

August 31, 2022

**RE: Appeal Justification for Tripalink Project (1840-1848 W. Adams Blvd.);
DCP Case Nos. VTT-83081-SL-HCA-1A (Related Case Nos. ENV-2020-3308-CE);
Approval Made Effective by August 26, 2022 Letter of Determination**

On behalf of USC Forward (“**Appellant**”),¹ this office respectfully appeals (“**Appeal**”) the above-referenced development proposed on a 14,142 square foot (“**SF**”) located at the address referenced above (“**Site**”) that would demolish a single-story commercial unit and construct a four-story, 30,218-SF structure *claimed to result in a maximum of ten single-family dwelling units but which includes 96 bedrooms each with a dedicated bathroom* (i.e., 96 bathrooms in total) (“**Project**”).² In furtherance of the Project, Tripalink (“**Applicant**”) seeks various approvals from the City of Los Angeles (“**City**”) Department of City Planning (“**DCP**”), including: (1) Vesting Tentative Tract Map No. 83081-SL-HCA to subdivide the existing two-lot Site into a maximum of 10 small lot single-family dwellings (“**VTT**”); and (2) determine the Project exempt from the California Environmental Quality Act (“**CEQA**”)³ per CEQA Guidelines § 15332 infill exemption (“**Class 32 Exemption**”).⁴

The VTT and Class 32 Exemption (collectively “**Project Approvals**”) were initially approved by the Advisory Agency via a letter of determination (“**LOD**”) issued in February 2022,⁵ which was superseded by a reissued LOD in April 2022,⁶ that was subsequently appealed by West Adams Neighborhood Association (“**WANA**”) along with the Greater Greater Paige Temple (“**GPT**”).⁷ On July 19, 2022, after lengthy public comments featuring multiple community groups raising significant concerns about the Project (including USC Forward’s oral testimony), the South Los Angeles Area Planning Commission (“**APC**”) denied the WANA/GPT appeal and sustained the Advisory Agency’s reissued LOD subject to a two-word revision reflecting Applicant’s expressed intent to keep the ten (10) small lots available as “*for sale*,” single-family homes” as shown on page F-7 of APC’s LOD dated August 26, 2022.⁸

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¹ Herein, page citations are either the stated pagination (i.e., “p. #”) or PDF-page location (i.e., “PDF p. #”).

² Applicant (4/28/20) Application Materials, PDF pp. 4, 7, <https://planning.lacity.org/pdiscaseinfo/document/Nzc00DQ0/4596a256-522b-4c94-acc5-77ce1b3c8ef1/esubmit>; Applicant (3/18/20) Project Plans, PDF p. 2 (Site Plan A1.01), <https://planning.lacity.org/pdiscaseinfo/document/Nzc00DY0/4596a256-522b-4c94-acc5-77ce1b3c8ef1/esubmit>; Initial Approval, infra fn. 5, pp. 14-16.

³ Pub. Res. Code § 21000 et seq. and 14 Cal. Code Regs. (“**CEQA Guidelines**”) § 15000 et seq.

⁴ DCP (7/18/22) South LA APC Appeal Staff Report, p. 1, https://planning.lacity.org/plndoc/Staff_Reports/2022/07-21-2022/VTT_83081.pdf; see also DCP (7/18/22) Staff Presentation, https://drive.google.com/drive/folders/1qqFR_dfd8K7TPE_wS1WKuT6SVZ6XDHfF.

⁵ DCP (2/24/22) Initial Advisory Agency LOD, <https://planning.lacity.org/pdiscaseinfo/document/MTg1MzM0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

⁶ DCP (4/5/22) Reissued Advisory Agency LOD, <https://planning.lacity.org/pdiscaseinfo/document/MjAzMjM0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

⁷ <https://planning.lacity.org/pdiscaseinfo/document/MzExMjI0/532fbe86-06a9-44b1-8001-06cd07316c90/esubmit>; Appeal Justification, <https://planning.lacity.org/pdiscaseinfo/document/MzExMjM0/532fbe86-06a9-44b1-8001-06cd07316c90/esubmit>.

⁸ DCP (8/26/22) South LA APC LOD, <https://planning.lacity.org/pdiscaseinfo/document/MjcyNTI0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

APC's LOD identifies the applicable appeal deadline as September 6, 2022. (See APC LOD, p. 2.) Hence, this Appeal is timely under the Los Angeles Municipal Code ("**LAMC**" or "**Code**"), which provides a 10-day deadline to file a VTT appeal to Council. (See LAMC §§ 17.06.A.4.)

REASON FOR THE APPEAL: Based on the review of the LOD and relevant DCP records, granting the VTT violates both Code and CEQA. Appellant respectfully requests the City Council grant this Appeal and deny the Project Approvals until the issues raised herein, and elsewhere in the Project's administrative record, are adequately addressed.

SPECIFIC POINTS IN ISSUE: Appellant shares many of the concerns raised in the WANA/GPT appeal, which were echoed and further elaborated in comments submitted by USC Forward and other community groups (e.g., North University Park Community Association,⁹ North Area Neighborhood Development Council,¹⁰ Adams-Normandie Neighborhood Association,¹¹), representatives from the local City Council District office, and multiple APC Commissioners.¹² This Appeal incorporates in its entirety by this reference all comments (written and verbal) submitted against the Project Approval and adds the following appeal justification:

1. There is substantial evidence in the record showing the Applicant's pattern-and-practice of operating co-living facilities that serve almost exclusively college students near the University of Southern California ("USC") campus. No reasonable person could conclude that the Project will operate as a maximum of ten (10) single-family dwelling units. Tripalink has a track record of renting each bedroom to USC college students—here, amounting to not ten (10) single-family dwelling units but rather 96 individual student housing units akin to "efficiency dwelling units," "dormitories," or guest rooms in a boarding house. (See LAMC § 12.03 [definitions].)
2. Admittedly, the approximate 14,000-plus SF Site is permitted to a maximum density of 35 dwelling units. (See APC LOD, pp. F-4 – F-7.¹³) As discussed above, substantial evidence shows the Project will operate as 96 independent student housing units—which exceeds the objective 35-unit maximum allowed under applicable zoning regulations.¹⁴ As such, the VTT should have been denied or properly conditioned to prevent the improper use of the Project (e.g., a cap on bedrooms, fewer bathrooms, etc.) or require the Applicant to seek the appropriate entitlements to allow for a 96-unit student dormitory.

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⁹ <https://drive.google.com/drive/folders/1oQliP8QYFSifjanzYTezDmR9HHCMJQxI>.

¹⁰ <https://drive.google.com/drive/folders/1oQliP8QYFS>;

¹¹ DCP (7/19/22) APC Meeting Additional Documents, PDF p. 2, <https://planning.lacity.org/dcpapi/meetings/document/addtldoc/63499>.

¹² Supra 8, passim.

¹³ Reissued AA LOD, supra fn. pp. 14, 15, 17

¹⁴ Ibid., see also APC Staff Report, pp. A-4 ("As the Vesting Tentative Tract Map meets the technical requirements of the LAMC, including standards for the maximum permitted density, height, and subdivision of land, the proposed map demonstrates compliance with the LAMC as well as the intent and purpose of the General Plan with regard to density and use.")

3. The Class 32 Exemption requires the Project to be, among other things, consistent “with applicable zoning designations and regulations” and not result in significant effects relating to traffic, noise, air quality or water quality. (CEQA Guidelines § 15332.) Here, as discussed above, the Project’s foreseeable use as a 96-unit student housing dormitory would be inconsistent with applicable zoning regulations (i.e., maximum density) and, thus, the Project is ineligible for a Class 32 Exemption. Additionally, there is no meaningful explanation or evidence that the Project is below “interim air thresholds” developed by DCP staff based on CalEEMod model runs.¹⁵ Furthermore, DCP’s significance determination is entirely contingent on the false assumption that the Project is just ten (10) single-family dwelling units. CEQA bars such inaccurate project descriptions.¹⁶
4. Applicant’s claim that WANA/GPT appeal was deemed denied is meritless. Before and during the APC hearing, the Applicant representative claimed that the Appeal was “deemed denied” by operation of law because APC did not act within the timeframes under the Code.¹⁷ However, timelines to act under the Code have been tolled due to the COVID emergency, according to Deputy City Attorney Ernesto Vasquez.¹⁸ Mr. Vasquez, who served as counsel to both Central and South LA APCs, made these statements just three weeks before the South LA APC heard WANA/GPT’s appeal on July 19, 2022, and in direct response to the concerns raised about appeals being considered deemed denied.¹⁹ And, of course, APC heard the appeal on July 19, 2022, notwithstanding Applicant’s deemed denied argument.

In sum, both the VTT and Class 32 Exemption should have been denied. Appellant reserves the right to supplement these comments and specific appeal points in the future. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during the EIR comment period].)

HOW ARE YOU AGGRIEVED BY THE DECISION: Appellant is a broad coalition of students, community organizations, and union members united to make USC a better neighbor and accountable to its surrounding communities. Its members live and/or work in the vicinity of the Project Site, breathe the air, suffer traffic congestion, and suffer other environmental impacts of the Project unless it is properly analyzed and mitigated. Additionally, Appellant is committed to ensuring responsible development in Los Angeles, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may significantly impact the environment in the City of Los Angeles. This Project that may usurp true single-family housing

¹⁵ Initial LOD, pp. 11-12 (“The project is beneath the threshold criteria established by LADOT for preparing a traffic study[;]... Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.”)

¹⁶ See *Citizens for a Sustainable Treasure Island v. City & Cnty. of San Francisco* (2014) 227 Cal.App.4th 1036, 1052 (noting “only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative), and weigh other alternatives in the balance.”)

¹⁷ See e.g., APC Meeting Additional Documents, supra fn. 11, PDF pp. 22, 25; APC Meeting Audio, supra fn. 8.

¹⁸ DCP (6/28/22) Central APC Agenda, p. 3 (Item 6 regarding appeal of Hollywood project), <https://planning.lacity.org/dcpapi/meetings/document/72240>; DCP (6/28/22) Central APC Meeting Audio, mm:ss 17:30-21:00, https://planning.lacity.org/plndoc/Audio/Central_LA/2022/06-28-2022/6_ZA_2019_5239.mp3.

¹⁹ Central APC Meeting Audio, supra fn. 18, mm:ss 05:30-07:15.

opportunities amidst an affordable housing crisis violates these principles and negatively impacts Appellant and its members. Hence, granting this Appeal will confer a substantial benefit to USC Forward and the public, including citizens, residents, businesses, and taxpayers affected by the Project, and will result in the enforcement of important public rights. Appellant, through its members, participated in the APC hearing on July 19, 2022 that is the subject of this Appeal via oral testimony, thereby exhausting its administrative remedies.

HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: Appellant appreciates APC's efforts to address the legitimate concerns raised by the community. However, APC abused its discretion because it improperly granted the VTT in violation of the Code and relied on an inadequate CEQA review. The City cannot grant the Project Approvals until the VTT is sufficiently conditioned, re-entitled with correct land use approvals, and/or analyzed via a CEQA-compliant review.

Finally, on behalf of Appellant, this Office requests, to the extent not already on the notice list, for all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F.) Please send notice by electronic and regular mail at the address provided on page one of this letter.

Sincerely,



Jordan R. Sisson
Attorney for Appellant