



9410 Topanga Canyon Boulevard, Suite 101  
Chatsworth, CA 91311  
Phone 310-469-6700

December 1, 2022

Los Angeles Planning and Land Use Management Committee  
200 N. Spring Street, Room 340  
Los Angeles, CA 90012

**Re: Council File 21-0871, 800 S. Fairfax Avenue Project, ENV-2019-7300-SCEA**

CAJA Environmental Services, LLC (CAJA), the environmental consultant for the 800 S. Fairfax Avenue Project, has reviewed the following four comment letters submitted in response to the Sustainable Communities Environmental Assessment (SCEA) prepared for this Project:

- Fix The City, April 26, 2021
- Los Angeles Tenants Union, May 11, 2021
- Miracle Mile Residential Association, May 20, 2021
- Fairfax Gardens Tenants' Association, May 30, 2021

Attached are our responses to each of these comment letters.

If you require additional information, please do not hesitate to contact me.

Sincerely,

Stacie Henderson, Senior Project Manager  
310-469-6703  
[stacie@ceqa-nepa.com](mailto:stacie@ceqa-nepa.com)

---

## **LETTER NO. 1**

James O'Sullivan, Vice President  
Fix the City  
jim@FixTheCity.org; jamesos907@gmail.com

### **Comment No. 1-1**

Fix the City opposes the 80% increase in density for this project. We object to the increase in floor area ratio (FAR) of 4.25 to 1 in lieu of 1.5 to 1 and a 40 percent reduction in commercial parking, and additional incentives for use of the RAS3 yard setbacks in the C zone, up to a 25 percent reduction in the required open space and use of the transitional height provisions contained in the TOC Guidelines in lieu of LAMC Section 12.21.1.A.10.

### **Response to Comment No. 1-1**

Based on the Project Site's location within 750 feet of a Major Transit Stop, and pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31 and the City's adopted Transit Oriented Communities (TOC) Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Project is eligible for Tier 4 incentives with the provision of affordable housing. Regarding the Project's density increase, with the provision of a minimum of 11 percent of the total number of units set aside for Extremely Low Income households, the Project qualifies for a TOC Tier 4 base incentive to increase density by 80 percent as well as TOC Tier 4 base incentives for an increased floor area ratio (FAR) of 4.25 to 1 in lieu of 1.5 to 1, and a 40 percent reduction in commercial parking. In addition, the Project is eligible to utilize three TOC Tier 4 additional incentives for use of the RAS3 yard setbacks in the C zone, up to a 25 percent reduction in the required open space, and use of the transitional height provisions contained in the TOC Guidelines in lieu of LAMC Section 12.21.1.A.10. As required by the TOC Guidelines, the Project includes 23 units (equivalent to 11 percent of the total number of units and approximately 24 percent of the Project Site's base density) that will be designated as affordable housing units for Extremely Low Income households, as well as 5 additional affordable units designated for Low Income households.

The comment expresses opposition to these incentives, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 1-2**

The TOC Guidelines cannot be used to approve the requests for the following reasons:

Although the procedures adopted to implement Measure JJJ do not provide for public notice or an opportunity to provide comment prior to the Director's Determination of "Additional Incentives," Fix the City requests that this letter be included in the record for this project, and

that you address the concerns below. The TOC Guidelines cannot be used to approve the requests for the following reasons:

1. The Guidelines were never lawfully adopted by the City Council as required by California Government Code Section 65915(d)(1)(C)(3).
2. The Guidelines exceed the authority of JJJ. Only non-substantive changes can be made without voter approval (JJJ Section 5.A).
3. The “Additional Incentives” lacked CEQA review and voter approval.
4. The “Additional Incentives” increase allowable density and intensity without providing a finding based on substantial evidence that infrastructure and public services are adequate.
5. The TOC Map is an unlawful amendment of the General Plan Land Use Element unauthorized by JJJ and requires voter approval.
6. TOC Tiers 1,2,3 and 4 are unlawful zone changes not authorized by JJJ and require voter approval.
7. JJJ only permits the base incentives unless an applicant seeks a General Plan Amendment, Zone Change or Height District Amendment and requires following the Labor requirements of JJJ Section 5e.

We incorporate by reference:

- Fix The City lawsuit on the Expo line
- Fix The City lawsuit on 5891 W. Olympic Blvd

For all these reasons, we request that you deny approval of this application.

### **Response to Comment No. 1-2**

The comment provides the commentor’s opinions about the City’s TOC Guidelines, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 1-3**

For all these reasons, we request that you deny approval of this application.

### **Response to Comment No. 1-3**

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the

SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

## **LETTER NO. 2**

Los Angeles Tenants Union – Mid-City Local Chapter

### **Comment No. 2-1**

Please be advised that the Mid-City Local Chapter of the Los Angeles Tenants Union would like to formally state our opposition to the above-captioned project.

### **Response to Comment No. 2-1**

The comment states opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 2-2**

This project would displace the tenants who are currently living at the buildings located at 800-840 S. Fairfax Avenue, at a time where eviction is more life threatening than ever before. This is cruel and unacceptable.

### **Response to Comment No. 2-2**

The comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA, and no response is required. Notwithstanding, the Project will comply with all existing State and City legal requirements regarding the existing units and tenancies at the Project Site. According to the Los Angeles Housing Department (LAHD), 40 residential units are subject to replacement under Assembly Bill (AB) 2556, including 28 affordable replacement units. The Project proposes 209 units, including 28 affordable units reserved for households at the Extremely Low Income and Low Income levels. Therefore, the Project complies with the requirements of AB 2556 as determined by LAHD.

### **Comment No. 2-3**

The Los Angeles Tenants Union stands firmly against all evictions. We stand in solidarity with the tenants at these buildings, many of whom have had to hear about these grandiose development plans secondhand through fawning puff pieces put out by predictably uncritical local news outlets.

We are also firmly opposed to the urban theory at play here that building more housing is an adequate or thoughtful solution to the current housing crisis.

There are tens of thousands of existing housing units in Los Angeles that currently remain empty. Some buildings are left partially empty out of a desire to evict the remaining tenants who are benefitting from RSO protections, whereas other buildings are left completely vacant for speculative reasons, sitting unoccupied until the owner finds a financially convenient time to start renting, while thousands of people sleep in tent cities all over the county. Let us be perfectly clear: not one currently unhoused person will be allowed into this proposed development, or indeed, any of the developments currently proposed for Mid-City.

### **Response to Comment No. 2-3**

The comment provides the commentor's opinions, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Project meets a number of housing-related goals, objectives, and policies in the Framework and Housing Element of the City's General Plan. In furtherance of Housing Chapter Objectives 4.1 and Housing Element Objective 1.1 and its supporting policies, the Project would support the production of an adequate supply of housing units in order to meet the needs of the community, City, and region. The City faces a well- documented housing shortage. In support of these objectives and policies, as well as Economic Development Objective 7.9, and Housing Chapter Objective 4.2, the Project would facilitate development of 209 residential units in a community commercial center, along a mixed-use boulevard, and in close proximity to multiple existing and under-construction public transportation options as well as the Miracle Mile Regional Commercial Center, which is characterized by numerous high-rise office buildings, mid to low rise apartments, entertainment centers, museums, and regional shopping complexes. By locating new residential development near jobs centers and public transportation, the Project would address the existing jobs/housing imbalance. The Project would also include 28 affordable housing units of varying sizes at Extremely Low and Low Income affordability levels, further supporting neighborhood sustainability and providing a range of housing types to meet the needs of the community.

### **Comment No. 2-4**

We believe that it is disingenuous to suggest that building 209 new market-rate units with only 28 low income units to match is an expression of a well-meaning or sympathetic tendency on the part of the developers. The only reason they are including low income housing in these plans at all is because they have to, and that requirement conveniently serves as an easy opportunity for them to present a facade of equity in this project. The symbolic inclusion of such a small amount of low income units only serves the purpose of masking the developer's callous indifference to displacement. This kind of bait and switch is the norm in Los Angeles and we need to start calling attention to it, stop promoting it, and put a stop to it. Los Angeles does not need one more luxury unit. Not one more.

#### **Response to Comment No. 2-4**

The commentor is referred to the Response to Comment Nos. 2-2 and 2-3 regarding the Project's compliance with all applicable replacement unit requirements and consistency with applicable City housing goals and policies.

#### **Comment No. 2-5**

In summary, we believe that the only people this project will benefit are the developers and the new tenants coming into the neighborhood, most of whom likely have the luxury and the privilege of being able to choose where they live during a pandemic.

If this project moves forward, all of the tenants living in these buildings now will have had that choice taken away from them, like so many other displaced tenants across the city of Los Angeles. We believe that this is unacceptable and that the city has a moral obligation to consider this reality and act upon it.

We ask that you think of these tenants who are currently facing displacement as you consider whether or not to move forward with this project. We ask further that you consider the untold numbers of tenants who have already been pushed out onto the streets by the seemingly unstoppable force of Los Angeles real estate speculation.

Thank you for your time and for taking our opposition into consideration.

#### **Response to Comment No. 2-5**

The comment provides the commentor's opinions, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

## **LETTER NO. 3**

Miracle Mile Residential Association  
PO Box 361295  
Los Angeles, CA 90036  
info@MiracleMileLA.com

### **Comment No. 3-1**

The Miracle Mile Residential Association opposes the above-referenced project.

### **Response to Comment No. 3-1**

The comment states opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 3-2**

This project would displace the tenants who are currently living at the buildings located at 800-840 South Fairfax Avenue, in order to add to the profits of a developer at a time when displacement is not just unnecessary, but unnecessarily cruel.

To start, as of this writing, 25 of the existing units are still occupied, 18 of which house residents who've lived in their homes for between 10 and 50 years. The Ellis Act relocation funds will be completely insufficient to enable these long-term tenants to obtain a market-rate unit anywhere in the Miracle Mile or in nearby neighborhoods. In fact, it is unlikely they'll be able to find any housing in the city, at all. In short, the current residents, living in Rent Stabilized units, will not be relocated within the area they've called home, many of them for decades; instead, they'll be completely displaced. This is precisely what the City of Los Angeles should stop, and stop now.

### **Response to Comment No. 3-2**

The comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. The commentor is referred to the Response to Comment No. 2-2 regarding replacement units.

### **Comment No. 3-3**

Next, there is absolutely no need for the City to add another luxury apartment building to the already overfilled inventory of luxury apartments in Los Angeles. These forms of "housing" not only displace existing tenants, but according to the City's own data, sit largely unoccupied. Vacancy rates in luxury apartments before the pandemic hovered between 15% and 50%, and the city's own data show that every unhoused person in Los Angeles would have a home if



these luxury apartments were not permitted to remain vacant. Thus, no new luxury apartments are needed to address our city's housing affordability crisis; and for certain, no one in the existing apartments will be living in one of these luxury units if built.

### **Response to Comment No. 3-3**

The comment provides opinions about the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The commentor is also referred to the Response to Comment No. 2-3 regarding the Project's consistency with applicable housing-related goals, objectives, and policies.

### **Comment No. 3-4**

The proposed new eight-story building fails to provide one-to-one replacement for low-income housing. The building will contain 209 new units, replacing 40 existing Rent Stabilized units. Of these new units, the owner, taking advantage of generous density bonuses and TOC bonuses, must in return set aside some 28 units for low-income tenants. This does not fulfill the requirements of the law to provide one to- one low income replace units. Nor does it address the issue of displacement or fulfill the very real need for affordable housing.

### **Response to Comment No. 3-4**

The commentor is referred to the Response to Comment No. 2-2 regarding replacement units.

### **Comment No. 3-5**

There are many other reasons why the City should deny turn down this project. The proposed 8-story megaplex is completely out of scale to the surrounding low-rise residential neighborhood. The MMRA specifically opposes the 80% increase in density for this project and we strenuously object to the increase in floor area ratio (FAR) of 4.25 to 1 in lieu of 1.5 to 1.

### **Response to Comment No. 3-5**

The comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. The commentor is referred to the Response to Comment No. 1-1 regarding the Project's proper utilization of the City's TOC Tier 4 base incentives to achieve its proposed density and FAR. Regarding the height and scale of the Project, as discussed on page 5-4 of the SCEA, the Project's residential and commercial uses would be consistent with uses in the Project area. Further, the overall height of the building would be appropriate for a community commercial center along a mixed-use boulevard, and in close proximity to multiple public transportation facilities and the Miracle Mile Commercial Center. The Project Site context includes the multi-story Shalhevet School fronting Fairfax Avenue to the south and the Peterson Automotive Museum and parking structure to the north.

**Comment No. 3-6**

Finally, the MMRA incorporates here by reference two other letters of opposition, that of Fix the City, dated April 26, 2021 and that of the Los Angeles Tenants' Union, dated May 11, 2021. (These letters are attached hereto for reference.)

**Response to Comment No. 3-6**

Responses to the letters referenced in the comment have been provided. See Comment Letter No. 1 for responses to the comments from Fix the City, and Comment Letter No. 2 for responses to comments from the Los Angeles Tenants Union.

**Comment No. 3-7**

For all these reasons, we request that you deny approval of this application.

**Response to Comment No. 3-7**

The comment states opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

## **LETTER NO. 4**

Fairfax Gardens Tenants' Association

### **Comment No. 4-1**

We are in receipt of the Notice of Intent to Adopt a Sustainable Communities Environmental Assessment (SCEA) dated April 23, 2021. The Fairfax Gardens Tenants' Association (FGTA) would like to formally state our opposition to the above-captioned project.

### **Response to Comment No. 4-1**

The comment states opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 4-2**

The proposed project seeks to replace the Fairfax Gardens Apartments, a two-story 40-unit RSO building with an 8-story tower containing 209 market-rate units. The proposed height of this development is completely out of scale with the surrounding residences. Twenty-three of the units are still occupied, and 18 of those 23 house residents of longterm tenancy (10 years to 50 years). The proposed building would reserve only 28 units for Extremely Low-Income tenants, which is not a 1-to-1 replacement for the RSO units lost. Most, if not all, of our longterm neighbors won't financially qualify for one of the ELI units. The Ellis Act relocation funds we would receive won't be sufficient to enable us to secure a market-rate apartment in the Miracle Mile or its adjacent neighborhoods.

### **Response to Comment No. 4-2**

The comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. The commentor is referred to the Response to Comment No. 2-2 regarding replacement units, and Response to Comment No. 3-5 regarding the Project's consistent height and scale.

### **Comment No. 4-3**

The owner/developers' claim that this proposed building is consistent with one of the SCEA goals: "*promote diverse housing choices*" is misleading. The "*net increase of both residential units and restricted affordable units*" they claim completely ignores the reality that these market-rate units will be unaffordable for working-class families, seniors, and those who will be displaced. Since purchasing the Fairfax Gardens in April 2019, the lack of official communication from the owner/developers has been an on-going source of concern for us. This

lack of transparency is why we formed the FGTA in an effort to ensure the fair, equitable, and lawful treatment of every tenant.

**Response to Comment No. 4-3**

As stated in the SCEA, the Project would add to housing diversity in the area by developing 209 residential units, including 28 units set aside for rental to households qualifying at the Extremely Low and Low Income levels. The remainder of the comment provides the commentor's opinions about the Project and the developer, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 4-4**

We respectfully request that you deny approval of this application, and thank you for taking our opposition into consideration.

**Response to Comment No. 4-4**

The comment states opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the SCEA. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.