

**RESOLUTIONS
OF THE
HOLMBY WESTWOOD PROPERTY OWNERS ASSOCIATION**

1. The Board of HWPOA held a regularly scheduled meeting on January 8, 2019 at Belmont Village, 10475 Wilshire Boulevard, Los Angeles, California (the "January 2019 Meeting").

2. At the January 2019 Meeting, the Board of Directors of the HWPOA (the "Board") and members of the HWPOA undertook a discussion regarding the 900 Hilgard Avenue and 901 Malcolm Avenue, Los Angeles, California development project proposals (i.e. both the 16-story and 8-story proposals) slated to be called "The Agora" (the "Proposed Development Projects") as submitted to the Department of City Planning on November 19, 2018 and the North Westwood Neighborhood Council Land Use Committee on December 5, 2018 by the new owners of the 900 Hilgard Avenue and 901 Malcolm Avenue, Ted Khalili and Eraj Basseri of Hilgard LLC (the "Developers") with the assistance of their consulting group, Afriat Consulting Group Inc. ("Afriat").

3. Following discussion by the Board and members of the HWPOA, a motion was submitted the Board regarding the Proposed Development Projects stating that the HWPOA deliver a written notice and request to City of Los Angeles Councilman Paul Koretz containing these Resolutions and stating that the HWPOA is opposed to the Proposed Development Projects (inclusive of certain reasons for such opposition as contained within the Resolutions below) and that Councilman Koretz oppose the Proposed Development Projects (the "Motion").

4. The Motion was seconded and approved by voice vote of the Board.

NOW THEREFORE, IT IS HEREBY

RESOLVED, that Sandy Brown, solely in her capacity as Chairperson of the Board of the HWPOA is hereby authorized, empowered and directed, on behalf of HWPOA, to deliver these Resolutions to Councilman Koretz, which shall constitute written notice to Councilman Koretz, that the HWPOA strongly and urgently requests that Councilman Koretz vigorously oppose, in his capacity as a Los Angeles City Councilman, at all times:

- (a) the Proposed Development Projects,
- (b) any amendment to the General Plan necessary to approve the Proposed Development Projects,

(c) any change in Zoning designation necessary to approve the Proposed Development Projects,

(d) any change in the Height District, Specific Plan or Westwood Multi-Family Specific Plan necessary to approve the Proposed Development Projects, and

(e) any change in instruments described in clauses (b), (c), and (d) above (collectively, the “Existing Development Rules”) necessary to approve any future variation of the Proposed Development Projects that is not fully consistent with the Existing Development Rules;

RESOLVED FURTHER, HWPOA requests that Councilman Koretz provide substantial evidence regarding the Proposed Development Project and the Existing Development Ordinances, City Charter, and General Plan:

(a) Under General Plan Framework Policy 3.3.2, a mandatory mitigation measure, the City of Los Angeles is not permitted to increase allowable density if public services and infrastructure are inadequate. Based on the arguments raised in *Fix the City vs. City of Los Angeles*, and the current inadequate emergency response times for Westwood (LAFD Stations 37 and 71) due to inadequate staffing, equipment, facilities and traffic congestion, this project cannot lawfully be granted a General Plan Amendment or Zone Change until infrastructure and city services are adequate. If the city cannot afford to make these vital services adequate, it cannot make things worse by increasing demand for emergency services.

(b) Prior to the adoption of the Westwood Multi-Family Specific Plan, each of two privately owned, high-rise student-housing based residential projects were developed along the 900 blocks of Hilgard and Tiverton Avenues. Each project failed within a short period of time and were later repurposed and are now currently known as The W Hotel and Westwood Horizons Retirement Home. Such repurposing has created unintended and material burdens upon Hilgard Avenue and surrounding streets that were not intended nor originally approved. The Westwood Multi-Family Specific Plan was adopted to prevent future incompatible projects, such as the Proposed Development Projects, from being developed in the Plan’s area.

(c) There is inadequate evidence to support a claim that student housing of the size contemplated in the Proposed Development Projects will be successful now where has repeatedly failed in the past. Further, such project will need to complete with current plans to add 5,400 student beds on the opposite side of UCLA campus (where student housing has proven successful) (see <https://Urbanize.la> article posted November 19, 2018). Therefore, any modification of the Westwood Multi-Family Specific Plan to accommodate the

Proposed Development Projects will likely result in another failure and a new round of increased burdens upon Hilgard Avenue and surrounding areas that will be materially greater than claimed by the Developers and Afriat under the Proposed Development Projects.

RESOLVED FURTHER, HWPOA requests that Councilman Koretz consider the following facts regarding the Developers and the Proposed Development Projects:

(a) The Developers have publicly implied that UCLA supports the Proposed Development Projects because of UCLA's general support to add more student housing in Westwood. Such implication conflates the facts, which are that additional student housing is primarily supported on the opposite side of campus. Refuting any possible implication of UCLA support for the Proposed Development Projects is the written confirmation delivered by Michael J. Beck, Administrative Vice Chancellor, UCLA Administration on December 16, 2018 to a HWPOA member expressly stating that the Developers had contacted Mr. Beck and that the UCLA Chancellor's office informed the Developers that it "declined to support" the Proposed Development Projects.

(b) The Developers have stated publicly, through Afriat, that "below-market rate housing for UCLA students" (or "for low-income UCLA students") will be provided. This statement is meaningless, and possibly intentionally deceptive, for multiple reasons: (i) the Proposed Development Projects will not qualify as "Section 8", "Proposition HHH", "Measure JJJ", MIPA or LIPA projects; so, actual defined terms of low-income housing, supportive housing, etc. recognized under public laws are not applicable; (ii) there is no evidence nor legal commitment offered by the Developers that rental pricing of any beds (the unit by which rentals will be listed) will be lower for the Proposed Development Projects than are offered by other residential buildings primarily occupied by students; and (iii) there is no evidence that that the Developers can establish a viable legal structure by which they can guarantee that any particular percentage of the Proposed Development Projects will be occupied by UCLA students (low-income or otherwise) as opposed to any other persons of any age, educational status, or income. Therefore, the implicit promise of selective uses tied to UCLA students is intentionally misleading.

(c) As noted above, the Developers have stated publicly, through Afriat, that the Proposed Development Projects will provide "29,500+ square feet of open space" or "two-thirds of an acre of open space". Such claims are likely intentionally misleading, if not knowingly false, given that "open space" in the land use and planning context does not apply to non-public interior spaces or rooftops.

(d) Both the integrity and track record of any developer are highly relevant when considering modifications to the Existing Development Rules to support such developer's project. Without an abundance of one or both characteristics, the risk of material adverse consequences multiplies. To our knowledge, there is no track record of the Developers as it relates to development of high-rise student housing projects (or multi-family projects of any kind). The hyperbole, at best, or fraudulent statements, at worst, by the Developers and their agents as repeatedly presented at this early stage of the development project as noted, in part, in these Resolutions strongly indicates that the integrity of the Developers, in the role of developer, and their agents is questionable, at best.

RESOLVED FURTHER, HWPOA requests that Councilman Koretz consider the following facts regarding the residential, commercial and educational neighbors to the Proposed Development Projects:

(a) The process of constructing the Proposed Development Projects will create an exceptional burden upon surrounding residential properties that is fully inconsistent with the development of projects in single family residential neighborhoods. These types of commercial construction burdens (plus air quality problems from dirt and dust, as well as noise pollution during construction) will last for years on a residential lot and which be highly visible to dozens of surrounding single family home lots. This construction process will harm property values of the neighboring properties and materially interfere with the quiet and peaceful use of the neighbors' properties. If the Usurped Home's lot is later turned into "open space" for the benefit of a commercial project afterward will only add further injuries to the residentially zoned neighborhood.

(b) The members of the HWPOA oppose additional high rises on Hilgard that will increase traffic burdens on already congested intersections, ruin views for many neighbors (especially those commercial and residential neighbors adjacent to 900 Hilgard and those within the immediate blocks around 900 Hilgard), create significant light pollution (note that the lighting plans for the Proposed Development Projects are advertised to create a giant "lantern") and likely erode property values.

(c) The members of the HWPOA are not opposed to redevelopment of the existing structure located at 900 Hilgard Avenue, provided such redevelopment falls squarely within the Existing Development Rules.