

## **Appeal Letter**

This is an appeal of the Director of Planning's Density Bonus Compliance Review Determination of July 19, 2022, regarding 425 South Union Avenue, Case No. DIR-2022-310-TOC-VHCA ("the Review Determination"). We are the owners of the adjacent property to the south, 429 South Union Avenue, and therefore have standing to bring this appeal. We believe the Planning Department erred in approving this application due to a number of inaccurate facts in the applicant's representation of structural and environmental conditions that will create hazards for neighboring properties.

### **1. The Subterranean Railway Easement Has Not Been Considered**

The easement is for a tunnel underneath the property for the operation of the Pacific Electric Railway. It is fifteen feet of the southern portion of the entire lot extending from the front to the rear. A similar easement exists on our lot, which neighbors the subject property to the south. This railway tunnel is of unknown condition, and we are very concerned that the proposed excavation of a subterranean parking structure on the property line and within this easement could cause our structure to collapse. It appears that no consideration to this 100-year old tunnel has occurred, and no evaluation of its impact has been made. Furthermore, given the existence of the easement, it does not appear that it would be possible to construct subterranean parking as it would violate the conditions of the easement, which prohibits any interference with the tunnel. It is also unclear what the depth of the proposed footings and foundation system would be in the proposed building.

At a minimum, the condition of the tunnel should be investigated. Before any major structure can be built on this lot, a survey of the tunnel underneath this lot must be conducted. The proposed structure both in terms of the proposed subterranean parking and the massive load presented by the seven-story proposed building must be evaluated from an engineering perspective. As it stands, the danger to our property is unknown. Planning should require an engineering study of the tunnel, and the impact that the proposed structure would have on our structure should be studied from an engineering standpoint. Since the easement should prohibit the construction of a subterranean parking structure, the project should not be approved, because the plans without subterranean parking do not comply with the parking space requirements for such a structure. (LAMC sec. 12.22 A.31.)

#### **a. The City of Los Angeles Has Already Experienced Major Issues Arising out of Failing to Consider the Effects of Subterranean Tunnels**

In 1995, the Los Angeles Times reported:

Faulty and "unrealistic" design work by two of the main contractors on the Los Angeles subway project triggered the dramatic collapse of an 80-foot-wide chunk

of Hollywood Boulevard four months ago, according to a troubling report released Thursday that rebuts past assertions from transit officials about who was to blame for the sinkhole.

“Report Blames Contractors for Tunnel Collapse,” *Los Angeles Times* (October 20, 1995).

Hollywood Boulevard partially collapsed during the construction of the Red Line due to inadequate consideration of the engineering effects of tunneling adjacent to existing structures. In addition to these high-profile events, the Red Line project to date had been plagued with fines for health and safety violations, serious and minor injuries, events on tunneling sites which had either caused program delays or increased costs or both, and incidents over which State and Federal officials have had cause to take action. In the summer of 1994, for example, it was reported in the *Los Angeles Times* newspaper that the Federal government withheld \$1.6 billion in approved funds for Metro projects until such time as MTA officials could demonstrate that they were able to manage the project. The funding was released soon after; but then, in June 1995, perhaps the last straw in this apparent trail of poor management, poor workmanship and deficient construction supervision occurred when Hollywood Boulevard dramatically collapsed. See “Investigation of Tunnel Collapse and Sinkhole,” *Los Angeles County Metropolitan Transit Authority* (Oct. 17. 1995).

There was an unrealistic design and lack of engineering that caused sink holes around tunnels in 1995. The design at issue here does not even address whether it can be constructed over a tunnel or even how it could be constructed even if no tunnel existed. When the Red Line was built, there were a number of fires, sinkholes and explosions associated with working in and around these tunnels. Further engineering needs to be completed here to determine the feasibility of this project.

#### **b. The Engineering Necessary to Establish the Feasibility of This Project Has Not Been Completed**

Without a proper engineering plan, environmental reports and a robust budget that accounts for the many delays associated with tunneling beneath LA, as an adjacent property owner, planning is gambling with our substantial investment and the lives of many hundreds of people living in neighboring structures. We cannot risk a poorly-designed and planned structure which gives no information about how they plan to deal with the engineering challenges of disturbing land in the middle of an easement that deals with a subway tunnel. The reduction of setbacks allows them to get even closer to our structure without a proper engineering plan or any environmental reports to review and evaluate whether this structure can even be built safely.

## **2. There Are Inadequate Grounds to Waive the Side Setback Requirements**

The required side yard setback is nine feet. (LAMC sec. 12.11 C.2.) The Review Determination allowed for a setback of six feet, four inches.

Our two-story building is located next door at 429 South Union, if a six-story building were to be built six feet away from it would substantially damage our tenants' ability to enjoy the property as it presently exists. Nearly all of the light comes to our units from the windows on the northern side of the building. If this building were constructed, our building would be cast into perpetual darkness with a 76-foot building just six feet away. We might lose tenants and our ability to re-rent these units could be comprised, causing us a financial injury.

The setbacks were approved due to the posed inclusion of four affordable units. The issue is that four affordable units already exist at the site and are occupied by low income persons who will be displaced should this project be approved.

The proposed building will have a specific adverse impact due to the scale of this building being constructed six feet away from our existing building. It will substantially impact our tenants' ability to not live in complete darkness in the shadow of a six-story building.

## **3. The Existing Structure Has Historic Significance and Should Not Be Demolished**

The courtyard building at 425 S Union Ave is a five unit building arranged in a "C" shape with the courtyard next to the side of 429 S. Union, which was built 5 years later. This relatively early example of a bungalow court built in 1921, appears to have been built by the same owners or family that built 429 Union 5 years later. As the extensive survey excerpt above references, some more rare examples have bungalow courts have apartment buildings associated with them. The units have nearly all the original window openings with the churrigueresque details surrounding them intact, despite the window sash being replaced at some point, likely in 2001-2007. It would not be difficult to re-create the original wood double hung sash windows as one of the bungalows has the original wood windows intact. Interestingly, the 2009 survey identifies just one bungalow court older than this one and most slated for possible preservation are 1922 or after. This bungalow court is one of the earlier examples and is naturally occurring affordable housing that allows open space in a dense neighborhood, but still allows for ample parking and multiple families to reside on a single lot. The building at 425 S Union was recently sold to a developer who appears to be planning a 6 story, 38 unit apartment building that is completely out of character for this important stretch of Union Ave.

In Westlake, bungalow courts and other variants of courtyard apartments were constructed in mixed blocks with small apartments, commercial buildings, and

single-family residences. Notable concentrations occurred along Burlington, Union, and Columbia Avenues north of 6th Street.”

This collection of bungalows are across the street from the famed Osiris Apartments, with its lovely neon roof sign, and is one of a number of small bungalow courts and low rise 1920's Spanish and other Revival style buildings. “In some cases (such as on Rampart Boulevard and Union Avenue), an entire block of moderately-priced apartment buildings went up within the span of a year or two, creating an instantly dense multifamily community from an area originally subdivided for residences. Generally built to fill the intense need for affordable housing near employment centers and to ensure a sufficient return on investment, small apartments were designed to fill as much of a narrow residential lot as possible while still allowing for some natural light to reach side units, leading to the U, T, or barbell shape that builders of affordable apartments had used for decades in New York and Chicago. The sides and rear were usually left plain, while builders applied decorative treatments that reflected popular period-revival styles of the 1920s, including Mediterranean/Spanish Colonial, Tudor, Renaissance, and Classical revival styles. A few owners chose playful façades to call attention to their property, such as the Egyptian-style columns of the Osiris Apartments (1926).”

⇒ Four or more related units on one or two residential lots. Some may also have a larger central apartment building associated with the units.

⇒ Units all have the same basic elements of a contemporary architectural style, including Mission Revival, Spanish Colonial Revival, Tudor Revival, and Streamline Moderne. The closest units to the street may be more ornate than units which are less publicly visible.

⇒ Units are oriented toward a landscaped courtyard or pathway.

“Westlake Recovery Community Redevelopment Area Intensive Survey” City of Los Angeles (2009).

425 and 429 S Union appear to have been built to complement each other, there is a courtyard area that is situated between 429 and 425 Union that is now split with a chain link fence but appears to have been open as recently as 15-20 years ago when both were owned by the same owner. As the owner of 429 S Union Ave, I discovered most of the architectural details of the building are intact, including the original quoins and other ornamentation of the façade of the building. The wrought iron work appears to be original on the façade as well. The building is a two story garden style apartment building with an unusual footprint. It has the barbell style shape, but has five adjoining sections so that the entire building has courtyards on both sides and allows light on both

sides of the building. The floorplan of each of the 20 units is nearly identical and has a railroad style layout that is dependant on the light created by the low rise building at 425 S Union and its open space.

The only high rise on this block is an unfortunate concrete structure that is a HUD type building that is out of character and style of the neighboring buildings. It would be unfortunate if this development of a 6 story 38 unit building replaced this small, single story bungalow court. This could be starting another chain reaction of demolition of these valuable, and increasingly rare, affordable units in this historic neighborhood. This bungalow courtyard building deserves to be saved and should be considered for designation, along with my building at 429 S Union Ave, which is adjacent to the courtyard these units were centered on.

In 429 Union all of the original casement windows and ornamental front doors and hardware are present on the front of the building and I have restored them since 2015 when I purchased the building. I have been restoring the building for the past seven years to return any missing details removed over the years and replacing with identical or very similar architectural salvage pieces sourced from all over the US. The exterior is almost entirely original, with all the original door and window openings intact, and the few missing windows now replaced with period appropriate wooden replacements to match the original windows that were removed. The condition of 425 S Union is similar, requiring only small changes to restore it to original condition from 1921.

These two buildings are part of a group of bungalow courts, low rise garden style apartment buildings and a few other low rise 1920's buildings that are fairly intact and undisturbed and clustered along Union Ave which was built up quickly from around 1921-1927. These buildings likely were serviced by the Young's Market chain of food stores which were headquartered nearby, just a few blocks down on Union Avenue.

Comparison of the 1923 Sanborn maps to the 1933–1949 Sanborn maps shows that after 1923, the sections of South Alvarado Street between West 6th and West 7th Streets transitioned from primarily residential properties to mostly commercial development, as did several other areas within the area. In 1923, the center of commercial land use was at the intersection of 7th Street and South Alvarado Streets, which were both on the routes of the Los Angeles Railway Yellow Cars. A few other commercial areas had emerged by 1923, including clusters of two to five shops along 7th Street at Valencia Street and at Union Avenue. In 1924, Young's Market moved into its new Renaissance Revival-style headquarters on the southwest corner of 7th Street and Union Avenue. Constructed of granite and limestone, the five-story building was admired early on for its terra cotta frieze in the style of Italian Renaissance sculptor Della Robbia. Young's Market ran a chain of 43 southern California markets from this building.

“Westlake Recovery Community Redevelopment Area Intensive Survey” City of Los Angeles (2009).

Tearing down or significantly altering any of the buildings along this stretch of Union Ave would be a threat to the historic character of the Westlake area. Neglect of these buildings for decades has allowed them to remain relatively untouched and free from the heavy development that destroyed the character of the Bunker Hill neighborhood and so many other vibrant and unique areas of Los Angeles. I would like to preserve the character, feel and history of Westlake and the roaring twenties time when these structures were built. Allowing a 6 story building to tear through the fabric of this low rise, affordable neighborhood would be tragic mistake. This street has many more historically viable structures that are untouched than much of Los Angeles. The ability of this neighborhood to be a walk-able, vibrant multi-family version of Angelino Heights is still possible. I hope to be a part of the preservation of Union Avenue, and I hope you will help me in my quest to restore and protect these buildings into the next century. This year marks the 101st birthday of 425 S Union Avenue, perhaps we can honor it by not tearing it down to make way for another generic high rise “luxury” apartment complex.

#### **4. The Applicant Cannot Complete the Project Within Three Years, and the Applicant Did Not Adequately Advise HCIDLA Regarding the Occupants of the Current Units**

Erick Morales in the Planning Department has kindly alerted us to a few potential issues with the HCIDLA portion of the application. We have just received a copy of the TOC Replacement Unit Determination from records management since being alerted to the fact that the developers had indicated in their application that three out of four units are not tenant occupied, but occupied by the family of the developer. This assertion has been verified, and records management has just sent the paperwork over today. It would appear that the application has been pushed through the process with information about who the tenants are that is not accurate. We would like adequate time to evaluate this TOC determination and for this process to be based on an accurate evaluation of the people living in these four units and the rents they are paying in order to comply with the requirements of the 1999 redevelopment survey. We have included a copy of the letter where the owner claimed that 3 out of 4 units are owner occupied, yet we personally know multiple tenants who are not related to this developer and have lived there for decades. There were four low income tenants paying between \$700 to around \$1100 in rent when the developer purchased these units in or around 12/2020.

We personally know several of the four tenants of this building and interact with them daily. None of these people are family of the developers as was alleged. We would like

to evaluate this document and believe we have a right to have the time to appeal based on this information which had been provided to us just hours before the appeal was due. In the recent past, there have been several determinations that have been provided to those in the radius AFTER the deadline to appeal. For instance, we received notification of the Density Bonus and Affordable Housing Incentives program that allows for reduced setback in May 2019 in June 2019, well after the deadline to appeal had expired. This brief time to appeal has resulted in major setback reductions, CEQA exemptions and reduced green space areas that affect all neighboring residents. This developer has demonstrated repeatedly they will falsify documents and attempt to push this project through at any cost. All portions of their application should be re-evaluated for incorrect or misleading information and rejected based on false or misleading statements.

**a. The Proposed Project Cannot Be Completed Within Three Years**

Additionally, there are questions about whether this project can be completed within the proper timelines and if there will be an impact to the neighborhood traffic and other considerations. The developer is also using entitlements from the attached 1999 Description of the Land Within the Westlake Recovery Redevelopment Project that clearly states (part L and M page 10):

The time limitations that are contained in the Redevelopment plan are reasonably related to the proposed projects to be implemented in the Project Area and to the Agency to eliminate blight within the project area. The City Council is satisfied that permanent housing facilities will be available within three (3) years from the time the occupants of the Project Area are displaced and that pending the development of the facilities, there will be available to the displaced occupants adequate temporary housing facilities AT RENTS COMPARABLE to those in the community at the time of the displacement.

**b. The Proposed Project Seeks to Improperly Relocate Existing Tenants**

The current tenants pay from \$700 to \$1,200 per month for their units. Half of the units are paying around \$700, which is less than a third to 20 percent BELOW MARKET rents. There are no units currently available anywhere in Los Angeles, or even California, that have a one to two-bedroom stand alone house for \$700 that a family can rent. At least one or two of these families have been in these units for three to four decades at this rental amount. Displacing these families will result in their inability to follow the guidelines outlined in the Redevelopment plan and result in demolition of housing that cannot possibly be completed in less than three years in the current economic climate. The developer should be forced to have a complete financial plan, engineering plans, DOT traffic studies and environmental reports completed prior to removing tenants and demolishing any structures. This thrown together concept

addresses none of the engineering , housing, environmental or traffic challenges created by replacing four small homes with a 38-unit high rise on an easement they have no right to build on.

## **5. The Factual Basis for the Exemptions Relies on Inaccurate Factual Representations of the Neighborhood**

In the CEQA notice of exemptions granted by planning, there are a number of factual errors. The developer claimed that there are no other planned developments of this size in the area. In fact, at 500 South Union, there is another 100-unit complex also planned. The report also claims that there are multiple other buildings of this size and character, when in fact, there is only one 14-story 200-unit building and one three-story 30-unit building across the street (Osiris 1926). All other buildings surrounding the area are one and two-story structures that are typically 20 units or less. This development claims there will be no impact to the environment replacing four 4 single-story houses with a six-story structure with inadequate underground parking for the 38 proposed units. There should be a requirement to provide a traffic study and environmental reports to support their assertion that four units will have the same impact as 38 units.

The other 100-unit property should be considered across the street. Altogether, there will be an additional 134 units, and all the cars associated with those units, spilling on to an already overly-crowded area that is one of the most dense neighborhoods in Los Angeles. Westlake has been one of the most dense neighborhood since the early 1920's in fact. The project makes use of three TOC exemptions and claims that the threshold of 250 daily trips would not be reached by the vehicles servicing this project. With 38 units that are occupied by multiple people, there will be an average of 2 cars per unit, that is 76 cars instead of 8 and those 76 cars would only have to do approximately 3.2 car trips a day to exceed the 250 trip threshold. It is fairly safe to say most people drive at least to work and back, which is two trips and with just one other trip per day, the threshold is met or exceeded. Therefore, it is not accurate to say this project will not have an environmental effect on the neighborhood. This does not even account for the other 100-unit building with its 200 cars that is less than half a block away. None of these factors were accurately reported by the developer and these, along with other discrepancies which will likely come to light, need to be addressed with the proper oversight from an environmental review, a DOT traffic study and proper engineering to address potential threats to the neighborhood safety, well-being and character.

As an owner who has put millions of dollars into restoring a building while providing affordable housing without demolishing existing buildings, we oppose the demolition of structures that will destroy our investment and the neighborhood surrounding it. There is no reason to destroy existing affordable housing to create more luxury housing.