June 1, 2020

Dear James,

The following letter concerns the project at 1141-1145 S. Crenshaw Blvd., **CPC-2020-516-DB-PSH-SIP**, known as Solaris or the Project formerly known as Solaris. At an unconfirmed time sometime before February 2020, Lot 40/39 =1145 S. Crenshaw Blvd. had its zoning modified from a C2 to an R3 Zone, utilizing ordinance 165,331 Subarea 9670, which does not apply to the property.(**EXHIBIT 1**) On July 10, 2019, Domas paid over $16000 (**EXHIBIT 2**) for the application for Transit Oriented Communities designation DIR-2019-4049-TOC (TOC) (**EXHIBIT 3**), and for a full Environmental Assessment ENV-2019-4050-EAF (EAF) -Initial Study to ND/MND. The TOC declared that “analysis of the proposed project determined that it is Categorically Exempt from environmental review”. (pg. 11) (**EXHIBIT 4**)

Although I reviewed the old file related to the previous project, I am yet to see the files related to the new SIP (Streamlined Infill Project). Should the files not be available for viewing, the meeting may need to be postponed.

Nonetheless, because the location of the project is in an AO Flood Zone, it does not satisfy the requirements necessary for streamlined ministerial approval or exemption as defined in Gov. 65913.4 (**EXHIBIT 17**) or PRC 21159.21 (**EXHIBIT 18**).

In the Notice of Public Hearing, the requested actions related to CPC-2020-516-DB-PSH-SIP include:

- Determine that the Supportive Housing project is Statutorily Exempt from the California Environmental Quality Act (CEQA) as a ministerial project.
- Determine that the project satisfies all the requirements and objective planning standards…and is therefore subject to the streamlined, ministerial approval process provided by government Code Section 65653.

- Allow for a ministerial review of a Density Bonus, including a 65% increase in density over that permitted, and a height increase of up to an additional 20 feet for a maximum of 65 feet and a waiver in setbacks, open space, and the ability to waive transitional height requirements for the space located in the R1 zone.

The TOC for 1141-1145 S Crenshaw claimed the project had been analyzed and determined to be Categorically Exempt from environmental review pursuant to Article 19, Section 15332 (Class 32) of the CEQA Guidelines, even though it is in an AO Flood Zone, which does not qualify for exemption.

According to the City's Flood Plan # 172081 (**EXHIBIT 4B**) it is citywide policy that:

> Nonessential public utilities, public or quasi-public facilities **not be located in special hazard areas**. When public utilities, public or quasi-public facilities must be located in hazard areas, assure that they are constructed to minimize or eliminate flood hazards. (Pg. 13) (**EXHIBIT 5**)

A housing project with services that is privately owned and publicly funded is a quasi-public project, and should not be located in the Special Hazard Area, which this project is attempting to do.

The AO Flood Plain is categorized as a Special Hazard Zone; development in the flood plain falls under Title 44 of the Federal Flood Code and the City's *Specific Plan for the Management of Flood Hazards* Ordinance #172081. The plan applies to all public and private development in the City's Flood Zone.

Ordinance #172081:

> to the extent permitted by law, all public and private development shall be subject to these regulations and construction may not commence without compliance with the provisions and intent of this Plan and permits from those governmental agencies from which approval is required by Federal and State law. (pg. 16) (**EXHIBIT 6**)
>
> For projects found to be located in a special hazard area the following finding shall be made: "that the project conforms with both the specific provisions and the intent of the Floodplain Management Specific Plan." (pg. 16) (**EXHIBIT 6**)

HAS THIS FINDING BEEN MADE ALREADY, OR WILL THE PLANNING COMMISSION DETERMINE THAT THE PROJECT CONFORMS TO THE FLOOD PLAN WHEN IT ATTEMPTS TO TRY AND EXEMPT THE PROJECT FROM CEQA?

Nori reconfirmed on October 23, 2019 that the project is subject to the regulatory compliance measures, including the City's Specific Plan for the Management of Flood Hazards Ordinance No. 172081, to avoid or reduce impacts.

The City's Flood Plan provides for the establishment, management, and regulatory control of construction in the flood zone and must meet or exceed criteria established in accordance with Federal Title 44 for the management of flood plain regulations.

The Problem is that the Los Angeles Dept. of City Planning has been found to provide fraudulent information to the State of California in order to assist developers in sidestepping the requirements of CEQA.

<u>THIS IS THE THIRD PROJECT I HAVE FOUND WHERE THE DEPT. OF CITY PLANNING FALSELY CLAIMED ON THAT THE SUBJECT PROPERTY IS QUALIFIED FOR A CLASS 32 CATEGORICAL EXEMPTION, AND LIKE SOLARIS WERE DECLARED NOT TO BE IN A FLOOD ZONE</u>, and includes:

- C3 Luxury Subdivision (VTT-73424) (MND) – (**EXHIBIT 7**)
- Condo Project Murray Mansions (VTT-82630-CN) 121 S. West Blvd. 90019 (NE) (**EXHIBIT 8**)

The City accepted payment for a TOC and EAF for 1141-1145 S Crenshaw in July 2019, (six months after Monique Hastings attested to her CP 7771.1 application's authenticity). The transaction shows that the City considered the project as discretionary. Thus, the project is subject to the requirements of CEQA and 14 CCR 15268 which states;

> **WHERE THE PROJECT INVOLVES 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. (EXHIBIT 9)

How can the project be considered for ministerial approval and exemption when Solaris would be the second out of scale permanent supportive housing development project placed next to/near S. Victoria Ave. which would permanently double as a residential parking lot for hundreds of additional residents and customers, while the mansions in Victoria Circle (on the same side of the street as Amani Apts.), has its mansions protected by a city installed steel fence.

In essence, the City Planning Commission is being asked to grant the project, and its representative Monique Hastings, a free pass to resubmit the project as a streamlined infill project and categorize it as qualified for a CEQA statutory exemption.

No one in Domas Development LLC and 1141 S Crenshaw LP, or the city employees involved in this project are held responsible for the fraudulent TOC land use entitlement request which claimed that the project was eligible for a CEQA exemption. Further the TOC stated the project is “comprised of lots FR 40 and 72 in the N.C. Kelley’s Montview Tract”,

Just for correction, FR 40 is in the Oxford Sq. Tract, and Lot 39, is the R1 zone the back. Lot 39 can’t be used to determine the development’s open space requirements because most likely whatever change occurred before February 2020 to the zoning most likely did not conform to city policy.

After August 23, 2019, lot 40 was questionably modified, and had its zoning changed from CR to R3, utilizing Ordinance 165331 (Subarea 9670) which does NOT apply to the project.

11 12 13	9670	CR-1-O	R3-1-O	Lots 4-21, 23-26 and Frac. Lots 22 and 27, Benton Terrace Tract; all as shown on Cadastral Maps 129-B-185 and 129-B-189.

On May 19, 2020 Hagu wrote

> "Upon completing our research…we determined that the correct zone is R3 based on Ordinance No. 165331 Subarea 9670 and not CR. Zimas was corrected to reflect the R3 zone and **as such the applicant is in the process of withdrawing their previous case number** (DIR 2019 4049 TOC/env-2019-4050-eaf). The applicants reapplied under case no CPC 2020 516 DB PSH SIP which has a different entitlement path effectively the same project with regards to design, layout, and unit count." (**EXHIBIT** 9B)

SINCE THE ZONING WAS MODIFIED USING A FAKE JUSTIFICATION, THIS PROJECT SHOULD NEVER HAVE BEEN WITHDRAWN AND RESUBMITTED TO THE COMMISSION FOR HEARING.

It is unclear how the R1 zone can be used to justify the OPEN space requirement for a project in a CR/Fake R3 and C2 zones, or what channels the City used to rezone Lot 40/39.

Based on the questionable changes to the R3 Zoning, the TOC should **not** have been withdrawn. **Because the city accepted payment in July 2019, it is not all of a sudden legally afforded a different "entitlement path" to obtaining a building permit when it purposely lied to evade the flood code with the assistance of public employees whose Dept. accepted payment for land use studies. Accepting payment shows that the city determined the project to be a discretionary prior to finding a "discrepancy", and thus is subject to CEQA/14 CCR 15268).**

Ms. Hastings attests on 1/25/19:

i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in the application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit." (**EXHIBIT 10**)

Instead of being held responsible, Ms. Hastings withdrew and resubmitted the project in 2020 as a Streamline Infill Project, with the lot conveniently changed from a CR to a R3

on an undetermined date between August 23, 2020 and February 2020. On May 26, 2020 James stated that "Once the zoning discrepancy was discovered [date unknown], the applicant requested that initial project application be withdrawn. The applicant then reapplied for the project in 2020." (**EXHIBIT** 11)

On May 28, Mr. Harris claimed:

> There was no change in zoning for this site, only a correction to the ZIMAS database to reflect the zoning pursuant to Ordinance 165,331 and as shown in the Wilshire Community Plan. In 2019 the applicant applied for a Transit Oriented Communities project. When the discrepancy between the Wilshire Community Plan and ZIMAS was discovered, the applicant requested the project be withdrawn. The applicant then reapplied for a project under the zoning as shown in the Wilshire Community Plan. (**EXHIBIT** 11.B)

Would it be prudent to grant the project a ministerial exemption, when CEQA exempt Amani PSH is approximately a block's distance away, and Solaris would be built by anonymous individuals, little if any oversight, and use a zoning change whose switch most likely wasn't conducted according to law by a City Planning Dept. that can't be trusted.

The public housing projects would come with 55 years of subsidized rents and no parking for approximately 100 units. Who will accommodate the parking needs of hundreds of residents, friends, persons seeking services, and customers when the only available parking available in a neighborhood of single-family homes in an HPOZ ZONE on Victoria Ave. and Windsor Blvd – which will cue a parking problem that will spread to other communities.

What process determines who gets 55 years of subsidized rent, is it a lottery? Friends of friends of friends of the councilman? The City assists anonymous private developers, using laws drafted in their favor to allow for disease density, publicly paid pre-covid construction, no environmental review, and a lifetime of subsidized rent for units that are expected to each cost $550-575,000 to construct using 2018 numbers, with the cost passed on to taxpayers.

Attempting to permit pre-covid density apartment complexes using the destitute to justify a blank check to anonymous individuals is creating long term consequences and a lifetime of liability to the LA taxpayer and city property owners who are responsible for funding subsidized rent for inflated rent given to private landlords of buildings which are specifically constructed for that purpose.

Wouldn't it simply make more sense to retrofit abandoned commercial buildings in the C2 and CR zones that currently sit empty and make them into new housing. Wouldn't it be more humane to have caps on what can be charged for rent so people don't have to make a choice whether to eat or have a roof over their head?

When I asked about the current estimated cost of each unit of housing James stated on May 26, 2019, "The cost per unit is information that is not collected in order to process an applicant's project application".

I came across a statement in my research where the city claims it is more expensive to retrofit already constructed spaces for housing than to build new housing. With downtown landlords not required to supply vacancy listings, how much of the city's total amount of empty rentals and commercial space is identified? What then justifies a cost of $550-570,000 price tag per new unit construction (**EXHIBIT 12, EXHIBIT 13)** paid to anonymous sources/campaign donors, when it is unclear if PSH properties are subject to audit and itemization to make sure taxpayers' trust is not abused.

Granting CEQA Statutory exemptions, ministerial reviews, density bonuses, etc., is essentially asking for a waiver from Federal Title 44 guidelines and the City's Flood Plan Ordinance #172081, which states:

> **THE WAIVER [TO THE PLAN] WILL NOT RESULT in an increase flood height; ADDITIONAL THREATS TO PUBLIC SAFETY; CREATE EXTRAORDINARY PUBLIC OR PRIVATE EXPENSE; CREATE NUISANCES; CAUSE FRAUD OR VICTIMIZATION OF THE PUBLIC; or conflict with the Los Angeles Municipal Code. (#172081, Pg. 31) (emphasis added) (EXHIBIT 14)**

Why then is the City attempting to push a second PSH Housing development that will victimize the public whose tax dollars are given to anonymous entities whose current debt load is unknown.

Has the city engineer/applicable city department assured that the building is constructed to minimize or eliminate flood hazards, before attempting to qualify it as a ministerial project subject to CEQA exemption?

With the Dept. of City Planning claiming that at least three projects were not in the flood zone, why would ministerial approval be given to a developer who lied in their previous TOC application, then is attempting to get the project developed for the same development site, when the developer is not financially responsible should it fail**.**

DOMAS DEVELOPMENT IS THE LARGEST DEVELOPER OF PUBLIC HOUSING IN THE STATE, WHY AREN'T THEY HELD RESPONSIBLE FOR THE FRAUDULENT TOC THAT CLAIMED THEY QUALIFIED FOR A CEQA 32 EXEMPTION, WHEN THE PROPERTY IS IN AN AO FLOOD ZONE? WHY WOULD THE PEOPLE WANT THEIR TAX DOLLARS GOING TO UNKNOWN PERSONS WHOSE DEVELOPMENT COMPANY LIED IN AN ATTEMPT TO GET A CEQA EXEMPTION?

Solaris/1141-1145 S. Crenshaw and the Condo Murray Mansions project, were given "public support" by the local Olympic Park Neighborhood Council (OPNC). In September 2019, the OPNC took the unusual/illegal step to lock out homeowners from attending their meeting, aborting the meeting 3.5 hours prematurely in order to prevent complaints about Domas Solaris and other projects in the area, then the following month voted themselves as qualified to grant support to private developments.

The City Attorney so far has ignored Brown Act complaints as well as other issues brought to their attention regarding corruption. (**EXHIBIT 14B**) This may be because to recognize the complaints would mean that the Olympic Park Neighborhood Council could not function as a fake source of public support for local and internationally anonymous private developers whose money and connection to power allows them to create laws that financially burden the people of this city in order to find a support for unnecessary and aesthetically ugly PSH construction projects, whose true purpose is to serve the private developer as a cash cow provided courtesy of the LA taxpayer/property owner.

Putting in TWO out of scale projects with no parking next to a defenseless neighborhood of single-family homes shows the possible nature of the project, to make the neighborhoods unlivable, dangerous and eventually subject to developmental exploitation/eminent domain opportunities. Neighborhood Councils are noted to be stacked with members whose connections to private developer LLCs and LP's are yet to be substantiated, and thus the determination as to the objectiveness of their vote remains in question.

According to Title 44 Section 60.3 (4), requires the city to:

> Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding…. (**EXHIBIT 15**)

Is streamlined ministerial approval, review, and waivers consistent with federal policy Title 44 Section 60.3?

The Public Hearing Notice sent to Victoria Ave. states the zoning for 1145 S. Crenshaw consists of R3-1-O.

Prior to August 23, the lot had been a CR Zone as noted in the TOC. According to Nuri, Hagu, and James, the location was improperly zoned and should have been listed as R3.

In early August 2019, I cc'd Nuri on an email to the local OPNC regarding 1141-1145 S Crenshaw Blvd. On August 23, 2019, Nuri Cho issued the *STATUS OF PROJECT REVIEW: APPLICATION INCOMPLETE AND CASE PROCESSING ON HOLD* letter to the project's applicant Monique Hastings stating:

> Per the Wilshire map of Ordinance 165,331 for Subarea 9670, the correct zone of the portion of the property at 1145 s. Crenshaw Blvd. (Lots 39 Arb 2 and FR 40 Arb 2, Oxford Square Tract – APN 5082026013) that is designated for Medium Residential land uses is R3-1-O, not CR-1-O. Please update all application documents and plans to reflect the R3-1-O zone. (**EXHIBIT 16**)

.

According to the 1990 ordinance 165,331 (Pg. 158) Subarea 9670 the following lots can be changed from a CR to an R3 designation:

> "Lots 4-21, 23-26 and Frac. Lots 22 and 27 Benton Terrace Tract; all as shown on Cadastral Maps 129-b-185 and 129-B-189." (**EXHIBIT 1**)

The problem is that 9670 does not apply to 1145 S. Crenshaw, 39/40 Lot in the Oxford Square tract, but to property two doors down, and thus does not qualify as a discrepancy, which forms the basis for the withdraw and resubmittal.

Allowing a CEQA exemption based on a made-up technicality is meant to sidestep the process of proper assessment and provides a cover for the project's withdraw and resubmission as a ministerial review project. Because the current R3 zone is illegitimate/fraudulent, the project's previous TOC and EAF was not subject to withdraw or a current repackaging as a ministerial project.

According to the City's Flood Plan –

> B. **Planning Development Permits Applications and procedures for zone changes**, **variances….environmental clearances, or any other permit procedure pertinent to this Plan shall contain additional information on the application forms sufficient to determine the existence and extent of flood-related hazards, and to provided sufficient data to enable thorough and complete review of the development as it relates to this plan**. (Pg. 16) (**EXHIBIT** 6)

On May 19, 2020 Hagu stated: "…Zimas was corrected to reflect the R3 zone and as such the applicant is in the process of withdrawing their previous case number (DIR 2019 4049 TOC/env-2019-4050-eaf). The applicants reapplied under case no CPC 2020 516 DB PSH SIP which has a different entitlement path effectively the same project with regards to design, layout, and unit count."

Procedures for changing the zoning in a special hazard area include suppling sufficient data to enable a thorough and complete review of the development as it is subject to the City's Flood Plan. It is questionable whether proper procedures were observed in changing the CR zoning to R3 when the property is located in an AO Flood Zone.

Additionally, the necessity to rezone CR is doubtful when it already **allows for R4 and R3 uses. This allowance** was utilized in the original TOC plan, stating the project planned to use "yard reductions per RAS3" (pg. 2)

What is the need to withdraw the project approximately two months after the developer had paid for a TOC and EAF? Could it be that the project was withdrawn because Solaris is in a Flood Zone and does not qualify as an infill site, contrary to what the produced TOC Land Use Entitlement Request stated.

Would placing the project across two zones, Fake R3/C2 mean that it can be considered for a ministerial exemption, review, and approval?

On September 11, 2019 Nuri stated, "The case is currently on hold as the applicant will be updating application documents and plans to reflect the correct zoning requirements" (**EXHIBIT 16B**). …he later added, "the case was placed on hold on August 23rd. On September 18, 2019, he stated "[domus development] needs to redesign the project to conform to the R3-1-O Zone requirements." (**EXHIBIT 16C**).

Problems with the R3 Zone designation.

When I came to City Planning to look at the casefiles in September 2019, I found no mention that the location was in an AO flood zone. (I also believe the original plans I saw included several three-bedroom apartments.) How could a project get the blessing of over nine million dollars in Prop HHH funds (and millions more in other taxpayer funded loans) when the City's Flood Plan states that **NON-ESSENTIAL PUBLIC UTILITIES, PUBLIC OR QUASI-PUBLIC FACILIES NOT BE LOCATED IN SPECIAL HAZARD AREAS. (#172081, PG. 13) (EXHIBIT 5)**

Could it be that changing the zoning and claiming a fake Zoning discrepancy is the most convenient way to withdraw the previously paid for TOC and DIR cases, which might show that the Dept. of City Planning did not follow proper protocols related to managing development on the flood plain.

On November 14, 2019 Hagu wrote:

> I want to clarify for you that the City **did not change the zoning to R3 in August**. Once a conclusion has been made on the zoning, I'll be sure to let you know. At this point, the case is still on hold" (emphasis added) **(EXHIBIT 16D)**

The next I heard from Hagu regarding this project was in May 2020.

Government code 822.2 states:

> A public employee acting in the scope of his employment is not liable for an injury caused by his misrepresentation, whether or not misrepresentation be negligent or intentional, unless he is guilty of ***actual fraud, corruption, or actual malice***. (emphasis added)

GOVERNMENT CODE– GOV -TITLE 7. PLANNING AND LAND USE CHAPTER 4.2. ***Housing Development Approvals*** *65913.4 states:*

(a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

B. A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

6) The development is not located on a site that is any of the following:

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulation. (**EXHIBIT** 17)

1141-1145 S Crenshaw is in an AO Flood Plain/Special Hazard zone, and therefore does NOT QUALIFY for streamline ministerial approval according to 65913.4.

AB 2162 (Gov. Code 65651) authorizes supportive housing as “by right”/ministerial in zones where multifamily and mixed uses are permitted. A project is qualified for ministerial approval under CEQA it can meet certain criteria:

(b) (1) The local government may require a supportive housing development subject to this article to comply with written, objective development standards and policies. However, the local government shall only require the development to comply with the objective development standards and policies that apply to other multifamily development within the same zone.

(b) (2) The local government’s review of a supportive housing development to determine whether the development complies with objective development standards, including objective design review standards, pursuant to this subdivision shall be conducted consistent with the requirements of subdivision (f) of Section 65589.5, and shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. (**EXHIBIT 17B)**

Because of the sensitivity of the environment as an AO flood zone it requires that the site plans be reviewed for compliance with the flood code prior to waiver or exemption being given, and thus is not subject to use “by right”.

According to PUBLIC RESOURCES CODE CHAPTER 4.5. Streamlined Environmental Review ARTICLE 6. Special Review of Housing Projects

PRC 21159.21 (EXHIBIT 18)

A housing project qualifies for an exemption from this division pursuant to Section 21159.22, 21159.23, or 21159.24 if it meets the criteria in the applicable section and all of the following criteria:

> (a) The project is consistent with any applicable general plan, specific plan, and local coastal program, including any mitigation measures required by a plan or program,
>
> (h) The project site is not subject to any of the following:
>
> > (5) Landslide hazard, **flood plain**, flood way, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

Because 1145 S. Crenshaw is in an AO Flood Plain, it is not subject to for exemption or streamlined environmental review.

The problems of Solaris and other construction in the AO Flood Zone shows that City Planners are willing to use their positions to participate in what may be large scale massive fraud by city employees on behalf of anonymous developers. The City of Los Angeles suffers from serious traffic congestion, crime, threat of earthquakes, decay, and lack of water and cannot support unending unregulated development, with the costs passed on to the working people and property owners of the community, who shouldn’t be surprised that PSH housing ends up costing more when the loans awarded to anonymous limited liability companies fail to be paid back.

Sincerely,

Virginia Jauregui