV-2006-6302-MND-REC1; DIR 2015-2976-TDR-SPR) and in all other similarly situated projects

Dear Mr. Valenzuela, Ms. Estrada and Mr. Bertoni:

This letter is a demand for compliance with mandatory duties, and request for settlement prior to potential litigation.

This firm and the undersigned represent the Society for the Preservation of Downtown Los Angeles (hereinafter "Appellant" or "SPDTLA") in opposition to the proposed approvals by the City of Los Angeles of a mixed-use building at 850 S. Hill Street, commonly known as the Alexan Project ("Project").

The Project is located within the City Center Redevelopment Project Area and requires a new Site Plan Review as one of its proposed approvals. The agency responsible for preparing the California Environmental Quality Act ("CEQA") environmental review for the Project and determining in the first instance whether an Environmental Impact Report ("EIR") should be required is specifically prescribed by the LAMC. LAMC Section 16.05G mandates that environmental review of a Project's Site Plan proposed within adopted redevelopment project areas be conducted by the CRA (and thus CRA/LA as successor agency), not the City of Los Angeles.

Steve Valenzuela, CRA/LA CEO
Martha Estrada, CRA/LA Special Projects Manager
Vince Bertoni, City of L.A. Planning Director
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LAMC Section 16.05G provides:

G. Procedure.

1. **Site Plan Review Application.** Application for the site plan review shall be filed in any public office of the Department of City Planning, upon such forms and accompanied by applicable fees, a site plan drawn to scale, and other information prescribed by the Director for that purpose. The application shall be verified by either the property owner, lessee, owner in escrow, or a legally authorized agent.

2. **Environmental Review.** As part of the application for site plan review, the applicant shall file necessary forms and information for environmental review as prescribed by the Director. The Director, or his/her designee, shall cause to be prepared, concurrently with the review and approval of the site plan, the required environmental studies and notices for the project, *except* **that in the adopted redevelopment project areas, the CRA shall assume lead agency responsibilities for environmental review of all projects subject to the provisions of this section and shall prepare the required environmental studies and notices.** (Emphasis added.)

Contrary to law, instead of proceeding with the CRA/LA being the lead agency, the City of Los Angeles Planning Director and the Area Planning Commission purported to approve the Project with an illegal addendum to an inapplicable Mitigated Negative Declaration, documents that were not noticed, prepared or authorized by the CRA/LA as lead agency. (LAMC 16.05(G) specifically states that the CRA/LA “shall prepare” the notices and studies required as lead agency.) The CRA/LA has failed to assert its jurisdiction and assume its responsibilities in this matter, and to prepare and consider its own initial study in the first instance.

Moreover, it appears from other projects in various Redevelopment Project and Plan areas that the CRA/LA is failing to assert its jurisdiction and responsibilities as the only lead agency authorized by the LAMC to give environmental clearance for other projects requiring site plan review, and similar land use approvals and related

Steve Valenzuela, CRA/LA CEO
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environmental review.

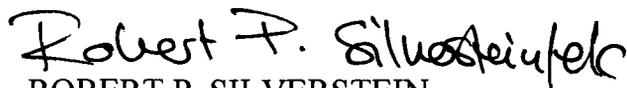
In proceeding in the manner that the CRA/LA and City, respectively, are doing, the CRA/LA and City are violating mandatory duties under the law as to projects within Redevelopment Project and Plan areas. Because the CRA/LA and City are continually violating these legal requirements, the CRA/LA and City are not in compliance with the LAMC, the Redevelopment Plan and CEQA. These violations have a detrimental impact on our client and on other affected members of the public.

Accordingly, we demand that the CRA/LA or City, or both of them, immediately:

- (1) Direct the City of Los Angeles to overturn all previous approvals of the Project;
- (2) Have the CRA/LA assert jurisdiction under LAMC Section 16.05G as lead agency for the Project and conduct independent environmental review of the Project including, but not limited to, noticing and preparing a new initial study for the Project for the purposes of determining whether or not there are significant environmental impacts requiring an EIR;
- (3) Have the CRA/LA assert its jurisdiction and fulfill its responsibilities as lead agency for all projects in all Redevelopment Project and Plan areas as to which LAMC Section 16.05G applies.

Please communicate your immediate intent to comply with all three points directly above. If not received, all appropriate legal action will be pursued. Thank you.

Very truly yours,



ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:jmr