



Carolina Peters <carolina.peters@lacity.org>

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**Fwd: Council file 17-0872; Council file 17-0872-S1, June 27 agenda items 6 and 18**

1 message

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**Staci Roberts** <staci.roberts@lacity.org>  
To: Carolina Peters <carolina.peters@lacity.org>

Tue, Jun 26, 2018 at 4:03 PM

Carol,

Please attach to CF's  
Thanks

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

From: **Beverly Grossman Palmer** <bpalmer@strumwooch.com>

Date: Tue, Jun 26, 2018 at 3:42 PM

Subject: Council file 17-0872; Council file 17-0872-S1, June 27 agenda items 6 and 18

To: "CityClerk@lacity.org" <CityClerk@lacity.org>, "clerk.CPS@lacity.org" <clerk.CPS@lacity.org>

Dear Madame Clerk,

Please include the attached communication in the Council File for 17-0872 and 17-0872-S1.

Thank you.

Beverly Grossman Palmer

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June 26, 2018

Los Angeles City Council  
c/o City Clerk, Room 395  
City Hall  
200 North Spring Street  
Los Angeles, CA 90012-4801

VIA EMAIL

Re: June 27, 2018 Agenda Items (6) and (18); CF 17-0872; CF 17-0872-S1

To the Honorable Members Los Angeles City Council:

This firm writes on behalf of Appellants Crenshaw Subway Coalition, Hyde Park Organizational Partnership for Empowerment (HOPE) and Damien Goodmon. This firm also writes on behalf of the Housing is a Human Right Project of the AIDS Healthcare Foundation.

The above-listed organizations have already identified a number of significant, substantive errors that the City Council would commit if it approved the proposed Baldwin Hills/Crenshaw Mall project in its current form. The purpose of this letter is to advise the City Council of additional legal violations that will result if the Council approves the project without an adequate amount of affordable housing.

The project as it is currently proposed will provide a mere 5 percent of units to "moderate income" households in the rental units, and 5 percent of condominium units as "workforce housing," for those who earn less than 120 percent of the area median income. At the same time, the project's zone change provides a density bonus, removing the "D" limitation that restricts floor to area ratio to 1.5:1 across the site. As a result of the zone change ordinance, the project may now construct at a floor to area ratio of 3:1 across the site. The zone change ordinance also permits averaging of the floor to area ratio across the separate parcels of the site.

The Los Angeles Superior Court, in a case involving a project in Orange County, recently ruled that, by enacting Government Code section 65915, the state law requiring the provision of density bonuses to qualifying projects, the state showed "intent to preclude local governments from granting density bonuses for housing developments that are not consistent with the requirements of the [density bonus law] and the goal of promoting affordable housing." (See attached, pp. 12-13.) In that case, as here, the applicant had not requested a density bonus, but had received entitlements that amounted to a density bonus, *without* providing the statutorily required quantity of affordable housing. It did not matter, the Court held, that the developer was

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not seeking any incentives. What mattered was that the city had granted a significant density bonus to a developer that did not satisfy the state density bonus law.

The City commits the same error here. The City implements the state density bonus by granting incentives to residential projects that qualify for a density bonus. To qualify for a density bonus, one must provide, at a minimum, 10 percent of units to low income households. This project does not set aside *any* units for low income households. Therefore, the project is receiving *the benefit* of the density bonus law without meeting the standards of the density bonus law. This approval thus undermines the incentives the Legislature has established to ensure that additional affordable housing is created in otherwise market-rate developments that seek exemptions from applicable density standards.

The City of Los Angeles has consistently committed this error in other projects of which the organizations this firm represents are aware. The City doles out density-increasing entitlements for projects with little- to no- affordable housing provided. The City's actions undermine the state's statutory scheme to encourage the creation of affordable housing by linking these types of discretionary density increases to the provision of a specific quantity of affordable housing.

Respectfully,

A handwritten signature in cursive script, appearing to read "B. Grossman Palmer".

Beverly Grossman Palmer