

FIX THE CITY

jim@FixTheCity.org, jamesos907@gmail.com Messages 213-840-0246

April 26, 2021

Vincent Bertoni, Director of Planning, City of Los Angeles

RE: OPPOSITION TO TOC PROJECT APPLICATION FOR 800-840 FAIRFAX AVENUE, LA CA 90036

Fix the City opposes the 80% increase in density for this project. We object to the increase in floor area ratio (FAR) of 4.25 to 1 in lieu of 1.5 to 1 and a 40 percent reduction in commercial parking, and additional incentives for use of the RAS3 yard setbacks in the C zone, up to a 25 percent reduction in the required open space and use of the transitional height provisions contained in the TOC Guidelines in lieu of LAMC Section 12.21.1.A.10.

The TOC Guidelines cannot be used to approve the requests for the following reasons:

Although the procedures adopted to implement Measure JJJ do not provide for public notice or an opportunity to provide comment prior to the Director's Determination of "Additional Incentives," Fix the City requests that this letter be included in the record for this project, and that you address the concerns below. The TOC Guidelines cannot be used to approve the requests for the following reasons:

1. The Guidelines were never lawfully adopted by the City Council as required by California Government Code Section 65915(d)(1)(C)(3).
2. The Guidelines exceed the authority of JJJ. Only non-substantive changes can be made without voter approval (JJJ Section 5.A).
3. The "Additional Incentives" lacked CEQA review and voter approval.
4. The "Additional Incentives" increase allowable density and intensity without providing a finding based on substantial evidence that infrastructure and public services are adequate.
5. The TOC Map is an unlawful amendment of the General Plan Land Use Element unauthorized by JJJ and requires voter approval.
6. TOC Tiers 1,2,3 and 4 are unlawful zone changes not authorized by JJJ and require voter approval.
7. JJJ only permits the base incentives unless an applicant seeks a General Plan Amendment, Zone Change or Height District Amendment and requires following the Labor requirements of JJJ Section 5e.

We incorporate by reference:

- Fix The City lawsuit on the Expo line
- Fix The City lawsuit on 5891 W. Olympic Blvd

For all these reasons, we request that you deny approval of this application.

Sincerely,

James O'Sullivan

Vice President, Fix The City

c.c Oliver Netburn