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February 16, 2018

Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Re: Planning Department Case No. CHC-2017-3695-HCM
Beneficial Plaza and Liberty Park
3700-3732 Wilshire Blvd; 658-674 S. Oxford Ave.; 651-673 S. Serrano Ave.

Honorable Councilmembers:

On December 14, 2017, the Los Angeles Cultural Heritage Commission voted to recommend monument status of the above property, finding that it met three of the criteria used to determine a property's value as a Historic-Cultural Monument.

While the President of the commission referred to the matter as a "slam-dunk" after a presentation by the applicant and its consultant, one commissioner voted against the designation. That commissioner explained her no vote was based on her belief that a "compromise" could be reached that would ultimately allow the development of the proposed 36-story apartment complex at the site. The commissioner voted in the negative after the commission President repeatedly advised the large number of persons speaking on the matter that the committee's jurisdiction did not concern issues such as housing and jobs.

It's obvious that the commissioner voting in the negative was persuaded by the developer and Council District 10 that the proposed pocket park in the adjacent Pio Pico Library parking lot should mollify the community seeking the monument status and satisfy its call for open space.

Not only is the proposed pocket park one of the more bizarre and not well thought out planning ideas (a cost estimate of \$14,000,000 to create a 0.6-

acre park) the annual recurring costs for maintenance and security of a park in this particular location, which has become a magnet for the City's homeless, will be staggering.

Furthermore, there are over twenty development proposals for new housing in the Koreatown neighborhood, with the number of units exceeding 8,000. Unfortunately, all these applications were rushed in anticipation of the State Legislature's fix of the Palmer decision that tied the City's hands in requiring responsible numbers of affordable housing in these developments.

Many of the Koreatown proposals involve repurposing surface parking lots to create addition parking topped with residential housing. These make sense from an urban planning/best land use perspective. Asking the community to compromise on a beloved cultural asset such as Liberty Park to benefit a private developer who bought the subject property knowing the park was zoned to preclude development is going a bit too far. We know of nothing in the Municipal Code that requires the Planning Commission and City Council to rubber stamp any and all development proposals coming before them. Both are given wide discretion to consider any and all aspects of a development and its lasting impact on the community.

Lastly, we asked the Los Angeles County District Attorney's Office to determine whether the offer of the publicly owned parking lot at the library was done to promote a private development – a potential unlawful gift of a public asset. Attached is the response from the District Attorney advising that “we will review the matter to determine whether or not any criminal offense occurred.” We have yet to hear back regarding that review.

Respectfully Submitted,



Keith J. Kresge



Timothy G. Cunniff

Attachment



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

April 10, 2017

Keith J. Kresge
Timothy G. Cunniff
3785 Wilshire Boulevard #2106
Los Angeles, California 90010

Dear Messers Kresge and Cunniff:

We are in receipt of your letter received March 2, 2017, alleging violations of Article 16, section 6 of the California State Constitution and Government Code section 8314, and your suspicion that public officials engaged in "backroom dealing to promote a private development at the expense of the community."

Article 16, section 6 of the California State Constitution is an enabling provision of the California Constitution and, by itself carries no criminal penalty. In addition, Government Code section 8314 prohibits the use of public resources to conduct campaign activities, which does not seem to apply here. However, we will review the matter to determine whether or not any criminal offense occurred. Please understand that this reply should not be construed as an acknowledgement that our Division has commenced an investigation.

Please be aware that if an investigation is commenced, we will be unable to share information about any inquiries we may make in this matter due to ethical considerations. Any investigation or inquiry, if commenced, remains confidential. As a result, we do not provide updates or progress reports. Also, if you have any evidence to support this allegation, please forward it to us as soon as possible.

Very truly yours,

JACKIE LACEY
District Attorney

By 

ALAN YOCHELSON
Head Deputy

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