

November 28, 2022

**RE: CEQA Appeal Justification for Tripalink Project (1840-1848 W. Adams Blvd.);
DCP Case Nos. ENV-2020-3308-CE & VTT-83081-SL-HCA-1A;
Appeal Deadline Triggered by November 23, 2022 DCP/City Attorney Emails**

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 via a Class 32 (infill development) and Class 15 (minor land divisions) exemption (collectively “**CatEx**”).⁴ *Until this CEQA Appeal is decided, the VTT is stayed and not final pursuant to LAMC § 11.5.13.D.*

The VTT and CatEx (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initially approved by the Advisory Agency via a letter of determination (“**LOD**”) issued in February 2022,⁵ which was superseded by a reissued LOD in April 2022,⁶ that was subsequently appealed by West Adams Neighborhood Association (“**WANA**”) along with the Greater Greater Paige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 Appellant timely filed a second-level VTT appeal, which was heard by the

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/Nzc0ODQ0/4596a256-522b-4c94-acc5-77ce1b3c8ef1/esubmit>; Applicant (3/18/20) Project Plans, PDF p. 2 (Site Plan A1.01), <https://planning.lacity.org/pdiscaseinfo/document/Nzc0ODY0/4596a256-522b-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_wS1WKuT6SVZ6XDHF.

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>.

Planning Land Use Management (“**PLUM**”) Committee on October 11, 2022, where PLUM recommended granting the VTT appeal, drafting the following findings of fact (CEQA):

“... the Project is not exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 (Infill Development Projects), and there is substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project is a classic dormitory-style housing. The applicant portrays this project as a homeownership opportunity, but it is very far from it. Several units are over 10 bedrooms and 10 bathrooms. The layout of the building as shown on plans submitted to the Planning Department with the location of the kitchen and rooms off the stairwells on each floor is indicative that this is a dormitory and not 10 single dwelling homes. This dormitory ought to be, but was not, studied and analyzed as a student housing dormitory with over 90 units.

This project is inconsistent with the Community Plan Implementation Overlay Zone and the community plan because it is out of proportion when analyzed in its proper context. If analyzed appropriately, this project will be above the threshold of traffic noise and air quality.

When it comes to this project, the Class 32 Categorical Exemption is deficient in that the first requirement that the project be “consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations” did not include an adequate consistency analysis.

There is substantial evidence in the administrative record to support the Appellant’s allegations that the City has erred in its judgment for purposes of CEQA and the use of the Class 32 Categorical Exemption that the Project is consistent with the applicable zoning regulations. Therefore, the CEQA is insufficient because the description of the project is wholly inaccurate previously stated. As a result, this tract map cannot be approved because the environmental analysis and the categorical exemption is insufficient. Therefore, we want to grant the appeal. If the applicant submits a project with an accurate and updated project description, then the department of planning can properly evaluate it.

Greater Page Temple has reached out to our office. Their congregation is against this project as they represent one of the most important historical buildings in West Adams. The CPIO also has a subarea that protects the historical character of the homes immediately south of the building known as the Victor Hall Tract and that has not been properly studied.

In addition, the City has failed to analyze the cumulative impacts of the proliferation of student housing in the area, and the City has recognized the negative impacts of multi-habitable room projects in the adjacent area through the establishment of the Neighborhood Stabilization Ordinance. In addition, as stated above, the analysis of cumulative impacts related to air quality, construction noise and construction related transportation is not adequate to support the determination in the narrative supporting the Class 32 exemption failure to analyze the surrounding student housing projects.”⁹

⁹ See Council File No. 22-1055, Revised Findings of Fact (10/12/22), https://clkrep.lacity.org/onlinedocs/2022/22-1055_misc_10-12-22.pdf.

Thereafter, on October 14, 2022, the City Clerk unlawfully and erroneously issued a Memorandum (“**Memo**”) claiming Appellant’s Appeal, as well as the independently-filed appeal by the West Adams Neighborhood Association (“**WANA**”), had been “deemed denied” under Gov. Code § 66452.5 due to the City Council’s failure to act on the VTT by October 14, 2022,¹⁰ when Council meetings were canceled due to the audiotapes’ aftermath.

On November 23, 2022, City Clerk Jenna Monterrosa wrote to Petitioner that the Appeal “was deemed denied on or about October 14, 2022, pursuant to Government Code, section 66452.5, this email shall serve to provide your client with notice that its appeal of Vesting Tentative Tract Map application VTT-83081-SL-HCA-2A was deemed denied on or about October 14, 2022 and that all administrative appeals of the Project approval have been exhausted.” She wrote that “therefore, pursuant to LAMC 11.5.13(C), your client has fifteen (15) days from the date of this email, on or before December 8, 2022, to file an appeal of the CEQA exemption determination for the project.” (See Exhibit A, attached hereto.) This was further confirmed by Deputy City Attorney John Fox. (See Exhibit B, attached hereto.)

Hence, pursuant to Los Angeles Municipal Code (“**LAMC**” or “**Code**”) § 11.5.13 and per DCP/City Attorney instructions, this CEQA Appeal is timely filed.¹¹ We ask that this CEQA Appeal is heard as soon as practicable and well before January 12, 2023. Until this CEQA Appeal is decided, the VTT is stayed and not final pursuant to LAMC § 11.5.13.D.

REASON FOR THE APPEAL: Based on the review of the relevant records, the Project violates both the Code and CEQA, as confirmed by PLUM’s recommendation to grant Appellant’s second-level VTT appeal. In accordance with DCP staff and City Attorney instructions (see Exh. A & B), Appellant timely files this CEQA Appeal respectfully requesting the City Council grant this CEQA Appeal and deny the Project Approvals—essentially finalizing what PLUM recommended on October 11, 2022.

SPECIFIC POINTS IN ISSUE: This CEQA Appeal challenges the CatEx on the following reasons.

Appellant incorporates by this reference in its entirety the challenges set forth in its prior second-level VTT appeal dated August 31, 2022 and its PLUM letter dated October 11, 2022. (See Exhibit C & D [respectively] attached hereto.)

The CatEx is invalid because the Project is inconsistent with applicable zoning rules. The CatEx requires the Project to be, among other things, consistent “with applicable zoning designations and regulations” (CEQA Guidelines § 15332), which this Project is not. As the PLUM Committee chaired by Councilmember Harris Dawson confirmed, the Project is not exempt from CEQA pursuant to

¹⁰ https://clkrep.lacity.org/onlinedocs/2022/22-1055_misc_10-14-22.pdf.

¹¹ Neither CEQA nor the LAMC allow CEQA appeals to be “deemed denied.” Under the Code, “[t]he City Council *shall* hold a public hearing before acting on the appeal.” (See LAMC § 11.5.13.E [emph. added].) So too, state CEQA law requires the Council to hear the CEQA appeal (and contains no deemed denial provision). (See Pub. Res. Code § 21151(c).) The Government Code Subdivision Map Act timelines do not apply to CEQA. Gov. Code section 66542.5 mandates automatic approval only if the agency has failed to comply with the time limits specified in “this chapter” which applies to the Subdivision Map Act only – not CEQA. If the CEQA time limits were construed as being governed by the Subdivision Map Act, projects such as this one could be deemed approved even though a substantive CEQA requirement had not been met, thereby undermining the base purpose of CEQA by permitting the development of projects resulting in unacceptable environmental consequences.

CEQA Guidelines, Section 15332, Class 32 (Infill Development Projects), and there is substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. This Project is inconsistent with the LAMC, South Los Angeles Community Plan Implementation Overlay (“CPIO”) Zone, and the South Los Angeles Community Plan because it is out of proportion when analyzed in its proper context—as a ninety-six (96) unit dormitory. Under the Code, the approximately 14,142 square foot Project site is zoned C-2, which requires a minimum of 400 square feet of lot area per dwelling unit and, thus, allows a maximum density of only 35 dwelling units. (See LAMC §§ 12.14.C.3 [C-2 zone incorporates R4 Zone lot area requirements] & 12.11.C.4 [400 square feet lot area per dwelling unit].) There is substantial evidence showing the Project will operate as 96 independent student housing units—which exceeds the objective 35-unit maximum allowed under the LAMC. So too, the Project amounts to roughly 147 square feet of lot area per unit, which violates the minimum residential density under the applicable South Los Angeles CPIO District – both generally (i.e., 1 unit per 800 square feet) and for Density Bonus or Transit-Oriented Communities projects (i.e., 1 unit per 400 square feet). (See South Los Angeles CPIO, p. 32 [Section II-2-B.1].) This inconsistency with applicable zoning rules dooms the CatEx – both Class 15 and 32.

The CatEx is an abuse of discretion that lacks substantial evidence. If analyzed appropriately, this Project will be above the threshold of traffic noise and air quality. The historical character of the homes immediately south of the building, known as the Victor Hall Tract, that has not been properly studied, and there will be significant impacts to historic resources. As the PLUM Committee further noted (see above): “[t]he analysis of cumulative impacts related to air quality, construction noise and construction related transportation is not adequate to support the determination in the narrative supporting the Class 32 exemption failure to analyze the surrounding student housing projects.”

In sum, the CatEx 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 SEIU Local 721 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. The Project usurps true single-family housing opportunities amidst an affordable housing crisis, violates applicable zoning rules, and leaves various environmental impacts unanalyzed or mitigated—which 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.

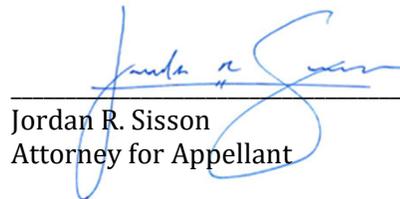
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Appellant, through its members, participated in APC hearing on July 19, 2022 (regarding WANA's first-level VTT appeal) and timely filed a second-level VTT appeal that PLUM recommended for granting on October 11, 2022 (but for the City Clerk's October 14th Memo erroneously deeming denied the VTT appeal). Appellant has exhausted its administrative remedies on the VTT appeal and now avails itself of this CEQA Appeal in as instructed by DCP staff and the City Attorney (see Exhs. A & B). Until this CEQA Appeal is decided, the VTT is stayed and not final pursuant to LAMC § 11.5.13.D.

HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: The City Clerk abused its discretion by deeming denied Appellant's VTT second-level appeal relying on an inadequate CEQA review. The City cannot grant the Project Approvals until the VTT and CatEx are cured consistent with state and local law. We ask that this Appeal is heard well before January 12, 2023 (90 days after the purported deemed denied VTT appeal on October 14, 2022.) Until this CEQA Appeal is decided, the VTT is stayed and not final pursuant to LAMC § 11.5.13.D.

Finally, on behalf of Appellant, this Office requests, to the extent not already on the notice list, for all notices of CEQA actions, Appeal hearings 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

Attachment:

- Exhibit A: DCP Staff Email (11/23/22)
- Exhibit B: City Attorney Email (11/23/22)
- Exhibit C: Appellant's VTT Appeal Justification (8/31/22)
- Exhibit D: Appellant's PLUM Letter (10/11/22)

EXHIBIT A

jordan@gideonlaw.net

From: Jenna Monterrosa <jenna.monterrosa@lacity.org>
Sent: Wednesday, November 23, 2022 12:41 PM
To: jordan@gideonlaw.net
Cc: cd8plum; Clerk-PLUM-Committee; Candy Rosales; Albizael Del Valle; Planning DSC; gk@gideonlaw.net
Subject: Re: 1840 W. Adams Blvd.; (CF No. 22-1055)

Mr. Sisson,

My apologies for the mix up. To confirm, both appellants, USC Forward and WANA, are hereby notified of their right to file a CEQA appeal on or before December 8, 2022.

Thank you.
Jenna

On Wed, Nov 23, 2022 at 11:51 AM <jordan@gideonlaw.net> wrote:

Ms. Monterrosa—just summarizing my recent voicemail. Please clarify the following:

1. My client is USC Forward, not WANA. USC Forward and WANA each timely filed VTT appeals, which are independent of one another. Please confirm that my client—*USC Forward—is hereby notified of its right to file a CEQA appeal on or before December 8, 2022.*
2. Your emails does not address the CEQA Notice of Exemption (NOE). *Is the City's also going to retract the NOE?*

Please let me know. Thank you so much.

-JRS

From: Jenna Monterrosa <jenna.monterrosa@lacity.org>
Sent: Wednesday, November 23, 2022 11:20 AM
To: jordan@gideonlaw.net
Cc: cd8plum <cd8plum@lacity.org>; Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>; Candy Rosales <candy.rosales@lacity.org>; Albizael Del Valle <albizael.delvalle@lacity.org>; Planning DSC <planning.dsc@lacity.org>
Subject: 1840 W. Adams Blvd.; (CF No. 22-1055)

Dear Mr. Sisson,

Our office has reviewed your correspondence dated November 18, 2022 regarding the appeal filed by your client, West Adams Neighborhood Association (“WANA”), of the South Los Angeles Area Planning Commission’s decision to deny WANA’s appeal of Vesting Tentative Tract Map application VTT-83081-SL-HCA-2A. Based upon our review of the records, WANA’s appeal was pursuant to LAMC, section 17.06(A)(4), not LAMC 11.5.13(C). This is because an appeal pursuant to LAMC 11.5.13(C) cannot be brought until after all administrative appeals of the Project approval were exhausted.

The appeal of the Vesting Tentative Tract Map is governed by both the state Subdivision Map Act and the LAMC. In this case, on or about October 14, 2022 the City Council lost jurisdiction over the appeal pursuant to Government Code, section 66452.5 of the Subdivision Map Act. The City Clerk’s memorandum to Council File No. 22-1055 states this. The Mayor’s Emergency Order related to COVID does not affect appeal deadlines established by state law.

However, because your client, WANA, was not informed that its appeal was deemed denied on or about October 14, 2022 pursuant to Government Code, section 66452.5, this email shall serve to provide your client with notice that its appeal of Vesting Tentative Tract Map application VTT-83081-SL-HCA-2A was deemed denied on or about October 14, 2022 and that all administrative appeals of the Project approval have been exhausted.

Therefore, pursuant to LAMC 11.5.13(C), your client has fifteen (15) days from the date of this email, on or before December 8, 2022, to file an appeal of the CEQA exemption determination for the project. City Planning’s CEQA application is linked below for your reference and may be submitted through our Online Application System.

Sincerely,

Jenna Monterrosa

[CEQA Appeal Application
Online Application System](#)

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Jenna Monterrosa

Senior City Planner - Council Liaison

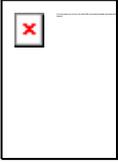
Los Angeles City Planning
200 N. Spring St., Room 532

Los Angeles, CA 90012

T: (213) 978-1377 | Planning4LA.org



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Jenna Monterrosa

Senior City Planner - Council Liaison
Los Angeles City Planning

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Los Angeles, CA 90012

T: (213) 978-1377 | Planning4LA.org



EXHIBIT B

jordan@gideonlaw.net

From: John Fox <john.fox@lacity.org>
Sent: Wednesday, November 23, 2022 12:42 PM
To: jordan@gideonlaw.net
Cc: gk@gideonlaw.net
Subject: Re: FW: 1840 W. Adams Blvd.; (CF No. 22-1055)

Jordan and Gideon

The Planning Department will clarify your client USC-Forward's right to a CEQA appeal in a separate email. With regard to the NOE once a timely and valid CEQA appeal is filed the NOE that was previously filed would not have any legal effect with regard to the statute of limitations.

Sincerely,
JOHN W. FOX
Deputy City Attorney
Office of the Los Angeles City Attorney
200 N. Main Street
City Hall East, Room 701
Los Angeles, CA 90012

direct phone: (213) 978-8228
fax number: (213) 978-8090

Until further notice, I am working remotely. Because I may not receive regular mail or other deliveries during this period of time, please e-mail copies of anything you send by regular mail or delivery. Please send all e-served documents in your case to the e-mail addresses for any City attorney who has appeared in your case, or who has communicated with you by e-mail on your matter.

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On Wed, Nov 23, 2022 at 11:56 AM <jordan@gideonlaw.net> wrote:

John—we just received DCP's email. However, there are two issues needing clarification (please see below). Super appreciate your attention to below, especially whether my client—USC Forward, not WANA—has the right to file CEQA appeal by 12/8/22.

Many thanks.

-JRS

Jordan R. Sisson, Attorney

Law Office of Gideon Kracov

801 S. Grand Ave., 11th Floor

Los Angeles, CA 90017

Direct: 951-542-2735

Fax: 213-623-7755

jordan@gideonlaw.net

www.gideonlaw.net

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From: jordan@gideonlaw.net <jordan@gideonlaw.net>

Sent: Wednesday, November 23, 2022 11:51 AM

To: 'Jenna Monterrosa' <jenna.monterrosa@lacity.org>

Cc: 'cd8plum' <cd8plum@lacity.org>; 'Clerk-PLUM-Committee' <clerk.plumcommittee@lacity.org>; 'Candy Rosales' <candy.rosales@lacity.org>; 'Albizael Del Valle' <albizael.delvalle@lacity.org>; 'Planning DSC' <planning.dsc@lacity.org>; gk@gideonlaw.net

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1. My client is USC Forward, not WANA. USC Forward and WANA each timely filed VTT appeals, which are independent of one another. Please confirm that my client—USC Forward—is hereby notified of its right to file a CEQA appeal on or before December 8, 2022.
2. Your emails does not address the CEQA Notice of Exemption (NOE). Is the City's also going to retract the NOE?

Please let me know. Thank you so much.

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Sent: Wednesday, November 23, 2022 11:20 AM
To: jordan@gideonlaw.net
Cc: cd8plum <cd8plum@lacity.org>; Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>; Candy Rosales <candy.rosales@lacity.org>; Albizael Del Valle <albizael.delvalle@lacity.org>; Planning DSC <planning.dsc@lacity.org>
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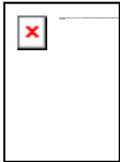
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Sincerely,

Jenna Monterrosa

[CEQA Appeal Application
Online Application System](#)

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Jenna Monterrosa

Senior City Planner - Council Liaison

Los Angeles City Planning

200 N. Spring St., Room 532

Los Angeles, CA 90012

T: (213) 978-1377 | Planning4LA.org



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EXHIBIT C

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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² Applicant (4/28/20) Application Materials, PDF pp. 4, 7, <https://planning.lacity.org/pdiscaseinfo/document/Nzc0ODQ0/4596a256-522b-4c94-acc5-77ce1b3c8ef1/esubmit>; Applicant (3/18/20) Project Plans, PDF p. 2 (Site Plan A1.01), <https://planning.lacity.org/pdiscaseinfo/document/Nzc0ODY0/4596a256-522b-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_wS1WKuT6SVZ6XDHF.

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.

/ / /

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

EXHIBIT D



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

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Oct. 11, 2022

VIA EMAIL & ONLINE WEB PORTAL: <https://cityclerk.lacity.org/publiccomment/>

Planning And Land Use Management Committee, City of Los Angeles
c/o Candy Rosales (clerk.plumcommittee@lacity.org)
Albizaal De Valle, Council District 8 (albizaal.delvalle@lacity.org)

**RE: Item 4, PLUM Special Meeting Scheduled October 11, 2022 (Council File No. 22-1055);
Tripalink Project (1840-1848 W. Adams Blvd.);
DCP Case Nos. VTT-83081-SL-HCA-1A, ENV-2020-3308-CE**

Dear Chair Harris-Dawson and Honorable Councilmembers:

On behalf of USC Forward (“**Appellant**”), this office respectfully submits the following comments¹ on the above-referenced “**Appeal**” involving the above-referenced proposed four-story, 30,218 square foot structure which includes 96 bedrooms each with a dedicated bathroom (i.e., 96 total bathrooms) (“**Project**”), which the applicant Tripalink (“**Applicant**”) claims to be just ten single-family dwelling units.² No reasonable person could conclude that the Project is merely proposing 10 dwelling units—*when was the last time you saw a single-family dwelling unit contain more than 9 bedrooms and 9 bathrooms?*

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 10 single-family dwelling units. Tripalink has a well-established track record of renting each bedroom to USC college students—here amounting to not 10 single-family dwelling units but rather 96 individual student dorms/studios units akin to “efficiency dwelling units,” “dormitories,” or guest rooms in a boarding house. (See LAMC § 12.03 [definitions].)

First, Tripalink is well-known for renting rooms—not dwelling units or single-family homes. This is plainly seen by reviewing the properties listed on Tripalink’s website. (See *Exhibit A*, *attached hereto* [providing links to over 23 properties].)

Second, Tripalink has a history of entitling dwelling units but renting rooms like single-room student dorms. For example, at 1815 W. Adams Blvd. (DCP Case No. ADM-2020-2509-CPIOC), the submitted plans showed merely two new, 4-story duplexes with a total of 4 units, each ranging

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>; DCP (2/24/22) Initial Advisory Agency LOD, pp. 14-16, <https://planning.lacity.org/pdiscaseinfo/document/MTg1MzM0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

between 2,427 to 2,523 square feet each.³ However, Tripalink now advertises that same project as a “gated community” comprised of 36 rooms—*each individually rentable*—ranging between 664 and 935 square feet, with each one having a dedicated bathroom. (See *Exhibit B, attached hereto* [Tripalink Website screenshots].)

Third, the 96-unit Project exceeds density limits on the Site. Admittedly, the approximate 14,142 square-foot Site is permitted a maximum density of 35 dwelling units.⁴ So too, the Project amounts to roughly 142 square feet per unit, which exceeds the South Los Angeles Community Plan Implementation Overlay District (“CPIO”) residential density--both generally (i.e., 1 unit per 800 square feet) and for Transit-Oriented Communities (“TOC”) projects (i.e., 1 unit per 400 square feet). (See CPIO,⁵ pp. 32.)

Fourth, the Applicant is incorrect when it claims that the Appeal has been “deemed denied” by operation of law because the City has not acted within 30 days of the Appeal being filed.⁶ The Applicant has made a similar argument about prior appeals being “deemed denied” due to operation by law. However, timelines to act under the Code have been tolled due to the COVID emergency, according to Deputy City Attorney Ernesto Vasquez.⁷ Mr. Vasquez, who served as counsel to both Central and South Los Angeles Area Planning Commissions (“APC(s)”), made these statements just three weeks before the South LA APC heard fellow appellants' initial appeal on July 19, 2022, and in direct response to this office's concerns about claims of appeals being considered deemed denied.⁸ And, of course, the appeal was heard by APC July 19, 2022 notwithstanding Applicant's deemed denied argument.

In sum, the Project is inconsistent with applicable zoning regulations and, therefore, ineligible for the claimed categorical exemptions. Please grant the appeal.

Sincerely,



Jordan R. Sisson
Attorney for Appellant

Enclosed: Exhibits A & B

³ DCP Case Summary, <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM3MzQ50>; Plot Plan, <https://planning.lacity.org/pdiscaseinfo/document/MjMyMzU40/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>; floor plan, <https://planning.lacity.org/pdiscaseinfo/document/MjMyMzU30/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>.

⁴ DCP (4/5/22) Reissued Advisory Agency LOD, pp. 14, 15, 17, <https://planning.lacity.org/pdiscaseinfo/document/MjAzMjM0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>; 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.”)

⁵ <https://planning.lacity.org/odocument/0e95b194-a2b7-4da2-8346-720f71f59e35/CPIO.pdf>.

⁶ Applicant Letter (10/7/22), p. 1, https://clkrep.lacity.org/onlinedocs/2022/22-1055_misc_10-07-22.pdf.

⁷ 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.

⁸ Central APC Meeting Audio, *ibid.*, mm:ss 05:30-07:15.

EXHIBIT A: TRIPALINK/ZIMAS PROPERTY REVIEW

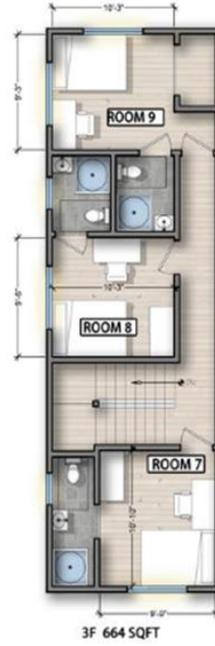
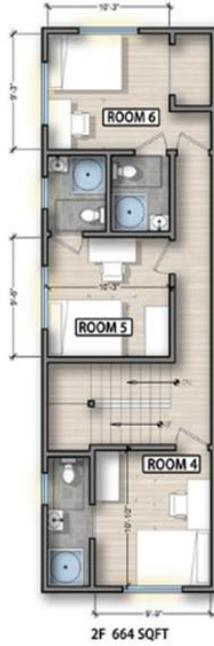
| TRIPALINK WEBSITE | ZIMAS | BED | BATH | UNITS | ADDRESS | YEAR BUILT |
|---------------------------|-----------------------|------------|-------------|--------------|----------------------|-------------------|
| Tripalink | ZIMAS | 9 | 12 | 3 | 1164-76 W 24TH ST. | 2017 & 2018 |
| Tripalink | ZIMAS | 10 | 9 | 3 | 1224 W 35TH ST. | 1906/2019 |
| Tripalink | ZIMAS | 10 | 10 | 3 | 1225 W 37TH PL. | 1904/2014 |
| Tripalink | ZIMAS | 12 | 12 | 4 | 1231 W 36TH PL. | 2019 |
| Tripalink | ZIMAS | 12 | 13 | 4 | 1369 W. 36TH ST. | 2018 |
| Tripalink | ZIMAS | 16 | 16 | 2 | 1451 W. 36TH PL. | 2018 |
| Tripalink | ZIMAS | 12 | 12 | 4 | 1259 W 36TH PL. | 2017 |
| Tripalink | ZIMAS | 12 | 12 | 4 | 1230 W. 36TH ST. | 2012 |
| Tripalink | ZIMAS | 6 | 4 | 2 | 1374 W. 35TH PL. | 2011 |
| Tripalink | ZIMAS | 8 | 4 | 2 | 3009 S. BUDLONG AVE. | 2009 |
| Tripalink | ZIMAS | 6 | 6 | 2 | 1200 W 24TH ST. | 2006 |
| Tripalink | ZIMAS | 9 | 4 | 2 | 1384 W 37TH PL. | 2004 |
| Tripalink | ZIMAS | 17 | 15 | 5 | 1193 W 36TH PL. | 2002 |
| Tripalink | ZIMAS | 17 | 9 | 9 | 1250 W. 37TH ST. | 1964 |
| Tripalink | ZIMAS | 10 | 6 | 6 | 1277 W 23RD ST. | 1964 |
| Tripalink | ZIMAS | 6 | 6 | 6 | 1324 W 36TH ST. | 1962 |
| Tripalink | ZIMAS | 37 | 20 | 19 | 1296 W. 37TH PL. | 1959 |
| Tripalink | ZIMAS | 14 | 13 | 12 | 1115 W. 30TH ST. | 1957 |
| Tripalink | ZIMAS | 16 | 8 | 8 | 1580 W. 30TH ST. | 1924 |
| Tripalink | ZIMAS | 6 | 3 | 3 | 1354 W. 24TH | 1923 |
| Tripalink | ZIMAS | 8 | 4 | 4 | 3102 KENWOOD AVE. | 1923 |
| Tripalink | ZIMAS | 8 | 8 | 2 | 1409 W 25 ST. | 1907 |
| Tripalink | ZIMAS | Pending | | | 1430 W. 37TH ST. | |
| Tripalink | ZIMAS | Pending | | | 1729 W ADAMS BLVD. | |
| Tripalink | ZIMAS | Pending | | | 1815 W. ADAMS BLVD | |
| Tripalink | ZIMAS | Pending | | | 2909 ORCHARD AVE. | |

EXHIBIT B: TRIPALINK WEBSITE SCREENSHOT

(<https://tripalink.com/apartments/los-angeles/usc-off-campus-student-housing/10000219?date=2022-08-10&cityRoute=los-angeles&areaRoute=usc-off-campus-stu>)



TRIPALINK



1815 W ADAMS BLVD

UNIT A

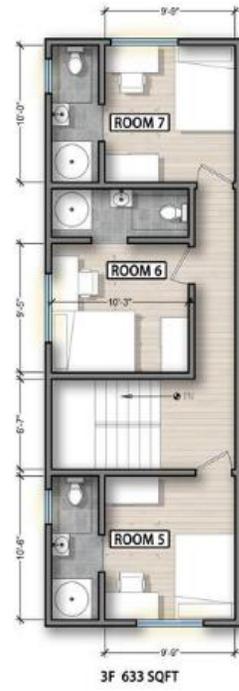
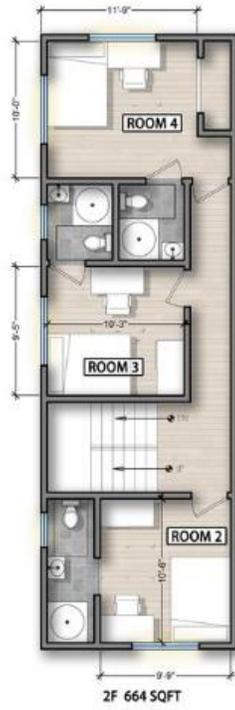
TRIPALINK



1815 W ADAMS BLVD

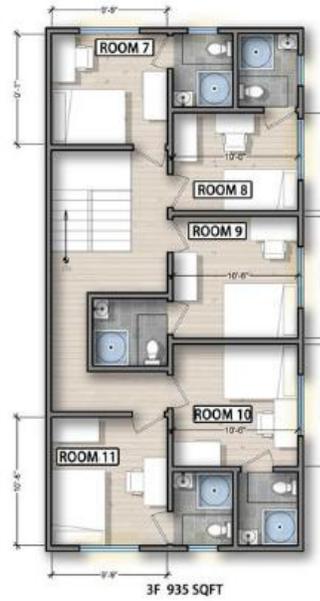
UNIT B

TRIPALINK



1815 W ADAMS BLVD
UNIT C

TRIPALINK



1815 W ADAMS BLVD
UNIT D