Candy Rosales <candy.rosales@lacity.org>

Public Comments Not Uploaded Re: Carlton Way Appeal - Substantial Evidence, COUNCIL FILE NO: 25-0811

1 message

Carlton Serrano Tenants Association <carltonserranotenants@gmail.com> Tue, Sep 9, 2025 at 8:14 AM

Reply-To: clerk.plumcommittee@lacity.org
To: clerk.plumcommittee@lacity.org
Cc: cd10@lacity.org, heather.hutt@lacity.org, Councilmember.Nazarian@lacity.org, councilmember.Lee@lacity.org, contactCD4@lacity.org, Councilmember Soto-Martinez <councilmember.soto-martinez@lacity.org>, "councilmember.blumenfield@lacity.org" <councilmember.blumenfield@lacity.org>, Emma Howard <emma.howard@lacity.org>, Ted Walker <ted.walker@lacity.org>, Carol Cetrone <cc@georgeabrahamsfoundation.org>, Colter Carlisle <coltercarlisle@easthollywood.net>, dustinvaldez10 <dustinvaldez10@gmail.com>, East Hollywood Local <east-hollywood@latenantsunion.org>, "East Hollywood Local, Los Angeles Tenants Union" <ehollywoodunion@gmail.com>, "J@GeorgeAbrahamsFoundation.org" <j@georgeabrahamsfoundation.org>, Mick Jacobs <mcjacobs2987@gmail.com>, Noémi Santo <noemi.santo.film@gmail.com>, Ron Zon <ronannezon@gmail.com>, Jordan Santos <jordansantos@att.net>, diannathena@gmail.com, siadiv@gmail.com, "C. Elizabeth" <chloeelizabeth123@gmail.com>, thestartersj@gmail.com, Emma Schur <emma.schur@icloud.com>, marcosmateoochoa@mac.com, marinaplentl@gmail.com, Kim Cooper <tours@esotouric.com>, Justin Maurer <justin17TV@gmail.com>

CF: 25-0811

September 9, 2025

Honorable members of the PLUM Committee,

Good morning. We have had some new substantial evidence come to light. In over 1,000 pages of this Case, nowhere are 35,00 – 40,000 sf “unassigned” “co-working” (non-apartment) spaces explained. **State Density Bonus law requires proving that waivers enable affordable housing. The Off Menu Incentives and Waivers requested here are insupportable under Density Bonus law.**

Failing to comply and failing to disclose the purpose of 35,000 – 40,000 sq feet of non-housing is grounds for project rejection; therefore, this project must be denied. This is irrefutable evidence of the manipulation and abuse of the Density Bonus Law, including unnecessary luxury amenities, which have nothing to do with the "No Net Loss", per unit replacement of 25 RSO units.

The sections highlighted in yellow below are not “necessary” and are entirely unrelated to low-income housing. They cannot be used to justify waiver requests. The DCP omits these sections and fails to describe them in its LOD. **This project must be denied.**

We've attached supporting documents with substantial evidence. Please confirm that this has been added to the public record.

Sincerely,

Justin Maurer and Noemi Santo
Co-Founders, Carlton Serrano Tenants Association

On Mon, Sep 8, 2025 at 2:29 PM Carlton Serrano Tenants Association <carltonserranotenants@gmail.com> wrote:

> **COUNCIL FILE NO:** 25-0811
> **CASE NO:** CPC-2024-914-DB-SPPC-VHCA
> **CEQA:** ENV-2024-915-CE
> **Plan Area:** Vermont/Western SNAP Zone
> **Council District:** 13 - Soto-Martinez
> **Project Site:** 5416 - 5418, 5420, 5424-5428 and 5430 West Carlton Way Los Angeles, CA 90027
>
> September 8, 2025
>
> Honorable members of the PLUM Committee,

My name is Noemi Santo, I live on Carlton Way, and I'm a co-founder of CSTA, the Carlton Serrano Tenants Association. I urge PLUM to support our appeal and reject this proposed development, which would demolish seven RSO buildings, displace vulnerable tenants, and result in a net loss of RSO housing. The project is noncompliant with SB8, "No Net Loss," the Resident Protection Ordinance (RPO), SNAP Subarea A, and CEQA. **Failing to comply with SB8 is grounds for project rejection, and accordingly, this project must be denied.**

The use of off-menu waivers for a 176% height increase and 74% open space reduction prioritizes profit over community standards. The claim that the project complies with SNAP is flawed, especially in Subarea A, which was specifically designed to protect our quality of life.

The developers, ROM Investments and their affiliates, have a documented history of tenant harassment, code violations, and unethical conduct, further underscoring why this project should not proceed. **Tenant harassment, such as documented cases of refusing to conduct repairs violates the Housing Crisis Act (SB8), the Housing Crisis Act Replacement Unit Determination (RUD) and the Resident Protection Ordinance (RPO). As this development project is noncompliant, it must be denied.**

Sincerely,

Noemi Santo
Co-Founder, Carlton Serrano Tenants Union
RSO Tenant on Carlton Way

September 8, 2025
RE: COUNCIL FILE NO: 25-0811

Hello Honorable Members of the PLUM Committee,

My name is Justin Maurer, I'm an RSO tenant on Carlton and Serrano, and a co-founder of CSTA. Replacing 25 existing RSO units with only 15 "Very Low Income" units fails to justify the destruction of 25 existing naturally occurring low-income RSO units. We must preserve our existing RSO housing stock. Decision-makers must understand that we need to do both, protect existing RSO units and produce new housing.

This is not an apples-to-apples replacement of RSO housing. There needs to be a clear and precise distinction between existing naturally occurring low-income RSO units and market-rate luxury housing. Replacing 25 RSO units with only 15 low-income units is, in reality, not equivalent. Therefore, this development is noncompliant with "No Net Loss", the Housing Crisis Act (SB8), and the Housing Crisis Act Replacement Unit Determination (RUD). **Failing to comply with SB8 is grounds for project rejection, and accordingly, this project must be denied.**

The Facts:

The sections highlighted in yellow below are not "necessary" and are completely unrelated to low-income housing. They cannot be used to justify waiver requests. The DCP omits these sections and fails to describe these sections in their LOD.

I. Standard of Review

The approval fails to comply with mandatory replacement housing and tenant-protection requirements codified in LAMC §§ 16.60–16.61 (Ord. 188481) and Gov. Code § 65915(c)(3) (Density Bonus replacement), as well as Gov. Code § 66300.6 (Housing Crisis Act/SB 8). Findings must be supported by substantial evidence and approvals must conform to applicable law; where the record is silent or ambiguous, approval is an abuse of discretion. (Topanga Ass'n for a Scenic Cmty. v. County of Los Angeles (1974) 11 Cal.3d 506, 514–515; Code Civ. Proc. § 1094.5(b)).

II. Non-Compliance with Mandatory Replacement of Protected Units

The record shows demolition of existing residential units, and the staff report/conditions reference an LAHD "Replacement Unit Determination (RUD)". The approval conditions only secure 15 Very--Low--Income (VLI) units (Density Bonus set--aside) and do not expressly require 1:1 replacement of all "Protected Units" with equivalent affordability and Equivalent Size (same total bedroom count) as mandated by § 16.60(A)(3)(a). This violates mandatory state and local law.

III. Omission of Tenant Protections Required by LAMC § 16.60(A)(3)(b)

The Determination defers to LAHD but does not incorporate or enforce mandatory protections such as the right to remain until six months before demolition, relocation benefits, right of return, and detailed notice requirements. This omission created non-compliance with § 16.60(A)(3)(b).

IV. Affordability Term Unlawfully Limited to 55 Years

LAMC § 16.61(A) requires 99-year affordability covenants for Restricted Affordable Units. The Determination secures only 55 years. This conflicts with Ordinance 188481.

V. "No Net Loss" Compliance Must Include Bedroom-Equivalency

The ordinance bars approvals that reduce total units compared with the site's five-year high and requires Equivalent Size in replacement (aggregate bedrooms). Findings do not show compliance with bedroom-equivalency.

VI. Enforcement, Private Right of Action, and Permit Withholding

The ordinance includes permit withholding for relocation non-compliance, anti-harassment enforcement, and a private right of action with civil penalties. These enforcement mechanisms are absent from the Determination.

VII. CEQA: Misuse of Class 32 Categorical Exemption (further discussed below)

Because mandatory mitigation and tenant-protection measures are uncertain or deferred, reliance on a Class 32 categorical exemption is improper due to "unusual circumstances" with potential significant impacts.

VIII. General Plan Consistency & State-Law Harmony

Consistency findings must reconcile housing preservation, anti-displacement, and fair-housing policies. Without enforceable compliance with §§ 16.60–16.61, findings are unsupported.

Failing to comply with SB8 is grounds for project approval and accordingly, this project must be denied.

Please see the supporting documents attached and confirm that this has been added to the public record.

Sincerely,

Justin Maurer and Noemi Santo
Co-Founders, Carlton Serrano Tenants Association

2 attachments

5416-30 Carlton CF 25-0811.pdf
514K

Delano and Delano RE Carlton Way project.pdf
406K

HERITAGE PROPERTIES

Re 5416-5430 Carlton Way
CF 25-0811
CPC 2024-914-DB-SPPC-VHCA

To the PLUM Committee Members:

In this letter we support the Appeal of the Carlton Way tenants. As a property owner in the wider SNAP neighborhood, we will show that the outsized incentives and waivers requested by this applicant in this case are frankly weird, and wholly unnecessary. In fact, a safer, better, code-compliant project with the same number of residential and affordable units is likely feasible without needing most or all of these incentive or waiver requests.

PLUM has no obligation or justification to rubber-stamp a developer's new idea which inflates this building's size and racks its shape unnecessarily, to the detriment of neighbors. PLUM deserves an accurate story. Approve the Appeal or remand this Case back to Planning. In over 1,000 pages of this Case nowhere is 35,00 – 40,000 sf "unassigned" "co-working" (non-apartment) spaces explained. State Density Bonus law requires proving that waivers enable affordable housing and City regulations physically impair that. The Off Menu Incentives and Waivers requested here are insupportable under Density Bonus law.

1. **Waivers not supportable**: The new building's "envelope" "expansion outward" is not needed and not contributing to more affordable housing. State Density Bonus law created "waivers" for instances where the planning/zoning regulations physically impair construction of affordable housing. That is NOT AT ALL the case here
    - As much as 50% of the apartment unit area, and upward by as much as 3 floors worth of construction, has been triggered by the developer adding large rooms that are not in apartments or provide less affordable housing. These "Resident CoWorking" spaces, unexplained, add square footage and building height unnecessarily, as does the "x" shape plan and large courtyard carve-outs. This illustration shows floor 5,6,7, and 8. Our yellow overlay in the diagram below shows the added non-apartment space and "carve-outs" throughout this building, which make the argument that waivers for "expanded floor plans for affordable housing" a cruel fantasy..

- 7 Waivers and 3 Off Menu incentives are requested to allow the floor plans to inflate into setbacks and up in height, but are NOT necessary to provide housing and thus do not qualify for PLUM approval.
- This "X" shape design and added "non-apartment" spaces is what causes the project to get so tall and inflated. It is their design that triggers all these requests for large reductions in public open space and setbacks. This is NOT qualifying under State Density Bonus law because it is NOT necessary nor triggered by City regulations; nor is it providing "additional affordable housing" as claimed in the LOD. This is desired not required.
- Off Menu Incentives must be supported by financial analysis demonstrating that the incentive was necessary for affordability. As the building design is voluntarily kinked for the "cool" factor rather than straight in its floor plan, that argument is untenable.

2. **Large and small math errors:** As described in the following letter, large and small math errors not only distort the Case and make it impossible to approve, they call into question whether the project size is entirely wrong. At 47 unit Base Density, the total unit count with 46% Bonus will be 69 apartments on 2 or 3 floors.
    - Base unit density is repeatedly called out as 400 sf/du based with fuzzy references only to the Community Plan and to AB 2334 in the text. It is probable the entire project size is wrong. An accurate look shows zoning for this parcel at 800 sf/DU, per Q conditions in Ord 165,668 at the time of this application. Redevelopment is cited on the drawings, and existed at that time, but never had the authority in law to allow greater density without a City Zone Variance. AB 2334 addressed the "minimum lot area per unit requirement," but only to the extent of preventing local governments from applying standards that would physically preclude a project that meets density bonus eligibility criteria from being built, and for assisting cities and counties that didn't have these already calculated. Los Angeles did..
    - The Approved stamped plans and the Case File text do not agree on many calculations and quantities, including the density bonus calculations. The plans themselves do not agree from one to the next
    - Parking is calculated on "units", omitting the 8 existing units whose garage is removed and failing to account for 35,000-40,000 sf residential space called Co-Working space.
    - Many calculations are questionable and inconsistent within the case.

3. **Whole case sidesteps replacement of existing rental RSO housing :** This project includes the eviction of about 50 tenants and demolition of 25 houses or generous apartments. Nowhere is the total of 48 affordable units mentioned.
    1. 15 newly constructed affordable units are referenced in the text.
    2. 8 existing RSO units which will remain must be clearly stated to be in addition to the 15 new unit requirement.
    3. 25 SB 8 replacement units are not addressed by City Planning as a part of the approval of the plans or the case. City Planning only makes verbal references to "Conditions of Approval" C-1 Condition 3 recites: "*The project shall be required to comply with the Replacement Unit Determination (RUD) letter dated June 3, 2024, to the satisfaction of LAHD".* Condition 6 also addresses this, but fails to mention or clarify that the 8 remaining RSO retain (at minimum) current rent levels, although having been absorbed into a new "project" with a new address.
    4. Total of 48 necessary affordable units is never acknowledged. In fact City Planning goes to great pains to describe rent control Exemptions available.

HERITAGE PROPERTIES

PLUM cannot justify this Density Bonus Project as complying with State Density Bonus law. Our letter is in support of tenants and citizens who expect stringent adherence to the law. This project is "up to something", and the something may be desirable for the developer, but it is not disclosed by Staff or in the Council File. This case fails at explaining its Density Bonus calculations and at justifying Incentives and Waivers rather than fixing the design to be code-compliant.

This case is located in the SNAP area of East Hollywood where we own property, also in the "Neighborhood Conservation" low intensity zone with SNAP regulations to maintain current scale and pedestrian environment. Also, our City Council has sold us on its great efforts at tenant protection. This case is a poster child for the great deception. The SNAP Plan recognized the planning goal of making this specific section of Carlton Way continue to be multifamily, but intentionally at a lower density and without any mixed commercial use as was expected in other sections of East Hollywood. In over 1,000 pages of repetition of the developer requests, the facts are left out.

WAIVERS NOT SUPPORTABLE

"Expansions" into setbacks etc are being requested unnecessarily with no additional affordable housing: The City standards that the developer asks to violate include a height limit (from 38'- 105 ft—an added 4 or 5 stories); minimum setbacks at front, side, and rear yards; combining of lots with original 50' frontage into a singular large wide parcel; privatized open space; passageways reduced between buildings (for fire safety and for construction and movers access); inadequate parking for residents; and more. No "additional" affordable housing results, as is repeatedly falsely promised.

1. **How DB Incentives and Waivers are not supported**: It is the applicant's specific design and specific uses that pushes this "building envelope" beyond the limits of its zoning. The current zoning and development standards for this site are NOT precluding the affordable unit construction

   15 affordable housing units are fully possible without 3 off-menu incentives and 7 waivers. It is not the public's obligation to promote private luxury or experimental design. We all have dreams. This dream may even be great. But the private dreams don't erase the obligation to comply in the public interest..

   - For Waivers: LOD page F-3 of Findings states
     A Density Bonus Project "may request other waivers or reductions of development standards that will have the effect of physically precluding the construction of a development meeting the affordable set aside percentage criteria of subdivision)b) at the densities or with the concessions or incentives permitted under State Density Bonus Law
   - Findings are false: City Planning writes repeatedly Finding statements which are unsubstantiated and untrue:
     "*As proposed , the granting of this waiver will allow the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased.*" Also *" the increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types".*
   - No additional affordable housing results from the "expanded floor area" , while the effect on the surrounding area is deleterious-- crowding out open space, light and air, and expected setbacks. City Planning has required 15 units VLI units based on its Density Bonus calculations. City Planning has not required any 'additional" units.
   - Private luxury features cause the larger building, such as outdoor private decks, a large pool deck at a lower level, and the "Resident Co-working" rooms to increase the building by as much as 2-3 floors.

- Residential units are very small, almost dorm-like, with no variety of unit types, and far smaller than the ones demolished.

2 Large mystery "Resident Co-Working" rooms are located throughout the building in choice locations which makes the waivers unnecessary, deceptive, and unacceptable:

- These of course could be additional affordable units
- Perhaps as much as 35,000 sq. ft of "resident co-working space" is on these plans—which could be 50 more of the usual units in the building or at least 10 or more large units. These are large rooms in choice corner locations. They appear nowhere in the case file, and are not calculated for parking
- As a City Planning "Use" these might be "joint live/work spaces" --which are prohibited in this zone. (Ord 173,749 does not locate "joint live/work" as an allowed use in this zone.) City Planning has not explained what "use" resident Co-working falls under. Maybe "community rooms". These communal spaces add roughly half the quantity of spaces allocated for apartments. They are undisclosed and cause this building to balloon in size.
- City Planning has applied no Conditions for the use of these large spaces that are not apartments.
- City Planning fails to report that the result of the mystery spaces is a building taller and wider than otherwise NECESSARY. This makes this entire application unacceptable.

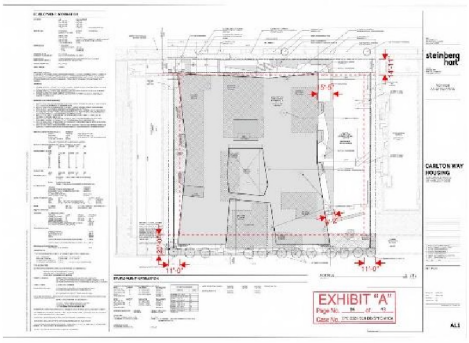
3 Specifics re some Waivers and Off Menu Incentives

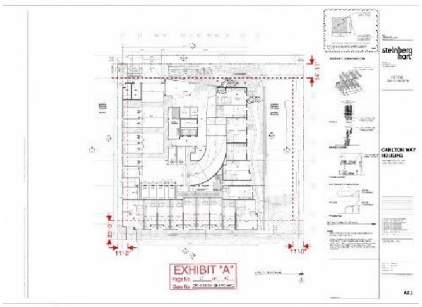
- **Height waiver**: : "*As proposed , the granting of this waiver will allow the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased.*"
    - This statement appears on a waiver to allow a 38' ft allowable height (3 stories) to be increased to 105' (8 stories) . 5 additional stories of height have not led to any additional affordable units .
- **Lot Merger** without Tract Map or Covenanted lot Tie: Merging 4 existing building lots together- twice the length allowed by zoning. City Planning states "*Thus the denial of the requested waiver will have the result of physically precluding one or more affordable units.* " This is patently false.
    - The Lot Tie prohibition was intended in the SNAP ordinance to keep the frontage of buildings on this small residential street at a reasonable scale—two times a house lot, vs 4 times-- as an unrelieved façade..
- **Front Yard Off Menu Incentive** Violating the setback requirement in SNAP to align with neighbors, the building has an angled and serrated front jaggedly angling from 12'-6-18'-3. Ths is a design choice having nothing to do with affordable housing. A hulking electric is located in the front yard, detracting from the pedestrian experience.
- **Rear and Side Yard Setbacks**: Reducing normal 20' rear yard to 6'. Reducing the usual 11' side yard (based on building height) to 5'. City Planning states **"***denial of the …requested waiver will have the result of physically precluding one or more affordable units.*" This is patently false.
    - The rear yard reduction is for the swimming pool,. It will NOT preclude affordable units. It may preclude Fire Dept rescue, and cause problems for adjoining buildings. Using this narrow rear setback as the outdoor access to apartments can cause problems for neighbors.
    - The side yard reduction is mainly for private large patios.

Passageways and Space Between Buildings: Normal passageway requirement for multifamily is stated as 22'. Applicant proposes a 58% and 72% reduction._ City Planning states: *"Without the rear yard setback waiver, the total unit count would be reduced. Thus the*

denial of the requested waiver will have the result of physically precluding one or more affordable units". This is patently false

- Nothing identifies the units in these areas as affordable.
- Reducing passageways and spaces between buildings can have an effect on fire ratings for adjoining buildings. This can impede Fire Department access especially for rescue ladders; minimize areas for trees; obstruct light and air throughout the block; impede movers and maintenance, etc. This especially harms the existing building-to-remain.





MATH ERRORS

1. **Base Density probable error**: Nowhere in the Case is the calculation of Base Density explained except in the Staff Report Page A-6. That asserts a base density rather than explaining it's origins. Base Density under zoning is 47 units for this property, with its (Q) R-4-2 zone per Ord # 165,668 having a clear 800 SF/DU required.
   a. The Applicant has not requested the doubling of base density as a part of this Case—apparently according to the LOD. It has appeared as "proposed". It is not clear where and how the Applicant "proposes" doubling density formally. *"The applicant is 'proposing' a 95 unit base density of one dwelling unit per 400 square feet" . "Based on the required set-aside of at least 15% of the 95 base density units for very Low Income households, the applicant is entitled to three (3) off menu incentives. "*
   b. None of the incentives requested is an increase in Base Density. A. keyword search does not turn this up in the Staff Report at all.
   c. Staff Report 7/23/25 states *" In accordance with State Density Bonus Law (Government Code Section 65915 and Assembly Bill 2334), the Applicant is obtaining the base density allowance from the maximum allowable residential density permitted under the Zone, Specific Plan, or General Plan Land Use Designation."* That is 800 sf/du. The location of the 400 SF/DU for this parcel is not revealed.
   d. Page F-5 of the LOD also says the reduction of 800 sf per unit to 400 sf per unit was enacted in AB 2334, amending the Maximum Allowable Residential Density definition, now found in State Density Bonus Law CA 65915. Checking that, it says: (6) *"Maximum allowable residential density" or "base density" means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. Density shall be determined using dwelling units per acre. "* A range of density is not allowed on this parcel.
   e. In Los Angeles the Hollywood Community Plan is adopted as Zoning Ordinances-- in this case Ord # 165,668 which states very clearly that metric is 800 sf/DU.

f. While the drawings refer to the Hollywood Redevelopment Plan (Sheet G0.1), the calculation of Density Bonus cannot be based on the Redevelopment Plan general land use,. Redevelopment Plans by definition could be more permissive with density than Los Angeles zoning.

2. **Density Bonus calculation-** If accepting that 131 new units will be built, with 8 existing units that equals 139 total units.. City Staff Report refers to 139 units. To obtain the 46.25% bonus on an alleged 95 unit Base density, that triggers 14% VLI requirement and totals the 139 units. The 46.25% is incorporated now in CA 65915. If the Base Density is 47 units, the total is 69 units.
3. **Open space calculation error**- Omitting the existing apartment building from the "project" , and still requests a 74% reduction in open space.
4. **Parking calculation error**: : The project plans show the existing driveway access to the existing garage at 5416-18 Carlton Way removed and not replaced. The 8 units are not included in the garage calculations for the new building. Eliminating existing parking is not allowed under LAMC. The plans seem to show no reasonably feasible way for residents of 5416-8 to access the parking garage.

WHOLE CASE SIDESTEPS AND MUDDIES REPLACEMENT FOR RSO HOUSING

Where does Planning add the requirement together of 48 total rent controlled or deed restricted affordable units: 15 DB-qualifying units, plus 25 replacement units for demolished RSO buildings; plus 8 existing-to-remain RSO units?

a. Nowhere does the project or appeal response clarify or guarantee that the current 8 RSO tenants occupying un-demolished 5416-18 Carlton Way are guaranteed to remain as RSO tenants.
b. Nowhere does the project address the loss of their parking rights in the structure behind their apartment building.
c. Condition 3 on Conditions of Approval page C-1 appears that this will allow Exemptions from the RSO Ordinance going forward. **"**The project shall be required to comply with the Replacement Unit Determination (RUD) letter dated June 3, 2024, to the satisfaction of LAHD. It "*Rent Stabilization Ordinance (RSO). Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided.*"
d. City Planning verbatim response Page 5 of the PLUM Committee report by City Planning recommending disapproval of the appeal is as follows:
    i. My summary of this paragraph is as follows: 15 units are required as a percentage of the new construction for Density Bonus compliance, and 25 units are required under "No Net Loss". Of that total of 40 units, LAHD is requiring none of the replacement units. LAHD will double dip and 11 of the newly-required units that qualified the project for a bonus density of 44 units will serve as replacement, and the other 14 will be forgotten and ignored.

HERITAGE PROPERTIES

Quote direct from Page 5: City Planning rebuts Appelant with pure gobbledegook: ***"The Project is not compliance with "No Net Loss" laws, RSO protection, fair replacement mandates, net loss of affordable housing and displacement of tenants.***

- *The project includes the demolition of 25 units that are protected under the Rent Stabilization Ordinance. The project includes a new 131-unit apartment building with 15 units restricted to Very Low Income Households and an existing eight (8)-unit apartment building, for a total of 139 units.*
- *The project has been conditioned to record a covenant with the Los Angeles Housing Department (LAHD) to make 15 units available for Very Low-Income Households to ensure the applicant sets aside the required number of affordable housing for the project.*
- *The project is subject to the replacement requirements under the Housing Crisis Act (SB 8). The Los Angeles Housing Department (LAHD) reviewed all of the existing structures at the subject site and determined, per the Housing Crisis Act Replacement Unit Determination (RUD), dated June 3, 2024, that 11 units are subject to the replacement pursuant to the requirements of the HCA, including seven (7) units set aside for habitation by Very Low Income Households and four (4) units set aside for habitation by Low Income Households.*
- *Fifteen units are being set aside for habitation by Very Low Income Households proposed through Density Bonus and the project will be required to comply with all the applicable regulations set forth by LAHD. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019).*
- *The existing tenant protections under the Housing Crisis Act are available to the tenants on site, including the right to remain and the right to return. Planning Staff has conditioned the project to adhere to the requirements outlined in the RUD letter, ensuring that 15 units are reserved for the specified affordability levels. In accordance with Condition No. 3 of the Letter of Determination, the project is required to comply with the terms of the RUD letter, dated June 3, 2024, to the satisfaction of LAHD.*
- *Furthermore, under Condition No. 6 of the Letter of Determination, the project owner must secure LAHD's approval for the replacement of affordable units. Therefore, the City Planning Commission's approval was appropriate. The request before the Planning Department was a consideration of a Density Bonus determination. The project complies with the applicable regulations and conditions, such as Condition No. 3 and Condition No. 6 of the Letter of Determination, set forth by the Vermont/Western SNAP Regulations and the Density Bonus/Affordable Housing Incentive Program Compliance Review, including provisions for replacing affordable units and ensuring that the tenants impacted by this development are provided with appropriate relocation assistance and the right to remain and the right to return under the Ellis Act, SB 330 and SB 8. With regard to relocation assistance, the City's Relocation Consultant will be engaged to provide transportation and support during the relocation process, as required by LAMC Section 47.07.*

An embarassment for Los Angeles.

DELANO & DELANO

September 8, 2025

VIA E-MAIL

City Council
City Council PLUM Committee
c/o City Clerk
City of Los Angeles
200 North Spring Street, Room 395
Los Angeles, CA 90012-4801

Re: Item 25-0811 (Case No. CPC-2024-914-DB-SPPC-VHCA; ENV-2024-915-CE)

Dear Members of the Los Angeles City Council and Planning and Land Use Management Committee:

This letter is submitted on behalf of the George Abrahams Foundation regarding the proposed West Carlton Way project ("Project").

The Project seeks to receive several incentives and waivers under the Municipal Code provisions. However, as several commenters have noted, the Project is not appropriately qualified for so many incentives, concessions and waivers. Furthermore, the Project seeks to avoid the California Environmental Quality Act ("CEQA"). Again, as several commenters have noted, it cannot legally do so because of the Project's significant effects.

I. The Project Should be Denied

While it is correct the Municipal Code provides for incentives and waivers when an applicant agrees to construct certain low-income housing, it did not remove this Council's discretion to regulate and make valid land use decisions. Indeed, State law specifically provides:

> Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

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104 W. Grand Avenue, Suite A • Escondido, CA 92025

Gov. Code § 65915(e)(1); *see also id.* §§ (d)(1)(B) & (d)(3). As numerous comments have noted, the Project presents significant impacts to health, safety and the environment.

Like a mantra, the findings repeatedly claim that the various incentives and waivers "would enable the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased." And from this mantra, the findings conclude that the various incentives and waivers are "necessary to provide for affordable housing costs." However, other than a blanket generalization that expanding the "building envelope" will provide more space, no evidence is presented that the several incentives and waivers are necessary to develop a viable project that produces quality residential units. No evidence is presented that each of these incentives and waivers is necessary. And no consideration is presented that alternatives that reduce the number of incentives and waivers would still produce quality residential units.

The Project as proposed requires multiple incentives and waivers to deviate from the development standards in the Los Angeles Municipal Code and the core requirements of the Vermont/Western Station Neighborhood Area Plan ("SNAP"). The Development Standards and Design Guidelines for Subarea A (Neighborhood Conversion) states that "the purpose of this subarea is to preserve the prevailing density and character of the existing neighborhoods." SNAP Development Standards and Design Guidelines at 10. It explains: "Although some new development and renovation will occur, new development should meld with the surrounding structures and incorporate the best design features that already exist on the block." *Id.* However, the numerous incentives and waivers result in a development substantially different from the existing structures in the neighborhood.

Taken together, these deviations are not minor adjustments but fundamental departures from the SNAP's standards for bulk, scale, and livability. By granting waivers for height, lot consolidation, setbacks, rooflines, and open space, the City effectively ignored the core protections of SNAP and its Design Guidelines.

II. The Project is Not Exempt from CEQA

"Because the exemptions operate as exceptions to CEQA, they are narrowly construed." *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1382; *see also Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268 (rejecting "attempt to use limited exemptions contained in CEQA as a means to subvert rules regulating the protection of the environment"). "Exemption categories are not to be expanded beyond the reasonable scope of their statutory language." *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 125 (citation omitted).

The Project is <u>not</u> exempt from CEQA for several reasons, including:

(a) Several commenters have noted the Project is inconsistent with the General Plan and Area Plan, Pub. Res. Code § 21159.21(a) & CEQA Guidelines § 15192(a)(1);
(b) Several commenters have noted it will not be adequately served, and the applicant has not adequately committed to paying applicable fees, Pub. Res. Code § 21159.21(c) & CEQA Guidelines § 15192(c);
(c) And several commenters have noted "there is a reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances," Pub. Res. Code § 21159.23(c).

The Project fits into exceptions to any CEQA exemption. "All exemptions for these classes are 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). "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA Guidelines § 15300.2(c).

As comments have noted, the Project will lead to significant traffic and parking impacts, significant noise impacts, significant impacts associated with fire and emergency services, significant air quality and water quality impacts, significant socio-economic impacts, significant impacts on historical resources, and significant cumulative impacts. Accordingly, the Project is not exempt from CEQA. *See e.g. Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1187.

III. The Project Will Lead to Impacts on Historical Resources

Carlton Serrano Tenants Association raised concerns about the Project's impact on historical resources. As noted in the appeal, the existing buildings on the Project were built between 1916 – 1948 with potentially significant historical elements and the Project site is in proximity to designated and other significant historical resources. Demolition of seven existing buildings will result in a loss of the historical character of the neighborhood, and will have impacts on the surrounding historical resources.

As acknowledged in the Environmental Clearance Report and the Historical Resource Assessment Report, the Project site is 374 ft east of the Serrano Historical District. Environmental Clearance at 2-160; Historical Resource Assessment Report at 80. The environmental assessment explained: "The City also identified 5400 Carlton Way as potential historic resource … [which] is located 55 feet east of the Project Site's retained building at 5416-5418 Carlton Way." Environmental Clearance at 2-160. However, it indicated that the Project would have no effect on these historical resources as the Project is not adjacent to the properties. Considering the magnitude of the development, demolition of seven buildings on four lots and the construction of a 131-unit apartment building will have potentially significant impacts on the surrounding

historical resources. Yet, the City ignored this and provided no assessment of potential impacts.

IV. The Project is Inconsistent with SNAP

"The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Orange Citizens for Parks and Recreation v. Sup. Ct.* (2016) 2 Cal.5th 141, 153 (citation omitted). If a Project "will frustrate the General Plan's goals and policies, it is inconsistent with the County's General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects." *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 379. "[G]eneral consistencies with plan policies cannot overcome 'specific, mandatory and fundamental inconsistences' with plan policies." *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 239.

The Project is inconsistent with SNAP's purposes. SNAP is intended to "preserve the quality of existing residential neighborhoods by limiting new residential development which would exceed the prevailing density of such neighborhoods, and establish standards for new construction in such neighborhoods to conform to the existing neighborhood character." SNAP at 4. However, wholesale demolition of existing modest residential buildings and their replacement with a single 105-foot 139-unit building is directly inconsistent with this intent.

In addition, SNAP emphasizes preservation and enhancement of the neighborhood character through consistent streetscape design, cultural continuity and preservation of existing mature tree canopy. By allowing removal of both protected native trees and iconic palm trees, the City has failed to demonstrate compliance with these standards, resulting in a project that conflicts with SNAP. This also violates Los Angeles Municipal Code Section 11.5.7, which requires projects to substantially comply with adopted Specific Plans.

Furthermore, the Project is inconsistent with provisions of SNAP, including:

- **Lot Consolidation (SNAP §7.A):** SNAP Section 7.A provides that no more than two lots, and no more than a total of 15,000 square feet of land area, may be combined into a single building site. The project combines four separate lots totaling 37,688 square feet, which is more than double the maximum permitted for Residentially Zoned Properties by SNAP.

- **Height (SNAP §7.D):** SNAP Section 7.D limits new construction to no more than 15 feet taller than the shortest adjacent building. Because the shortest adjacent structure is approximately 23 feet, the maximum permitted height under SNAP is 38 feet. The City nevertheless approved a building with a height of 105 feet,

which represents an increase of approximately 169 percent beyond the SNAP standard.

- **Open Space (SNAP §7.F; LAMC §12.21 G.2):** SNAP Section 7.F, in conjunction with Los Angeles Municipal Code Section 12.21 G.2, requires this project to provide a minimum of 13,300 square feet of usable open space. The project provides 3,405 square feet, which constitutes a 74 percent reduction from the required amount.

  This is also inconsistent with LAMC Section 12.21 G1 which states that the purpose of providing open space is to "afford occupants of multiple residential dwelling units opportunities for outdoor living and recreation; provide safer play areas for children as an alternative to the surrounding streets, parking areas, and alleys; improve the aesthetic quality of multiple residential dwelling units by providing relief to the massing of buildings through the use of landscape materials and reduced lot coverage; and provide a more desirable living environment for occupants of multiple residential dwelling units by increasing natural light and ventilation, improving pedestrian circulation and providing access to on-site recreation facilities." The Project defeats this purpose.

- **Setbacks (SNAP §7.E):** SNAP Section 7.E requires new construction to align with the setbacks of adjacent buildings, which in this case are approximately 15 feet. The project instead provides setbacks that vary from 12 feet to 18 feet, thereby deviating from the uniform streetwall that SNAP is intended to preserve.

- **Rooflines (SNAP Design Guidelines §IV-13):** SNAP Design Guidelines Section IV-13 requires roofline breaks at least every forty feet in order to reduce the visual massing of large buildings. The project, however, incorporates rooflines that extend **uninterrupted** for as much as 169 feet, which is more than four times the maximum allowed under the Specific Plan.

- **Street Trees (SNAP Design Guidelines §IV-4):** SNAP Design Guidelines Section IV-4 requires mandates that "existing palm trees in the public right-of-way shall be maintained in residential areas, and are not required to be removed in order to plant new street trees." While the Findings acknowledge this requirement, it states that "the proposed project includes two (2) existing trees which will be removed" without specifying the type of the trees. Findings at F-11. The Protected Tree Evaluation Report indicates that two King Palm and one Bottle Palm trees are proposed to be removed. Protected Tree Evaluation Report at 10; *See also* 18 and 22. The Report's disposition is inconsistent with SNAP's mandate to preserve existing palm trees.

V. The Project Proposes Improper Removal of Trees in Violation of the Municipal Code and SNAP

The Project proposes removal of two street trees, three on-site protected trees and 12 on-site non-protected trees. The Protected Tree Evaluation Report identifies six protected trees to be removed, four Coast Live Oaks and one California Sycamore. Protected Tree Evaluation Report at 6, and 10. It recommends that "a permit must be obtained from Urban Forestry before any protected tree or street tree removals. Oak #1 can probably be protected in place." However, the City's findings provide no discussion regarding which trees would be removed and whether the Municipal Code requirements regarding removal of protected trees were met.

Los Angeles Municipal Code Section 17.05(R) states: "No protected tree may be relocated or removed except as provided in this Article or Article 6 (Preservation of Protected Trees) of Chapter 4 (Public Welfare) of this Code." Accordingly, protected trees can only be removed if the Advisory Agency makes a determination pursuant to Section 17.05(R) or the Board of Public Works issues a permit pursuant to Section 46.02.

The Letter of Determination does not reflect that these findings were made. The City did not make any written finding that removal was necessary for reasonable development, or that removal of the tree would not result in an undesirable, irreversible soil erosion. LAMC §17.05(R).

Moreover, when a permit is required for removal of protected trees, "The Board of Public Works may grant a permit for the relocation or removal of a protected tree or shrub if the Board determines that the removal of the protected tree or shrub will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters, which cannot be mitigated to the satisfaction of the City; and … [t]he protected tree or shrub shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable." LAMC §46.02(b).

However, the protected trees that are proposed to be removed are in good health. The Protected Tree Evaluation Report rated the health of the protected trees as A or B (A for "excellent", B for "good"). Protected Tree Evaluation Report at 6. It further explains: "Most of the trees appear to be in fair to good health and have been growing in place for at least 20 years. The palms are in good health and excellent condition. None of the trees show signs of good training or pruning in the last decade, and too many have been topped." *Id.* at 9. Therefore, the grounds for tree removal permit have not been met.

In addition, the proposed removal of the trees is also inconsistent with SNAP. As explained above, the SNAP requires preservation of existing palm trees in the public right-of-way under Subarea A- Neighborhood Conservation. It states: "Existing palm trees in the public right of way shall be maintained in residential areas, and are not required to be removed in order to plant new street trees." While the Findings

acknowledge this requirement, it states that "the proposed project includes two (2) existing trees which will be removed" without specifying the type of the trees. Findings at F-11. The Protected Tree Evaluation Report indicates that two King Palm and one Bottle Palm trees are proposed to be removed. Protected Tree Evaluation Report at 10; *See also* 18 and 22. It further observes that "the palms and trees at 5418 Carlton Way *can* remain in place." *Id.* at 23. However, the Report's disposition to remove these trees is inconsistent with SNAP's mandate to preserve existing palm trees.

Furthermore, the Report dismisses preservation of the existing trees or transplanting as unreasonable due to grading. It states:

> The tight spaces these trees are growing in will also make transplant very difficult and unreasonable. Their value does not come close to the cost of preservation. Other than the palms, there few spaces on site for these trees, and no room to store them during construction.
>
> Building large apartment buildings covering almost the entire site, requires removing everything, any previous infrastructure, paving, plants and maybe a large amount of soil. Even building a block wall between these lots would require removal many of these trees, and simply put, they should not remain in any case.

Protected Tree Evaluation Report at 24.

The Report discusses the size of the building and lack of space as justification for removing the protected trees. Yet, it ignores the fact that as proposed the building area and setbacks are inconsistent with the requirements of SNAP. Indeed, the photos and the map in the Report demonstrate that majority of the existing trees are on the edges of the lots or street trees. The applicant's request for multiple waivers and incentives to deviate from the development standards in order to consolidate four lots to build on a large area cannot be a justification to remove protected trees.

VI. The Required Findings Cannot be Made

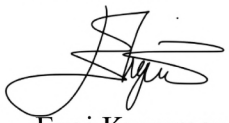
The proposed resolution and findings are inadequate. "[R]egardless of whether the local ordinance commands that the [] board set forth findings, that body must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board's action." *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514 (footnote omitted). The proposed resolution fails to produce adequate findings supported by evidence.

The Project violates the Municipal Code and Area Plan. Accordingly, the City cannot make the findings required. In addition, the proposed resolution and findings are inadequate.

VII. Conclusion

For the foregoing reasons, the George Abrahams Foundation respectfully requests you reject the Project. Thank you for your consideration of these concerns.

Sincerely,



Ezgi Kuyumcu