

**SUPPLEMENTAL SUBMISSION BY APPELLANTS: GARY KOUSNETZ, WEST ADAMS HERITAGE ASSOCIATION (JEAN FROST), ADHOC (JIM CHILDS)**

Honorable Members of City Council and PLUM

In addition to our appeal justification and the extensive record supporting the appeal, please reflect on the following points in the PLUM consideration of our CEQA appeal. There is an extensive record which supports your granting our appeal. We draw your attention to the following:

1. Our appeal is not about denying housing but rather achieving a compatible project.
2. The record shows environmental damage to historic resources and health and safety.
3. Facts do matter and the approval process was based on misleading and inaccurate information provided by the applicant and others.
4. The Preservation Plan provides objective standards in its requirements to use “prevailing” as a standard, not averages. It is objective.
5. SB1818 gives special consideration for National Register and CR Districts which the City and the City attorneys have disregarded in their advice, prejudicing the review process.



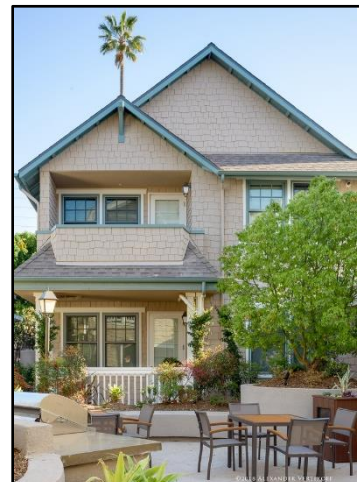
*Norwood Learning Center 2004 Oak Street*

First, this is not an argument about housing. To support our appeal is **not a denial of a project**. The record will show that we as stakeholders and the University Park HPOZ Board have supported and approved hundreds of units of affordable housing, all meeting the provisions of the University Park Preservation Plan: Norwood Learning Center (100% affordable, 29 units) 2004 Oak Street, Pierce Brothers

Mortuary/Washington

View Apartments (121 units, 100% affordable) 720 W. Washington Boulevard, 41 St. James Park (renovation, 100% affordable).

Indeed, we were on the street working with developers, the LAFD and residents when Pierce Brothers was on fire; we worked with the developers and others to save Pierce Brothers site for affordable housing. It is inaccurate to say that if this project is not approved the state may cut off funding for affordable housing. <sup>1</sup>



*Norwood Learning Center*

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<sup>1</sup> Such assumed linkage between approval of this project and state funding for affordable housing is not a nexus that can be proven. It creates a prejudicial environment against an impartial and fact-based evaluation of appeals.

We support housing. What we do not support is the erection of a massive student dormitory in the heart of a National Register historic district in pursuit of profit. The National Park Service sets a very high bar for designation and to smear the historic legacy of the district unacceptable. 45 bedrooms in 10 units inflate the volume to the extent that it cannot be compatible nor comply with the University Park Preservation Plan.

There is a possible “win-win” here should the developer be willing to redesign the proposed project to meet the conditions set forth within the University Park HPOZ Preservation Plan. We strongly encourage the City to press for this type of approach and further, make a determination that a Categorical Exemption is not warranted nor appropriate for this proposal.



Washington View Apts. 720 W. Washington Blvd.



Paul R. Lusignan, Historian, National Register of Historic Places, National Park Service explained:

*“While most of the Standards focus on the work done to historic buildings, there are sections on dealing with setting, new additions, and streetscapes. From the National Register of Historic Places perspective historic districts **should retain the basic characteristics they had at the time of listing. Limited infill that is compatible in scale and form with the existing district will generally not jeopardize a district's National Register standing. When that infill overwhelms the character of the streetscapes because it is so frequent or out of scale, it might be grounds for delisting the district or reducing its boundaries.**”*

The City has continually, in testimony and in writing, degraded the significance of infill on vacant lots in historic districts. This contradicts their own policies and has led to an unsupportable approval of this project.

As Board architect Steven Fader explained: ***“All of [the board and the public’s] comments from the last go around remain relevant. It is too high. It towers over adjacent buildings. There is no articulation in the façade. It presents as a huge rectangle. The design of it as Prairie Style – it just isn’t. This project looks like a Suburban Motel plopped down on this site. It is too big. It is inarticulate. It is most inappropriate for this street. What we have here is a rectangular box that is sitting on the street and is put so far forward. Nothing has changed.... The parking needs to be underground; the height needs to be reduced one story, the façade needs to be pushed back [to the Prevailing 47’]. This project as presented is totally inappropriate for this district.”***<sup>2</sup>

<sup>2</sup> Architect Steven Fader, University Park HPOZ Board Minutes (approved), November 16, 2021 Board meeting

This is just one of the many experts that have advised the City that the project does not meet the requirements of the Preservation Plan.

***“The University Park HPOZ Board unanimously found The project is a flagrant abuse of the standards set forth by the South Community Plan and the HPOZ Preservation Plan. The project fails to meet the Preservation Plan objective standards, and, as such, has severe and irreparable negative impacts and is not CEQA exempt. A CE is not the vehicle for this project.”<sup>3</sup>***

The applicant states that because the lot is vacant there is no impact; further his consultant argues that because it will not cause a delisting of the district, there is no impact, arguments that are contrary to accepted practice (as the City’s own historic assessment directions show.) It ignores the established protocol that there are both direct (primary) and indirect (secondary) impacts.



The district (both the National Register and the HPOZ) are themselves a historic resource. To place a gigantic box with excessive height and lot coverage in the middle of a historic street introduces blight. It affects the integrity of the district, particularly of the adjacent historic buildings and how they relate to each other and relate to the streetscape. The National Park Services memos treat infill as additions. Their own “white paper” instructs:

#### *“Visibility*

*-- Has the addition obscured, covered, or altered the principal facades, historic entrances, or character-defining (significant) features of the property? How conspicuous is the addition in views of the principal elevations? How conspicuous is it in views of (secondary) minor elevations? How does the addition interrupt, interfere with, or dominate any historically*



*significant views of the building or important views seen from the building (including the orientation of the building to the street, scenic vistas, views of an inner courtyard or surrounding campus, or the principal facades as viewed from various approaches)?*

*An addition should not overwhelm or dominate the historic character of the property as a whole or alter the property’s character-defining features (including*

<sup>3</sup> University Park HPOZ Board Meeting Minutes (approved), November 16, 2021

*significant open space). Out-of-scale additions, rooftop additions, and additions that obscure principal elevations are particularly problematic (unless they are stepped back and appear small in scale) and may be difficult to justify as contributing.”*



and

*“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” (Standard 9)<sup>4</sup>*

If this directive appears to echo the Preservation Plan, you are right. The Preservation Plan is based on the Secretary of the Interiors Standards and the CRA Adams Normandie 4321 Urban Design Program.

*The prevailing height is the most commonly occurring height on a block face on which a project is proposed.*<sup>5</sup>

*A new project should not dominate existing buildings and structures. In general, the new project should look as though it belonged to an area.*

As this project does not comply with Preservation Plan, this project will irretrievably damage the district, the block, and the streetscape and how the historic properties are experienced. Absent compliance with the Preservation Plan, the project does not meet the CU required findings and does not qualify for a categorical exemption.

A note about prevailing: Prevailing is one of the seminal concepts of the University Park Preservation Plan. It is a unique Plan, the second Plan adopted by the City after a yearlong process of hearings. It was tailored to this HPOZ and drew many of its core concepts from the CRA Adams Normandie 4321 Urban Design Program, adopted for this area in 1991 to ensure compatibility, which had prevailing as a benchmark for review. The basis of the Plan is the

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<sup>4</sup> “Evaluating the Significance of Additions and Accretions,” A National Register White Paper, Linda McClelland, 4-20-2008

<sup>5</sup> University Park Preservation Plan, 8.1 Location and Site Design

question what is **prevailing**, e.g., **the most commonly occurring on the block face on which the project is intended**. Here, for example, is a prevailing 47-foot setback. That is a finite measure with a number, **not a subjective interpretation**. Regarding massing, the prevailing massing is two stories. One must go to the Preservation Plan Section “Residential Infill” pages 84 through 103 for detailed and objective guidance on how to create an infill project that meets the Preservation Plan standards. Instead, the applicant hired their own consultants (Kaplan Chen Kaplan) that created misleading, confusing and inaccurate guidelines. For example: The setback per the Plan requires:

**12. *Respect the prevailing setback, i.e., the most commonly occurring setback and lot coverage of the historic properties on the block face on which the building will be sited.*<sup>6</sup>**

Not, as Kaplan Chen Kaplan uses, a composite of both sides of the street, contributors and non-contributors. The Kaplan report (as it does in many areas) shows a complete misunderstanding of the setback criteria. As one architect commented to me informally “How could they have gotten it so wrong.”

Facts do matter. PLUM has an opportunity to correct the numerous errors in the record. In appealing, we had hoped that the City would shine a light on some of the numerous errors. Decisions must be fact based. When decisions derive from falsehoods, they constitute error.

Instead, the City has issued a report that compounds the error. A lie stated often enough can sometimes be construed as fact. It is unsettling that corrections are not made, and that staff has listened only to its own voice, rather than crediting the very specific comments by experts and stakeholders. This does not support a democratic process. Facts are the facts. There are no 50’ story buildings on Scarff Street. There are no 4 story buildings on the corner of Scarff and Adams. **Prevailing is well defined in the Preservation Plan:** it is not an average no matter how the applicant or staff wishes it were so. **Prevailing is an objective standard.**

The ZA also references the CHC designee: the form that demonstrates CHC support is a form letter that references the Garvanza Preservation Plan and has someone’s initials. Hardly an illustration that the Cultural Heritage Commission considered and reviewed this project; the designee simply checked a form that it complied with the Preservation Plan and inserted University Park on the side.

No CHC Commissioner reviewed this project. This is NOT CHC review. Send this project back for review by the CHC Commissioners. Ask that the applicant provide time for the CHC (not a designee) to review the project because it is a National Register District property which lies within the purview of the CHC. Do not allow an overworked staff’s misguided checkoff.

Substantial evidence in the record shows that the project **does not conform** to the University Park Preservation Plan and will have severe and irreparable impact. Concurring with the HPOZ

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<sup>6</sup> University Park Preservation Plan, Section 8.11 Massing and Orientation, page 95, guideline #12.



Board: The Los Angeles Conservancy, West Adams Heritage Association, Ward Economic Development Corporation, the Empowerment Congress North Area Neighborhood Development Council (NANDC), NUPCA, ADHOC, UPAC, Preservation Consultant Laura Meyers, City Living Realty, Jim and Janice Robinson (Robinson Residences), Roland Souza (WAHA President) John Arnold (KFA), John Kaliski, Tom Michali, Steven Fader, Developer Arran Torkian, Gary and Karen Kousnetz, Amy Minter, Sara Velas, Andrea Mauk, David Bottjer, Gary and Karen Kousnetz, John Jones, Lindsey Apatow, Tom Florio, Ed Conery, Jennifer Still, Aurora Becerra, architectural historian Carson Anderson<sup>i</sup>, Preservation consultant Jim Childs and numerous others who have provided factual comment that the project will have serious impacts.<sup>7</sup>

How this ZA and the City Staff can conclude this is **NOT substantial evidence** in the record is mind boggling. The record shows we as appellants have met the definition of a fair argument and have satisfied that statutory requirement.

**Arrian Torkian: Owner of 2317 Scarff St.** *This project does not fit anywhere within this historic neighborhood. Arrian states that their property is significantly impacted. This project has improper setback. It is a single block mass that covers the majority of the lot. Arrian's property fits into the character and integrity of the neighborhood. This project is designed to maximize their height and get as many student residents as possible. One unit continues to expose the complete lack of affordable housing. Five five-bedroom units and five four-bedroom units. The actual sizing is significantly larger. This project is overly dense when the number of bedrooms is factored. It has only one affordable unit. There should be additional affordable housing. There is a lack of parking with this project. Assuming two people per bedroom, as is standard in these types of properties, there will be close to 100 residents. There has been a total lack of outreach to the neighborhood from the applicant. Most neighbors have only just learned about this project. The height is incredibly inconsistent with this neighborhood.*<sup>8</sup>

**Carson Anderson, Architectural Historian:** *"the project poses a potentially significant adverse impact to the historic resources of the historic district and its vulnerable historic design setting -- including in particular the abutting individually-landmarked historic building located to the south at 2325-2327 Scarff (1908; George Wyman, architect) and the abutting contributing historic George Wyman, architect) and the abutting ...building on the north (2317 Scarff). With reference to the Density Bonus Provisions used to justify a categorical Exemption and approve the development, local governments are granted discretion in granting an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources (Government Code Statute 65915, Subdivision (d)(3)).*

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<sup>7</sup> Carson Anderson is a noted Architectural Historian who has a special standing as the expert who nominated the St. James Park National Register District and shepherded it through SHPO and the successful designation process.

<sup>8</sup> University Park HPOZ Minutes, November 16, 2021

It is also important to realize that massing has impacts particularly when this site is more than one lot, all the more reason to have an articulated design that breaks up this mass. And the 'Q' conditions and height restrictions of the zoning need to be respected. The Preservation Plan does not engage in simply what facades look like, but views architecture as having primary and secondary facades all of which are significant.

## **Health and Safety**

The record has numerous pictures and comments on the alley and its impact on health and safety, including particulates in the air, none of which has been studied. In 2008 CD1 had real concerns about the alley conditions and required a public works plan.

In the 2008, 2323 Scarff Street Project approval, the DAA required *“that the alley have a 2-foot 22 wide longitudinal gutter, together with •any necessary removal and reconstruction of existing improvements. And 3.A cash payment shall be made in lieu of constructing the above improvements satisfactory to the Bureau of Engineering for the cost of the existing alley improvements necessary to provide a 20-foot-wide alley and the construction of a 2-foot wide longitudinal gutter, and any related costs taking into consideration the historic nature of the area.*

*Pursuant to Council File #092395 (Councilmember Ed. P. Reyes), the cash payment shall be made only relative to the required alley improvements and said payment shall be made into an account(s) established by the Board of Public Works within the Public Works Trust Fund No. 834-50 for the receipt and deposit of funds identified for the proposed complete green alley project for the alley located at the rear of the subject property that provides access to/from 23rd Street to the northeast and Portland Street to the northwest- and authorize the City Engineer to make any technical corrections or clarifications to this instruction in order to effectuate the intent of this Motion. In the event that the applicant posts a bond for future improvements, the bond proceeds shall be likewise deposited into the account(s) established within the Public Works Trust Fund No. 834-50 for the receipt and deposit of funds identified for the proposed complete green alley project noted above. In the event the complete green alley project is abandoned, the BOE will utilize the funds to construct the required improvements.”*

The alley remains unimproved and is an environmental health and safety issue that needs to be addressed when a developer considers introducing 90 students and their guests in the proposed project. This applicant repeatedly stated that they have done enough by changing the front yard setback to 33 feet.<sup>9</sup> An applicant that will not hear after (what he has said) “11 meetings” (only 2 were with the HPOZ Board) about the negative impacts of this project will remain ignorant until his project is denied.

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<sup>9</sup> The developer in changing the setback from 15 feet to 33 then used this as “open space” for his project approval.

Planning Commissioner Dana Perlman opined: *My concern is... then I looked at the Conditional Use Permit and a Conditional Use requires Findings, that it will enhance the neighborhood and be essential and beneficial to the community, its compatible with the community, and will not have adverse effect and further degrade the surrounding neighborhood, that it conforms with the General Plan and the Specific Plan including the NSO... I'm concerned again that this 10-unit complex is really housing for 50+people, and the density that's a concern. To me, legally, I have a problem with Findings that the ZA made...*

## **SB1818**

Gov't Code §65915, subdivision (d)(3) reconfirms that the City is not required to approve a specific incentive for a project under SB1818 if that incentive (for example, height increase) would have an adverse impact on historic resources:

**“Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.” (Gov't Code §65915, subdivision (d)(3).)**

Gov't Code §65915, subdivision (e)(1) also allows the City to impose development standards that mitigate adverse impacts to historic resources. The Preservation Plan was adopted to provide development standards that prevent adverse impacts to the historic district, thus the City is allowed to impose these standards on development under SB1818.

“Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.” (Gov't Code §65915, subdivision (e)(1).)

The city attorneys in their advice to commissioners never gave clarity to the commissioners in the deliberation that such a “carve out” existed.

Also completely ignored by the City is the demonstrable cumulative impacts.

## **The Project Would Result in Cumulatively Considerable Impacts**

A categorical exemption is “inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” (CEQA Guidelines § 15300.2(b).) The City adopted the NSO for this area to address the negative impacts multi-habitable room projects cause, including traffic impacts due to lack of parking, incompatible character of multi-habitable room projects, impacts to the quality of life for existing residents from noise and traffic. Thus, the NSO acknowledges an existing cumulative impact caused by the type of student housing provided by the Project.

The documented loss of family housing, cumulative demolitions, and the replacement of family housing with student housing monetized by selling beds, has impacts that need to be assessed.



Developer met 11 times but not with the HPOZ Board. Where is the record of those meetings? Is this where the City struck a deal to support the project which made the developer unwilling to consider HPOZ Board suggestions and continue to meet with the HPOZ Board to seek an approvable project?

**The Preservation Plan: Purpose**

**“The purpose of the CCMP is to ensure that new construction on vacant Non-Contributing lots does not impair the essential form and integrity of the overall historic district. In order to grant a CCMP the Director must find that the project conforms to the Preservation Plan for the historic District.”<sup>10</sup>**

This project, as the record shows does not. The arguments made on behalf of the CCMP by the ZA and the City simply cannot be supported by the facts. The ZA has erred. The CPC failed to act. Now, in support of factual evaluation and environmental justice, we ask that you support the appeal. Then environmental review can shape a positive project where impacts are mitigated. It is inconceivable that the City, the ZA, and OHR have approved this in its current form. Yet here it is. It goes against four decades of planning and all the efforts of this community and planning to instill community pride and provide a legacy to those that follow us, both architecturally and culturally. PLUM and City Council are the last recourse outside of the Courts to obtain environmental justice and fact-based decision making.

Please support our appeal.



Jean Frost, Appellant for WAHA  
213 840-5998

**CF 23-0528**

On behalf of GARY KOUSNETZ/WEST ADAMS HERITAGE ASSOCIATION (Jean Frost) /ADHOC Jim Childs

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<sup>10</sup> Staff Report, A-3