



**WILSHIRE CENTER  
KOREATOWN**  
NEIGHBORHOOD COUNCIL



June 8, 2020

Honorable Members of the PLUM Committee, City of Los Angeles  
Marqueece Harris-Dawson, Chair  
Bob Blumenfield  
Gil Cedillo  
Curren D. Price, Jr.  
John Lee  
City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

RE: Case No: CPC-2016-3692-VZC-MCUP-SPR, VTT-74602  
CEQA: ENV-2016-3693-EAF

Mr. Chair Harris-Dawson,

On February 11, 2019, at its duly noticed and regularly scheduled general board meeting of the Wilshire Center-Koreatown Neighborhood Council (WCKNC), the above-mentioned project, located at 3440 Wilshire Boulevard, Los Angeles, CA 90005 appeared before our board. After discussion and careful consideration, WCKNC voted in favor (11-0-4) of the project, with one condition:

- Provision of a 5% unit set aside for tenants earning Moderate Area Median Income (80-120% AMI)

Since that time, stakeholders of Wilshire Center-Koreatown have voiced concerns and opposition to this project. Subsequently, we have been asked to reconsider this project. However, pursuant to WCKNC's Bylaws (approved 10/31/18), Article VIII, Section 4: Reconsideration, the time allotted to reconsider has since passed.

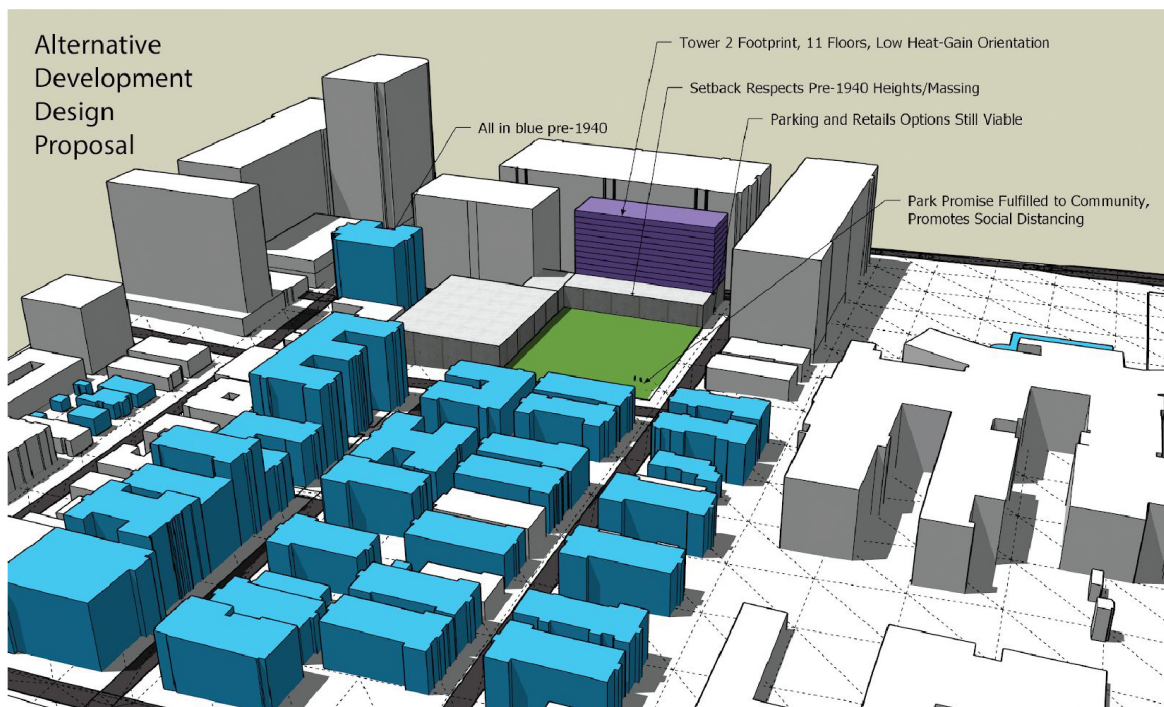
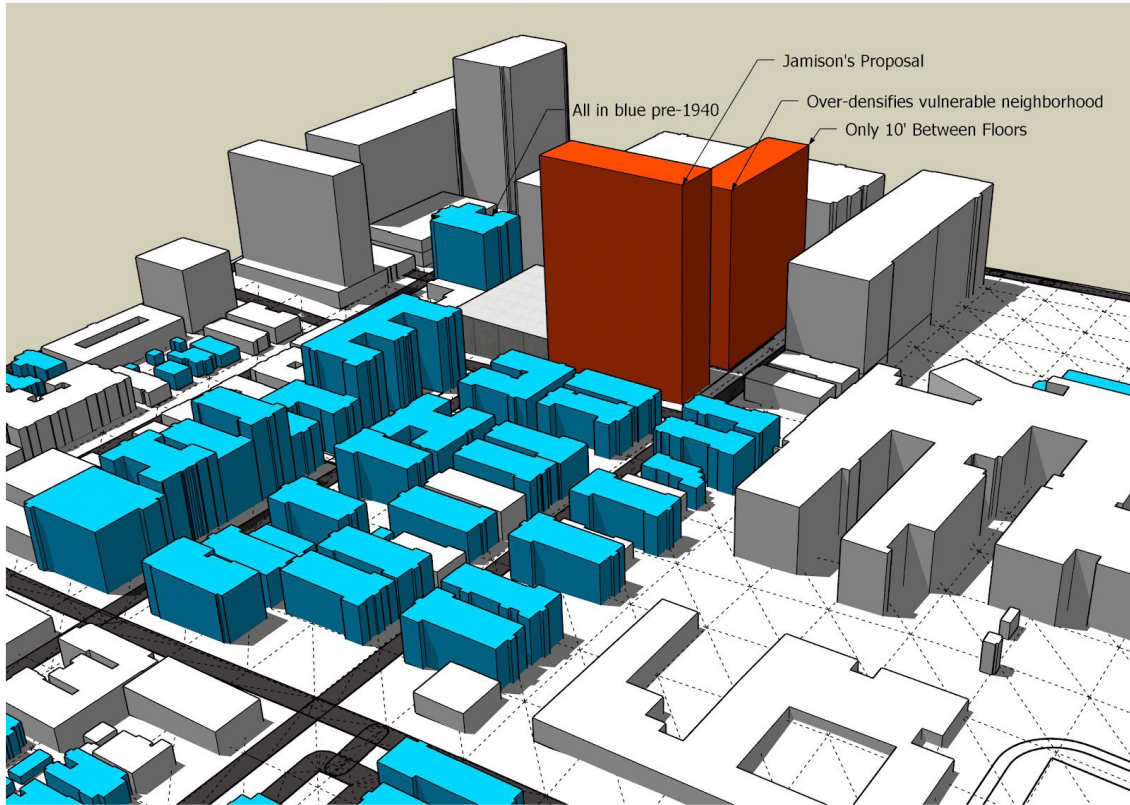
We respectfully ask that when this project appears before the City's PLUM Committee, that the Committee listen to and take into consideration the comments and requests of our stakeholders. Please see the attachments below.

Thank you for your consideration.

Respectfully,

Wilshire Center-Koreatown Neighborhood Council

## **STAKEHOLDER'S ATTACHMENTS**





Don't let fancy renderings fool you.  
Our historic neighborhood deserves the  
FULL PICTURE!

- No north-facing views from 7th
  - No Environmental Impact Report
  - No Low-Income Housing
  - No respect for residential context
  - No regard for historic structures
  - No sensitivity to local economy,  
film industry needs, building  
materials and human scale
- High-rises are the exception  
- not the rule!



- **Applicant must adequately address the following concerns instead of simply saying “The Appeal has no Merit.” This shows a clear lack of respect and regard for the community and it is appalling that the CPC found this to be acceptable. Moreover, an appellant (in this case, SAFER) simply sharing an address with a labor union is not grounds to dismiss or diminish the scientific findings of third-party experts, which was what another developer attempted to do and which Jamison echoed during the May 14th CPC meeting, to seemingly (and shamefully) no resistance from the CPC.**
  - See attached letter from SEIU-USWW dated March 11, 2020
    - No explanation for how the Project’s long-delayed processing justifiably avoids the stringent and forward-thinking requirements set by new housing legislation
    - MND Fails to Compare Project’s GHG Emissions Against SCAQMD Significance Thresholds:
    - MND Lacks Required VMT Transportation Analysis
    - Incomplete Noise Significance Analysis
- **Project design, massing, and cladding materials used are out of scale and incompatible with the historic neighborhood immediately south of the Site, which cannot be conveniently ignored. Current renderings and drawings fail to acknowledge the full urban context, which is unacceptable considering the most radical changes to the site will be on 7th and Mariposa, adjacent to the RFK School complex.**
  - Outdated podium parking structure is incompatible with new building standards, aspirations for building a forward-thinking, more resilient, and sustainable LA; should not be ‘grandfathered’ in especially due to its scale compared to its neighbors and the need to prioritize people over personal vehicles
  - Moving parking entirely underground, greatly increasing setbacks, and drastically reducing tower height to respect neighboring historically and architecturally significant structures will demonstrate an act of good-faith on the part of a historically negligent, uncooperative, and tone-deaf developer and employer and show Jamison’s willingness to be a responsible neighbor in our community
  - Renderings skewed to only look NE from Mariposa. *(See attached 3D models and images.)*
    - Portrayed rendered views impossible as shown, eliminates local context which would highlight the massive disparity in scale and aesthetic
  - How will digging deep enough for a 28 story tower affect the long-term safety and structural stability of historic residences located directly across 7th street? MND did not



mention this in their analysis and only says it will have “no impact” on the surrounding neighborhood. This assertion is absurd as 137,000 cubic yards of soil is expected to be exported alone.

- Expert testimony indicates a number of unjustified assumptions and calculation errors which render the MND’s conclusions unreliable at best and misleading at worst
  - Especially worrying calculation errors/unjustified assumptions related to air pollution in proximity to the Robert F. Kennedy School complex.<sup>1</sup>
- **Postpone project decisions until Jamison provides a robust EIR, including COVID-19 Guidelines**
    - Risk factors related to population density, movement of people, and respiratory irritants and environmental impacts pose serious challenges to successfully weathering the current pandemic and highlight grave inadequacies which bode ill for community’s resilience against future pandemics
    - Applicant’s analysis of construction and operational impacts completely fails to include data on ozone generated by the Project. Ozone is designated by the State of California as a criteria pollutant, and the US EPA says that ozone “can reduce lung function and harm lung tissue.” It can also aggravate bronchitis, emphysema, and asthma. The failure of the MND to analyze ozone impacts caused by a project within 500 feet of a campus attended by thousands of young people renders it completely inadequate.<sup>2</sup>
    - Only cursory mention is made of the nearby schools, the Project Description only including the ‘UCLA Lab School’. In fact the Robert F Kennedy Community Schools site includes a number of other spaces of learning. The developer does not address these at any point. In addition, the list of surrounding uses also fails to mention the Robert F. Kennedy Park.

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<sup>1</sup> Page 1809 of the Appeal Recommendation Report is where expert analysis begins and is where you will find the various errors and unjustified assumptions detailed. The CVs of the third party experts should speak for themselves in terms of the credibility of the Appellant’s assertions. Impacts to local wildlife and ecosystems was not even discussed at the May 14 meeting.

<https://planning.lacity.org/odocument/d3761456-2cda-4e08-af8c-b2701200b468/VTT-74602.pdf>

<sup>2</sup> Jacqueline S. Zweig, John C. Ham, and Edward L. Avol 'Air Pollution and Academic Performance: Evidence from California Schools', University of Southern California, 2009

<sup>3</sup> Lance Lochner, 'Education and Crime' in '*The Economics of Education*', Academic Press (2020)

- It is unclear how Jamison will “stay in communication” with RFK regarding traffic (auto or walking) to keep things safe since the plan was formulated before COVID-19.
- Increased physical and mental stress from noise pollution, vibrations, and air pollution will further weaken the immune systems of those in an already vulnerable community, putting intense strain on social safety nets and public services. This is especially worrying for the thousands of students at RFK, many of whom are already from disadvantaged backgrounds; it has been clearly shown reduced learning outcomes due to air and noise pollution result in poor skills development and increased property-related and violent crime, further burdening the community and City as a whole.<sup>3</sup>
  - It is naive, if not delusional, to think a project of this scale backed up with an MND so riddled with errors will have a non-insignificant impact on air quality, noise pollution, public health, and the larger community’s safety and well-being.
- The concerns surrounding a second wave of COVID-19 are well-founded, especially given the government response and the easing of lockdown measures. There is no cure or vaccine currently available, and if there ever is it will be a very long time before this is the case. The risk of damaging the respiratory health of residents and construction workers alike is already worth considering, and a project of this scale poses even greater risk when it comes to Coronavirus infection.
- **While there is an argument for increasing the availability of housing across all levels in Los Angeles, surely luxury apartments should be low on the list of construction projects deemed vital to the city. In fact, surely they should be seen as strictly non-essential while we grapple with an enormous public health crisis.**
  - While the CDC has published guidelines to minimise the risk and manage the spread of infection on construction projects, what guarantees do we have that these (or any promises made by Jamison) will be followed or enforced? Observations of current Jamison worksites have not yielded promising results, and combined with a deficient MND, past negligent behavior, and a nationwide shortage and limited access to effective, safe, protective equipment would indicate officials’ trust in Jamison is gravely misplaced.
- **Current Construction Schedule is Inaccurate/Misleading, Does Not Take COVID-19 Into Account**
  - Well-regarded and highly qualified experts contend the schedule is already incorrectly calculated and is too conservative as a result. (See Appeal Recommendation Report.) This means the impacts on worker and occupant health, air pollution, noise pollution,

- vibrations, overall environmental impact, and traffic, are all underestimated and **must** be recalculated - and that is without taking COVID-19 restrictions into account.
- We expect significant construction delays as workers who test positive for COVID-19 or have been potentially exposed will have to quarantine for 14 days
  - Following Safe Distancing will make work go slower or worse, these precautions won't be adhered to in favor of 'meeting deadlines,' at the expense of worker and resident health and safety.
  - Suppliers and Building materials will take longer to be delivered in the needed quantities, further impacting traffic, bus routes, emergency services, and utilities
  - Costs for these materials delivered in a timely fashion will also be more expensive which may result in corners being cut when it comes to COVID PPE, hazard pay, overtime, cleaning procedures, etc. This is a very real threat based on Jamison's past practices as an employer.
- **Increase the amount of AFFORDABLE HOUSING provided to match the demographic of the neighborhood**
    - Only 5% Moderate Income Housing was originally provided; 5% Low Income Housing (added as a last-minute bargaining chip at the May 14, 2020 CPC meeting) is still insufficient as the cutoffs are based on LA County data and are therefore not reflective of the project's true Koreatown context, whose median income is just over half of what one must make to be placed into the 'moderate' category.
    - Community's housing needs would be properly met if at least 10% is allocated to *each* category: moderate, lower, very low, and extremely low. This still leaves a staggering 60% available to LA's wealthiest residents, whom we know greatly favor personal vehicles over public transit, exacerbating existing traffic and pollution.
    - Public Transit usage has decreased over the last 2 years yet luxury high rises continue to be built and receive transit credits.
      - TOC breaks given to this project despite clear empirical evidence that the vast majority of those who would be able to afford the rent do NOT use public transit, and, conversely, that those who make under \$50k per year form the majority of Metro's bus and train ridership.<sup>2</sup>

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<sup>2</sup> <https://la.curbed.com/2019/5/22/18628524/metro-ridership-down-housing-gentrification-transit>



- This represents a poor, short-sighted incentive and investment on the City's part and while TOC is being revisited due to its built-in inefficiencies and conflicts with Measure JJJ, this project should be put on hold.
- **Postpone the building of luxury apartments until occupancy of similarly priced units in the area exceeds 90%**
  - Jamison and the City have not provided adequate justification or concrete evidence that more luxury housing is in fact needed, so how can they claim their project will help? The City must provide direct evidence that luxury apartments are in short supply *and* justify the need to provide such units outweighs the need for housing at the lowest income brackets. Until empirical proof is shown by the City and vetted by experts such unfounded claims (related to this project as being one which will help alleviate the Citywide housing shortage) cannot be used to allow projects of this scale and magnitude to proceed.
- **Jamison's behaviour as a developer and custodian should be examined closely. What are their practices before and during this pandemic?**
  - On their existing construction sites, it has been observed that workers are not following the CDCs clear guidelines for the construction industry, including not social distancing, not disinfecting surfaces, sharing equipment etc. In addition, sites they already manage (including the 3440 Wilshire Blvd. location) are focal points of crime. Regular and repeatedly occurring crimes including theft, break-ins, muggings, and sexual assault have been reported and Jamison not only refuses to implement better security, but simply waves off any concern to the LAPD.
- **Jamison should demonstrate a vastly improved attitude towards the public trust before they are given yet more of a monopoly on Koreatown real estate.**
  - Existing properties not kept clean (trash, broken glass, dog and human feces daily) (See photos provided below.)
  - Unresponsive to multiple neighborhood council efforts to reach out to share concerns
  - Lack of sufficient security in parking lots (cameras used to cover their own interests)
  - Their response to crimes committed on their property is "Report it to the LAPD"
  - Retaliatory actions taken against residents talking to monthly parking customers about this construction project and resulting loss of parking
    - Resident monthly parking contract terminated without warning in the midst of COVID-19 for simply speaking to affected garage users and handing out flyers

- Threats of arrest
  - Jamison Owner once threatened concerned residents with violence via his AR-15.<sup>3</sup>
- **All major development projects should be put on hold until the FBI concludes their “Pay for Play” criminal investigation<sup>4</sup>**
  - CD-10 members have been implicated, rightly calling into question whether we as constituents can trust our elected officials to represent us at all. This is especially concerning considering *nobody* in Wesson’s office even acknowledged our emails.
- **Brown Act: Difficulty of Public Access and Outreach due to Stay at Home Regulations**
  - The current and ongoing Stay at Home Regulations mean that other legal obligations cannot be met. The Brown Act provides the legal right for citizens and permanent residents to attend public official meetings. Due to the current restrictions in place, not only have residents been unable to congregate to conduct effective public outreach, but have not been able to effectively attend these meetings.
    - Technical difficulties, lax and widely varied enforcement of speaking time limits, and restricted access (particularly to those with disabilities and those who do not have regular access to internet and email - and therefore the relevant Zoom meeting instructions) have meant that some people have been unable to speak during meetings, and there appears to be no policy in place to remedy this.
  - Despite Spanish translation services being requested well in advance and therefore legally required, none were provided. (In fact, we brought our own translator.)
  - Herb Wesson (CD-10) falsely claimed that they had met with representatives from the appellant group of residents to listen to concerns and liaise with Jamison, when in fact he was confusing this project and our group of concerned citizens with an *entirely different* Jamison project down the street! There was no way, given the limited one-time ‘raise hand’ feature of the teleconference meeting, for residents to dispute this, and so presumably this **blatant lie** was accepted as fact by members of the CPC and undoubtedly affected their decision to allow the project to move forward.
  - Despite the ongoing restrictions in light of the COVID-19 pandemic being well-intentioned, they have meant that the means available to the public to combat greedy

developers are stymied. This needs to be recognised, not just in the letter of the law, but its spirit. Elected officials must place their duty towards the public before corporations and must not allow themselves to be held hostage by powerful developers.

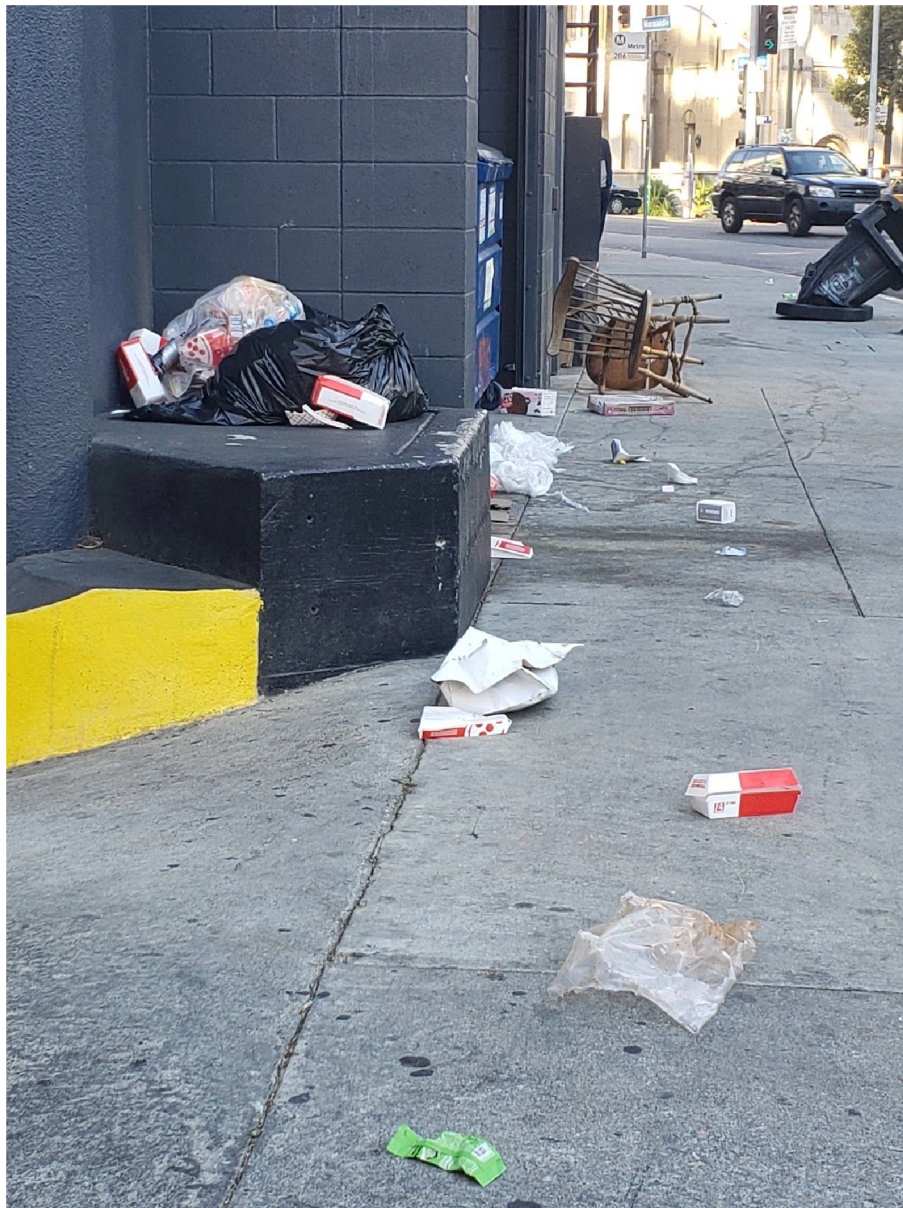
- **The promise of a new Koreatown park has gone unfulfilled. The Pearl on Wilshire - yet another luxury development - now occupies the site where the park was supposed to go.**
- **Role of Wilshire Center Koreatown Neighborhood Council in 2019 vs. 2020**

While Jamison appears to have fulfilled their minimum legal obligation to notify relevant parties, it is clear to NC members and stakeholders that no good faith efforts were made to engage the community or relevant stakeholders (neighboring residents and parking space tenants) prior to the Neighborhood Council meeting and recommending the project, effectively stunting community input from the beginning and making the goals the PLUHT and Outreach Committees that much more essential when it comes to understanding and representing the interests of community stakeholders. As it is, most current stakeholders opposed to the project found out by sheer luck via the legally-required publicly posted notifications regarding the March CPC meeting. While Jamison's minimal efforts to inform relevant parties did not help matters, the Neighborhood Council, in turn, did not evaluate to what extent its stakeholders were informed of the project (if at all) and naively proceeded on the assumption that *any* community input on the project indicated the majority, if not all, stakeholders were properly informed of the project and its scale. Had the PLUHT and Outreach committees taken the time in 2019 to engage in more effective outreach and faithfully understand how much stakeholders already knew about the project (and then took steps to inform as many as possible), they would have discovered a frighteningly small percentage of their stakeholders had *any* idea of this project in the most basic sense. This should have been the first warning sign to both the PLUHT and Outreach Committees and Neighborhood Council as a whole that more concerted efforts must be made to engage with stakeholders before acting and taking a position of support or opposition, and that Jamison should not be afforded the benefit of the doubt when it comes to being a responsible and ethical neighbor in Koreatown. This letter from the 2020 WCKNC is an attempt to right these past shortcomings and do right by their constituents, and as such I hope this letter will be taken to heart with the serious consideration it deserves.



## **Documentation of Trash, Refuse, and Public Health Risks at Various Jamison Properties**

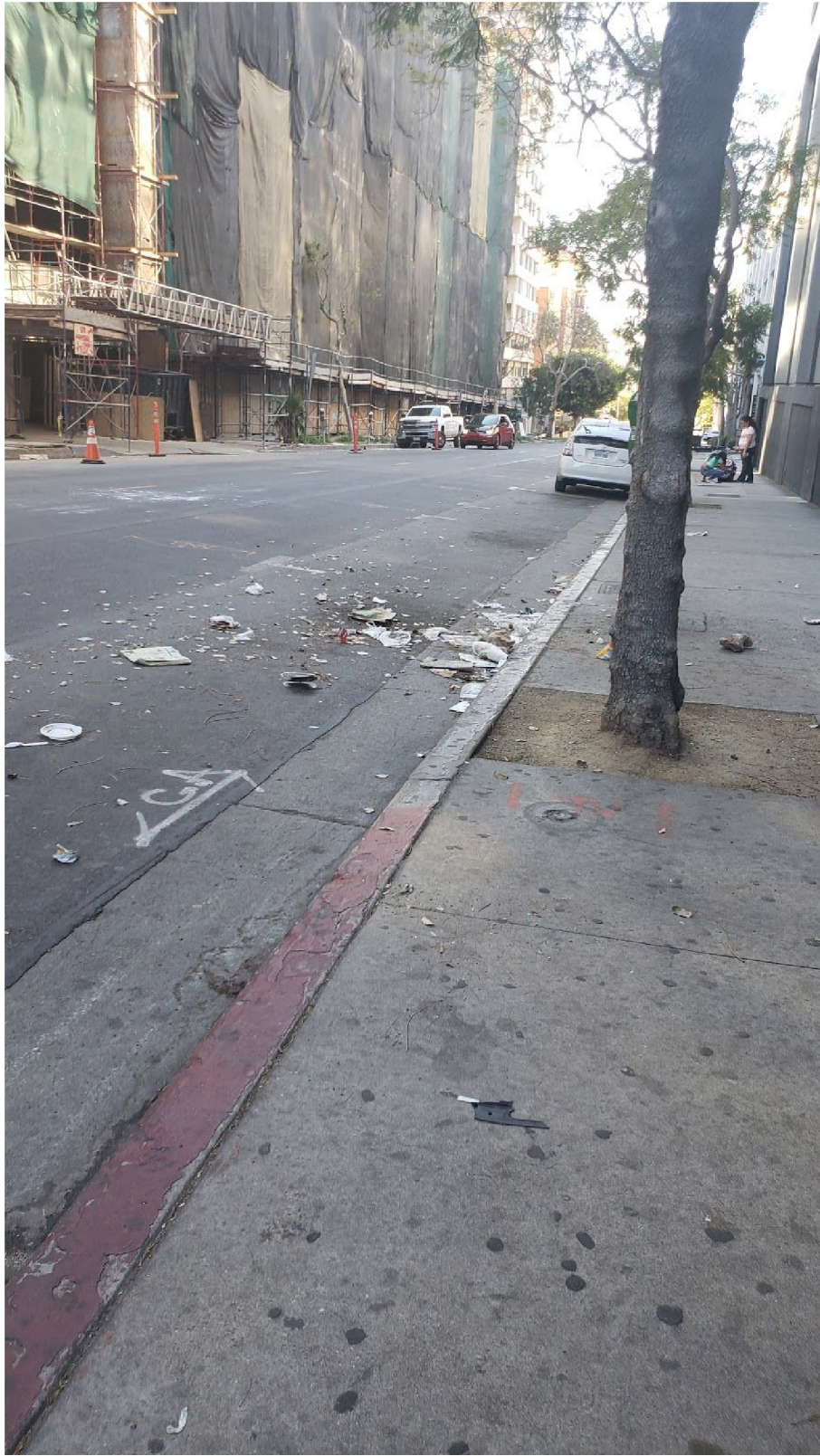






















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March 11, 2020

**VIA EMAIL & HAND DELIVERY:**

Deputy Advisory Agency & Hearing Officer  
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Los Angeles, CA 90012  
[iris.wan@lacity.org](mailto:iris.wan@lacity.org)

**RE: Central Plaza Project (3440 W. Wilshire Blvd.);  
VTI-74602, CPC-2016-3692-VZC-MCUP-SPR, ENV-2016-3693-MND**

Dear Deputy Advisory Agency and Hearing Officer:

On behalf of Service Employees International Union – United Service Workers West and its 20,000 members who live and work in the City of Los Angeles (collectively “USWW”), this Office respectfully submits to the City of Los Angeles (“City”) Department of City Planning (“DCP”) the following comments<sup>1</sup> regarding the Mitigated Negative Declaration (“MND”) for the proposed 712,053 square foot (“SF”), mixed-use development comprised of 23- and 28-story towers with 640 apartment units (five percent or 32 units set aside for moderate-income households) (“Project”) on a 7.3-acre site bounded by Wilshire Blvd., Irolo St., Seventh St., and Mariposa Ave. within the Wilshire Community Plan (“Site”) proposed by Central Plaza, LLC (“Applicant”).

USWW is concerned about the Project’s lack of compliance with the Los Angeles Municipal Code (“LAMC” or “Code”) and the California Environmental Quality Act (“CEQA”),<sup>2</sup> and specifically writes with regard to the following:

1. **No Explanation How The Project’s Long-Delayed Processing Avoids the Requirements of New Housing Laws:** The Project’s requested subdivision (DCP Case Nos. VTI-74602), land use entitlements (DCP Case No. CPC-2016-3692-VZC-MCUP-SPR) and environmental review (DCP Case No. ENV-2016-3693-MND) (collectively “Project Approvals”) were all filed in September 2016<sup>3</sup>—on the eve of the City’s vote on Measure JJJ (requiring residential developers to provide affordable units or pay in-lieu fees). While the Project’s subdivision request was “accepted for review” in October 2016,<sup>4</sup> it appears that the land use entitlements (including its requested Vested Zone Change) and environmental review were not

<sup>1</sup> Please note that pages cited herein are either to the page’s stated pagination (referenced herein as “p. ##”) or the page’s location in the referenced PDF document (referenced herein as “PDF p. ##”).

<sup>2</sup> Inclusive of State CEQA Guidelines, 14 Cal. Code Regs. § 1500 *et seq.* (“CEQA Guidelines”).

<sup>3</sup> DCP (10/4/16) Bi-Weekly Case Report, PDF p. 7, <http://bit.ly/3cOqZcw>

<sup>4</sup> DCP (2020) Case Summary & Documents, <http://bit.ly/2IOmyRn>



“accepted for review” until December 2019.<sup>5</sup> This begs the question of why was the Project delayed for more than three years, which is left unexplained in the MND and March 11, 2020 staff report. This type of inactivity has resulted in DCP unilaterally terminating other project applications,<sup>6</sup> which seemingly should have occurred here, resulting in the termination of the Project Approval applications and submission of new applications subject to newly enacted housing laws, such as Measure JJJ’s<sup>7</sup> affordable housing requirements and the City’s Affordable Housing Linkage Fee.<sup>8</sup> Please explain how the Project complies with Measure JJJ, the Linkage Fee, etc.

**2. MND Fails to Compare Project’s GHG Emissions Against SCAQMD Significance Thresholds:** Here, the CEQA analysis indicates that the Project’s greenhouse gas (“GHG”) emissions will be 8,698 metric tons CO<sub>2</sub> equivalent per year (“MTCO<sub>2</sub>e/yr”) (MND, p. B-117), which exceeds South Coast Air Quality Management District (“SCAQMD”)’s proposed Tier 3 bright-line threshold of 3,000 MTCO<sub>2</sub>e/yr,<sup>9</sup> – a threshold which has been used by the City numerous times.<sup>10</sup> Based on the Project’s purported 1,584 service population (i.e., 1,555 resident and 29 employees) (MND, pp. B-198 – B-199), the Project would achieve an efficiency level of 5.49 MTCO<sub>2</sub>e/yr/sp, which exceeds SCAQMD’s proposed Tier 4 efficiency thresholds of 4.8 MTCO<sub>2</sub>e/yr/sp by 2020 and 3.0 MTCO<sub>2</sub>e/yr/sp by 2035, which again are thresholds used by the City numerous times.<sup>11</sup> The Project’s GHG emissions are significant when compared to SCAQMD’s Tier 3 and 4 thresholds frequently used by the City.

<sup>5</sup> DCP (2020) Case Summary & Documents, <http://bit.ly/38zcCFG> and <http://bit.ly/3cNlbQv>.

<sup>6</sup> See e.g., DCP Termination Letter (10/31/18) ENV-2018-2919 (166 days of inactivity), <http://bit.ly/2TUOmH>; DCP Termination Letter (2/22/17) CPC-2014-2398 (327 days of inactivity), <http://bit.ly/2valWzy>.

<sup>7</sup> Ordinance 184745, codified at LAMC § 11.5.11 *et seq* (effective December 13, 2016 for projects seeking zone changes, like the case here).

<sup>8</sup> Ordinance 185342, codified at LAMC § 19.18 *et seq*; see also DCP Memo (7/16/18) Affordable Housing Linkage Fee Ordinance and Updated Fee Schedule, p. 1-2 (stating full fee amount for plans submitted on or after June 17, 2019—which is prior to the Project’s land use and environmental review being accepted in December 2019), <http://bit.ly/2W5CRvE>.

<sup>9</sup> SCAQMD (9/28/10) Minutes for the GHG CEQA Significance Working Group # 15, p. 2, <http://bit.ly/36tcZBb>; see also SCAQMD (12/5/08) Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans, p. 5, 6, <http://bit.ly/2Q5fydM>; SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, <http://bit.ly/2ZSPtLw>.

<sup>10</sup> See e.g., 333 La Cienega Blvd. project (DCP Case No. ENV-2015-897) IS, PDF pp. 89-90 (applying 3,000 MTCO<sub>2</sub>e/yr threshold for mixed-use project), <http://bit.ly/2Q7FPkK>; 3063 W. Pico Blvd. project (DCP Case No. ENV-2016-1604) MND, PDF pp. 86-87 (applying 3,000 MTCO<sub>2</sub>e/yr threshold for mixed-use projects), <http://bit.ly/2JBHta3>; 7720 Lankershim Blvd. project (DCP Case No. ENV-2016-2384) MND, p. IV-33 – IV-35 (utilizing 3,000 Tier 3 threshold for non-industrial project), <http://bit.ly/2IEvYg>; 5750 Hollywood Blvd. project (DCP Case No. ENV-2014-4288) DEIR, PDF p. 31-32 (utilizing 3,000 Tier 3 threshold for non-industrial project), <http://bit.ly/3cNDc17>; Bermuda Apartments (DCP Case No. ENV-2017-628) MND, PDF p. 72-73 (utilizing 3,000 Tier 3 threshold for non-industrial project), <http://bit.ly/3aHXRlk>.

<sup>11</sup> See e.g., 6516 W. Selma Ave. project (DCP Case No. ENV-2016-4313) MND, PDF pp. 102-104 (utilizing Tier 4 analysis and noting “SCAQMD’s draft thresholds have also been utilized for other projects in the City.”), <http://bit.ly/2SXwLRL>; Lizard Hotel project (DCP Case No. ENV-2015-2356) Draft EIR, PDF pp. 23-24 (utilizing SCAQMD’s Tier 4 analysis), <http://bit.ly/2MWiErS>; Glassell Park Residential project (DCP Case No. ENV-2016-4394) MND, PDF pp. 164-165 (applying SCAQMD’s Tier 3 and Tier 4 threshold), <http://bit.ly/2s0b34r>; Target at Sunset and Western project (DCP Case No. ENV-2008-1421) Addendum to Certified EIR, PDF pp. 28-31 (applying Tier 3 and Tier 4 thresholds), <http://bit.ly/2ZWwOEy>; Reef project (DCP Case No. ENV-2008-1773) DEIR, PDF p. 23-25 (applying Tier 3 and Tier 4 thresholds), <http://bit.ly/39FbuS5>.





3. **MND Lacks Required VMT Transportation Analysis:** Here, the MND contains no vehicle miles traveled (“VMT”) analysis despite the Project’s environmental review not being accepted until December 2019, well after the City’s adoption of VMT as the criteria to determine transportation impacts and after LADOT’s August 2019 guidance “strongly” recommending projects evaluate VMT as part of the transportation.<sup>12</sup> Why is no VMT analysis provided despite it being a requirement now of City practice and of state and regional plans seeking to curb GHG mobile-emissions via VMT reductions?

4. **Incomplete Noise Significance Analysis:** First, the MND relies on compliance with existing noise regulations as a threshold of significance (MND, pp. B-184 – B-186) but fails to explain why it does not apply any of the noise significance thresholds contained in the City’s L.A. CEQA Threshold Guide.<sup>13</sup> Second, ambient noise level estimates rely solely on short-term measurements taken during afternoon times (MND, p. B-187; MND, Appx. I,<sup>14</sup> PDF pp. 2, 6, 10, 14), but no measurements were taken during nighttime hours (10:00 pm – 7:00 am) or over a 24-hour period to accurately establish ambient levels, as is the practice in noise measurement for many other City projects.<sup>15</sup> Third, while the MND claims none of the Project’s construction equipment would individually exceed the 75 dBA limit at 50 feet (MND, p. B-188), it fails to describe the actual change in noise levels experienced by sensitive receptors when construction equipment is operating simultaneously with other equipment, or when other noise sources occur during various times of the day—like early-morning or, early-evening times. Nor does the MND describe the actual change in noise levels experienced by sensitive residential receptors caused by outside noise sources (e.g., traffic, parking, people congregating outdoors, etc.) during the evening hours. Lastly, the MND does not disclose whether the Project will use impact pile driving equipment to construct the Project’s foundation and subterranean levels (MND, p. B-85), which can generate significant noise and vibration impacts.<sup>16</sup> In sum, these issues beg the question of whether the Project’s noise impacts have been adequately assessed and mitigated.

In sum, there remain live questions regarding the Project’s compliance with the Code and CEQA, which are left unresolved in the current staff report and MND. Until the matters identified in this letter are addressed and resolved, USWW respectfully requests the City stay any further action on the Project and Project Approvals.

This comment letter is made to exhaust remedies under administrative law principles and Pub. Res. Code § 21177 concerning the Project and Project Approvals, and incorporates by this reference all

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<sup>12</sup> City (8/9/19) City of Los Angeles Adoption of Vehicle Miles Traveled as the Transportation Impact Metric Under the California Environmental Quality Act, <http://bit.ly/38UJonI>.

<sup>13</sup> City (2006) L.A. CEQA Thresholds Guide, pp. I.1-1 – I.2-10, <http://bit.ly/3aLpdHq>.

<sup>14</sup> DKA Planning (Sep. 2018) Noise Appendices, <http://bit.ly/2wHgTJT>.

<sup>15</sup> See e.g., Paseo Marina Project (DCP Case No. ENV-2016-3343) Draft EIR Noise Section, PDF p. 12 (collecting 24-hour measurement for some receptors and day and nighttime measurements for another), <http://bit.ly/336oLRr>; Venice Place Project (DCP Case No. ENV-2016-4321) Draft EIR Noise Section, PDF p. 11 (taking both day and night measurements), <http://bit.ly/3cMlyxN>; 713 E. 5<sup>th</sup> St. Project (DCP Case No. ENV-2017-421) Draft EIR Noise Section, PDF p. 12 (15-minute and 24-hour measurements taken), <http://bit.ly/338rEaZ>; Landmark Apartments Project (DCP Case No. ENV-2013-3747) Draft EIR Noise Section, PDF p. 11 (day and nighttime levels established), <http://bit.ly/337N9Sr>; Hollywood & Gower Project (DCP Case No. ENV-2016-2849) Draft EIR Noise Section, PDF p. 15 (15-minute day and night measurements taken), <http://bit.ly/2vY4Tnb>; Fig & 8<sup>th</sup> Project (DCP Case No. ENV-2016-1951) Draft EIR Noise Section, PDF pp. 13-14 (day and night time measurements taken), <http://bit.ly/39GoMxD>; Mt. St. Mary’s Univ. Chalon Campus Project (DCP Case No. ENV-2016-2319) Draft EIR Appendix G Technical Report, PDF p. 25 (15-min. and 24-hr. measurements taken), <http://bit.ly/2Q2zaYM>.

<sup>16</sup> FTA (May 2006) Transit Noise and Vibration Impact Assessment, p. 12:12 (Table 12-2), <http://bit.ly/38EACY1>.



written and oral comments, in their entirety, submitted on the Project or MND by any commenting party or agency. It is well-established that any party, as USWW here, who participates in the administrative process can assert all factual and legal issues raised by anyone. *See Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875. So too, USWW reserve its right to supplement these comments in future hearings on the Project and Project Approvals.

Finally, on behalf of USWW, this Office requests, to the extent not already on the notice list, all notices concerning the Project Approvals and any CEQA/land use actions involving the Project including but not limited to: public hearings, approvals, determinations, appeals, and other actions taken by the City related to the Project. This request is made under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F. Please send notice by electronic and regular mail to: Jordan R. Sisson, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net). Enclosed is a self-addressed stamped envelope and a \$10.00 check payable to the City of Los Angeles to cover shipping costs.

Thank you for your consideration of these comments. We ask that this letter and any attachments are placed in the administrative record for the Project.

Sincerely

  
\_\_\_\_\_  
Jordan R.  
Attorney

Encl.: Self-Addressed Envelope and Check

