

CEQA APPEAL 23-0667 –CLARIFICATION FOR ATTACHMENTS

This is a clarification of attachments connected to CEQA Appeal 23-0667, concerning a CEQA exemption and TOC density increase for 1041-1047 S. Crenshaw which the proposed project is not qualified due to various reasons including: the city's use of development fraud in the area; the lot's partial location in a flood zone; failure to adhere to the Wilshire Community Plan; and failure to complete a Site Plan Review under municipal code 16.05c for the project.

ATTACHMENT TO REPORT DATED 6-20-23 - REVISED APPEAL AND

JUSTIFICATION – This document was submitted on 6/14/23, and replaces the version submitted on June 2. The appeal consists of my justification as to why the project is not qualified for a CEQA 32 exemption or TOC density increase. It discusses fraud and corruption by the Dept. of City Planning.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_1_06-20-23.pdf

COMMUNICATION FROM APPELLANT– (7/26/23) – This is an updated version of the appeal sent in on 7/25/23. I was told by the PLUM clerk that this can only be submitted as communication.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_07-25-23.pdf

COMMUNICATION FROM APPELLANT - ATTACHMENT 1 (6/27/23) This is an email sent from the OPNC neighborhood council president Mitch Edelson to me a couple of hours prior to the Olympic Park Neighborhood Council meeting was set to commence at 7pm on 9/9/19. Mr. Edelson prematurely cancelled the meeting approximately FOUR hours before it was set to start, and claimed this was due to a lack of quorum. How many times has this excuse has been used previously?

Cancelling our meeting was a pretext to prevent homeowners on Victoria Ave. and Windsor Blvd. from airing their grievances, which is against the law. When issues regarding the cancellation were raised at a local private meeting approximately a week later, the president of the HPOZ, Chris Elwell, former VP of distribution and legal affairs for Sony Pictures Entertainment, would not let the issue be discussed.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_06-27-23.pdf

COMMUNICATION FROM APPELLANT - ATTACHMENT 2 (7/27/23)) This is a map copied from the FEMA website showing that 1047 is located partially in a flood zone. The FEMA map shows close to half of the lot 1047 lies in an AO Flood Zone. Nowhere in the CEQA 32 Report is there mention of this. Because the location is partially in a flood zone, law requires the city to utilize the discretionary review process, and thus the project falls under the purview of CEQA, and is not qualified to receive either a TOC increase or CEQA exemption. According to 14 CCR 15268(d), projects which involve an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_2_06-27-23.pdf

COMMUNICATION FROM APPELLANT - ATTACHMENT 3 (7/27/23) Copy of the Wilshire Community Plan, which sets out the objectives for City Planning to utilize when developing in the area. In the case of *Fix the City, Inc. v. City of Los Angeles*, the Los Angeles Superior Court ruled in 2022 that conflicts between qualifying Transit Oriented Communities (TOC) Guidelines and specific plan requirements should be resolved in favor of a specific plan.

Mr. Bertoni made his May 18th determination for CEQA 32 exemptions and TOC increases when his allowances and exemptions are inconsistent and contrary to the objectives, principles, intent and goals of the Wilshire Community Plan, which is part of the General Plan.

Further, because this project is discretionary in nature, it should be required to issue a finding that it is consistent or in conformance with the General Plan. However, this project is **not** consistent with the General Plan, because the city has failed to conduct a **Site Plan Review (SPR) as required under LAMC 16.05c** for this project. The threshold for a Site Plan Review is a net increase of over 50 dwelling units, which this project exceeds.

The threshold was changed for the TOC Guidelines, which were never adopted into law by the Los Angeles City Council.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_3_06-27-23.pdf

ATTACHMENT TO REPORT DATED 6-20-23 - ENVIRONMENTAL CATEGORICAL EXEMPTION (149 PAGES) – Report prepared by CAJA Environmental Services, LLC, for the Dept. of City Planning. There is NO mention that 1047 is located partially in a flood zone.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_2_06-20-23.pdf

ATTACHMENT TO REPORT DATED 6-20-23 - EXHIBIT – This consists of a clarification from Mitch Edelson, the former OPNC president which was sent to me on 9/21/19 regarding the cancellation of the OPNC meeting. Herb Wesson was Cc'd. Most likely Mr. Wesson colluded with the former OPNC president to cancel the scheduled meeting, when homeowners were notified of the coming Solaris project, and gathered to complain.

https://clkrep.lacity.org/online/docs/2023/23-0667_MISC_4_06-20-23.pdf

ATTACHMENT TO REPORT DATED 6-20-23 - NOTICE OF EXEMPTION

This attachment consists of 51 pages and describes development fraud and corruption that I have encountered over the years, and was combined together in order to give you a better insight. Many of the attachments listed can be found on my website www.whycantimove.com.

Page 1 – Notice of Exemption for 1113-1127 S Crenshaw – located in AO Flood Zone.

Page 2 – Notice of Exemption for 1251 S. West Blvd. – located in AO Flood Zone

Page 6 – This was the first of three submissions sent to the Planning Commission regarding the PSH Solaris housing located at 1141-1145 S. Crenshaw Blvd. The attachment outlines staff changing the Solaris zoning for one particular lot which it was not qualified for. The city ok'd granting the developer millions in loans when the project at the time wasn't qualified to be built in that location. When issues were raised regarding the submission, City Planning staff allowed the developer to rescind their previous submission by claiming they found a discrepancy in the zoning. My appeal describes how the city used fraud by creating a fake discrepancy, then pushed it through as a Streamline Infill Project, when it isn't qualified as an infill project, so that the Planning Commission, made up of volunteers from the development industry, could have it developed.

Page 19 – Attachment Q, this was sent to the previous city attorney, Mike Feuer on 10/9/19, describing the issue of the Olympic Park Neighborhood Council and the cancellation of the 9/19/19 OPNC meeting.

Page 26- Response I sent to Elise Rudin and Mike Feuer related to her response to my allegations of Brown Act violations as submitted to her on 10/19/19, after it went ignored by Mr. Feuer. In addition, I requested the City Attorney to cure and correct Brown Act violations, which includes the acceptance of 2015 Proposed Negative Declaration for the C3 Subdivision prepared by City Planning. The only public support for this project was from a former president, Laura Rudison, who claimed that the OPNC supported the project, when there was no public record that the issue was even discussed. Again, the city used fraud to claim the location was not in a flood zone. It is questionable whether the neighborhood was properly informed of the subdivision hearing as no one who supposedly received one of 620+ letters sent in 2016 was in attendance. Of note, the

2021 Flood Ordinance 186952 was updated from #172081 to include language related to Subdivisions (#186952, Pg. 20)

Page 32 – Email to Mr. Feuer requesting the City Attorney look further into Brown Act violations by the OPNC. The attachment described in this email starts on page 19 (known previously as Attachment Q).

Page 40 – Murray Mansions email, forwarded to Mr. Bertoni on 5/18/20 and addressed to Mr. Nick Hendricks of the Dept. of City Planning, after Mr. Hendricks claimed that a condo project qualified for a TOC and CEQA exemption when he was aware that the location is in a flood zone, and thus qualified for neither.

https://clkrep.lacity.org/onlinedocs/2023/23-0667_misc_3_06-20-23.pdf