

Communication from Public

Name: Anna Lambropoulos
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VIA E-MAIL

March 1, 2021

Chair Marqueece Harris-Dawson
Vice Chair Gil Cedillo
Councilmember Bob Blumenfield
Councilmember John Lee
Councilmember Mark Ridley-Thomas
City of Los Angeles
Planning and Land Use Management Committee
200 North Spring Street
Los Angeles, California, 90012

Re: Appellant's Statement in support of Appeal for March 2, 2021, re 1614-1626 West Temple Street - Case Nos. DIR-2019-7519-TOC and ENV-2019-7520-CE

Dear Chair Harris-Dawson and Members of the Planning and Land Use Management Committee:

The undersigned represents the Appellant in this matter, Temple CW, LLC, an adjoining property owner which also operates a long-standing car wash business at the corner of Temple and Glendale. Its property and business is separated from the Applicant's project by a public alley that extends between Temple Street and Cortez Street.

The Appellant acknowledges the need to provide additional low-income housing to the community. The Applicant's 72-unit mixed use project will provide some additional low-income housing, but it is wrongly doing so without addressing in any meaningful way any of the adverse impacts whatsoever to the adjacent existing community. This project is not entitled to a Categorical Exemption from CEQA.

The Demolition, Raze, Excavation of Subterranean Parking, Grading, and Construction of a Multi-Story 72 Unit Residential and Ground Floor Retail Mixed Use Project Cannot be Accorded a Categorical Exemption from CEQA Review: In short, this complete demolition of the existing structure, raze and rebuild from the ground up, excavation for new subterranean parking, and further grading, for this brand-new multi-story construction of 72 residential units and retail is not, and should not, be entitled to a Categorical Exemption from CEQA

requirements. Such a project must have environmental review to at least require appropriate mitigation conditions. That is what is being requested here.

It is unreasonable abuse of discretion, and the body below failed to follow the law, to find that such a complete raze and rebuild project "would not result in *any* significant effects relating to traffic, noise, air quality, or water quality" therefore a Categorical Exemption cannot apply here. (See Section 15332 of the CEQA Guidelines, per Public Resources Code 21084(a), *emphasis added*). Even assuming arguendo that the exemption could apply the *exceptions* to that exemption make clear that it should not apply where, as here, "there is a [mere] *reasonable possibility* that the activity will have a significant effect on the environment due to unusual circumstances." (See Section 15300.2 of the CEQA Guidelines, bracketed material and *emphasis added*).

How can such a complete raze and rebuild project, with subterranean excavation, grading, and construction of a new multi-story mixed use project not have *any significant effects relating to traffic, et.al?* And even if that were somehow true, how can it not be said under these circumstances by a reasonable body there is not even a mere *reasonable possibility* that this project will not have a significant effect on the environment? It defies logic. It is also contrary to the opinion of an expert traffic engineer retained by the appellant.

While the Commission below abused its discretion and failed to follow the law when it found otherwise, the Commission also did not have available to it at that time the report of expert traffic engineer Alex Tabrizi. Mr. Tabrizi, a principal of RK Engineering, has now rendered an opinion that support the finding requested here, i.e. this complete raze and rebuild requires a further detailed analysis.

It is worth reiterating that this appeal is not intended to stop the project. Appellant instead respectfully and solely requests the honorable members of this Committee to require the Applicant and Staff to take the needed additional time to fully analyze the underlying data, and perform analysis of the traffic impact this project will have on surrounding existing businesses and residences; and, then to identify and recommend imposition of necessary conditions to mitigate or eliminate those adverse impacts. This was explained to the Applicant in the November 2, 2020 letter outlining the factual and legal bases of these concerns which is attached and incorporated herein by this reference, as well as in all of the appeal documentation that make up the administrative record of this proceeding before the Central Planning Commission, and in the appeal to this Committee, and which is restated and incorporated herein by this reference.

The business and property owned by Temple CW, LLC will be irreparably harmed if the application at issue is allowed to proceed without further analysis of the impact of the traffic pattern, and imposition of necessary conditions that will address the adverse impact this proposed project will have on surrounding businesses and residences. The alley between the Applicant's project and the adjacent businesses already supports a great deal of traffic that services those businesses from and to that alley. The alley is narrow. Yet this project will now service 72 new residential units and retail businesses from an entrance and exit to its parking from that alley, as well as a new loading dock which is adjacent to that alley. This traffic will enter and exit from Cortez Street and from Temple Street, as well as across Appellant's property

when that traffic comes from and to Glendale Avenue as a practical short cut for those new residents and retail shoppers. Clearly there will be an adverse impact from all this additional traffic in an alley that is already not wide enough and was not designed to handle so much activity.

Yet the only reason that a more substantive analysis of traffic pattern and load impacts has not yet been done, and is purportedly not required, is because of the manipulation by the Applicant in its calculations to find a number of vehicle trips per day that is less than the threshold of 250 vehicle trips per day. By doing so the result is that the applicant can use the alley for its project rather than be required to provide a level of subterranean parking solely accessed from Temple Avenue, a method that would then result in no impact on Appellant's business and its surrounding neighbors.

247 vehicle trips per day is a mere 3 vehicle trips per day less than the 250 vehicle trips per day, a threshold which would then require a more substantial analysis to find mitigation measures for the adverse significant impacts to Appellant's property and business. That conclusion is suspect since at 247 the project escapes any environmental analysis and report with a Categorical Exemption, whereas if that number is wrong and the number is actually greater than 250 vehicles trips per day that Categorical Exemption does not apply. If, as Applicant's traffic engineer expert expects, the underlying data is fully analyzed it is likely to reflect a calculation at greater than the 250 vehicle trips per day. At that point a more substantial inquiry and analysis is mandated by that fact and by law. That more substantial inquiry and analysis will conclude that certain mitigation conditions must be imposed so that the needed low-income housing can be provided without an inordinate burden on the surrounding residences and businesses, including this Appellant's car wash business next door.

Appellant's Traffic Engineer's Report Supports This Request: In support for this request, therefore, please find attached the February 25, 2021 report from Alex Tabrizi, Registered Professional Traffic Engineer, and Principal of RK Engineering Group, which reviewed the traffic evaluation and findings by Eco Tierra Consulting, Inc. June 2020. (This document was also filed separately with the City on February 26, 2021). Mr. Tabrizi states in pertinent part that at only 3 vehicle trips per day less than the 250 vehicle trips per day threshold the underlying data must be made available to allow peer review to "...confirm accuracy, and the impact of this project, as designed, on surrounding uses." Mr. Tabrizi goes on to opine that "A greater analysis of potential roadway hazards may be necessary since the proposed project may exceed the daily trip threshold of 250 vehicle. This is too important and too close to exceeding the threshold to disregard the need for a thorough peer review of the underlying data." Indeed, Mr. Tabrizi goes on to opine that using for comparison the Institute of Transportation Engineers (ITE), which is an industry standard for estimation of trips for various land uses, the "daily trip generation for the proposed uses (for 72 residential units plus 700 square feet of retail use)... is approximately 346 trips per day." That is approximately 100 more vehicle trips per day than the 247 estimate provided by the Applicant. And if 346 vehicle trips per day is the correct number, or anything over 250 vehicle trips per day, then a more substantial review and analysis is required.

Moreover, Mr. Tabrizi points out in his report that the statement and findings in the Eco Tierra report that this project does not introduce any new access to the site via the alley is not correct.

There is no existing access from the alley to the project site now. The new driveway for the underground parking does not now exist. The existing use does not have any vehicular access point to the property, yet that fact is being misstated.

A substantial analysis of the actual facts, a reliable number for the vehicle trips per day, is what is being requested by this Appellant. Protect the existing businesses and residences adjacent to this new project by at least requiring production of the data necessary to allow a thorough and complete peer review, and then impose mitigating conditions as necessary.

Mitigating conditions may include redesign to eliminate the driveway to the parking lot from the alley, and instead rely solely on the driveway to the parking from Temple. It may also include redesigning the loading dock so that there is enough room to load and unload without blocking or severely impeding traffic using the alley. If eliminating the driveway from the alley cannot be done then at least mitigating conditions requiring installation of a "pork chop" type traffic control device at the entrance of the parking lot that would allow ingress to and egress from the parking lot to go in only one direction in the alley, installation of signage requiring such traffic direction in the alley to be only one-way, signage prohibiting residents and retail customers from traversing across the adjacent businesses' property driveways and parking lots when getting to and from Glendale, restricting use of the loading dock to the hours of 8 p.m. to 8 a.m. only, and paying the cost of installation of a traffic control device on the adjacent property of Appellant to prevent wrong way access to the Appellant's property.

Several of these mitigation conditions were requested of the Applicant in this Appellant's November 2, 2020 letter, which also explained in detail the factual and legal reasons why a Categorical Exemption is not appropriate here. This is incorporated herein by this reference.

In conclusion, this project is not entitled to the Categorical Exemption to CEQA requirements to which is has been accorded. The project does not satisfy the factors necessary for the application of a Class 32 Categorical Exemption, per California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387. To wit, the project does not conform to CEQA Guidelines Section 15332(d): ("Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality"). Instead, here the project will result in "significant effects", all adverse, relating to all of these factors. Section 15064.3 provides that "significant effects" where as here, among other things, "the development project would cause substantial VMT (Vehicle Miles Traveled), as well as when as here its design substantially increases hazards. Other exceptions also exist that disallow the use of the Categorical Exemption here.

For the foregoing reasons, as well as all of those previously stated in the administrative record on this matter by this Appellant, and hereby incorporated by this reference herein, it is respectfully requested that the Categorical Exemption be disallowed, rejected, and a more thorough analysis in the form of an environmental impact review and report be required. This project includes the demolition of an entire one-story structure presently existing on the property, then excavation for subterranean parking, grading, and then the construction of a new multi-story mixed use of 72 residential units and ground floor retail space. Granting a Categorical Exemption from CEQA requirements under these facts is ludicrous, there is no substantial evidence to support it, will constitute an abuse of discretion, and is otherwise illegal and not supported by fact or law.

Thank you for your time and attention to this matter.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON

Stephen Jamieson
AL

STEPHEN ALLEN JAMIESON

Licensed in California, Wisconsin and Michigan

SAJ/sw

Cc: Craig Bullock/Councilmember Mitchell O'Farrell, Council District 13

Enclosures: Traffic Engineer Tabrizi's Report February 25, 2021; November 2, 2020 letter to Applicant's counsel

February 25, 2021

Mr. Stephen Allen Jamieson
SOLOMON SALTSMAN & JAMIESON
426 Culver Boulevard
Los Angeles, CA 90293

Subject: Review of Traffic Conditions as Contained in the 1614 West Temple Street Project Findings Supporting a Categorical Exemption, City of Los Angeles Department of City Planning

Dear Mr. Jamieson:

RK ENGINEERING GROUP, INC. (RK) has reviewed the traffic evaluation and findings prepared for the 1614 West Temple Street project as contained in the document titled *1614 West Temple Street Project Findings Supporting a Categorical Exemption (Eco Tierra Consulting, Inc., June 2020)* and provides the following comments.

Projects that exceed 250 trips per day require a more substantive level of analysis than that which appears to have occurred here. It appears that the underlying basis of the analysis performed and impact findings rely upon the conclusion and finding that the project's daily trip generation is 247 trips per day. Since that is only 3 trips per day less than the threshold of 250 which, if exceeded, requires a greater analysis, we recommend a thorough review of the data upon which that 247 is based. A greater analysis of potential roadway hazards may be necessary since the proposed project may exceed the daily trip threshold of 250 vehicles. This is too important and too close to exceeding the threshold to disregard the need for a thorough peer review of the underlying data.

The underlying bases and data for the conclusions reached by the applicant could be erroneous and is not provided in the report. We recommend that the city require the applicant to provide such underlying data so that the undersigned and city staff may make further inquiry to confirm accuracy and the impact of this project, as designed, on the surrounding uses.

The Project proposes the demolition of the Project Site's existing commercial structures and surface parking lot, and the construction, use and maintenance of an approximately 47,000 square-foot mixed-use building containing 72 residential dwelling units (including seven affordable units), approximately 700 square feet of ground floor retail space, approximately 5,794 square feet of open space, and associated parking facilities providing up to 72 automobile parking spaces and 66 bicycle parking spaces at the 17,059-square-foot (0.39-acre) Project Site. Nine percent of the proposed dwelling units (seven dwelling units) would be Affordable Housing. The proposed building would be up to 85 feet (six stories) tall and would include a two-level, at-grade and subterranean parking garage.

Please see the 2 comments below:

Comment 1:

Within the reviewed document, it appears the main criteria and basis for the level of transportation analysis that has been conducted and its related findings revolves around the argument that the project's net daily trips are expected to be less than the 250 daily trip threshold established by the City for requiring a more substantial level of analysis.

Page III-18 of the report and study estimates the project's daily trip generation to be approximately 284 trips per day based on calculations conducted utilizing the LADOT's Vehicle Miles Traveled (VMT) Calculator Version 1.1.

The report also states that after accounting for the project and the site characteristics such as the number of parking spaces and proximity to transit, the project is expected to generate approximately 247 trips per day, without accounting for the existing land use that will be displaced.

However, the report that was reviewed did not appear to include any calculation sheets or printouts showing the detailed analysis and calculations resulting in the 247 daily trips estimated by the VMT Calculator.

Based on the City's guidelines, the level of analysis required for a project is significantly dependent on the number of daily trips generated by each project. Projects that generate more than 250 net daily trips require a more substantial level of analysis.

Hence, if the proposed project generates more than 250 net daily trips, a more detailed level of analysis would be required.

RK has conducted an estimation of the project trips for comparison, utilizing the Institute of Transportation Engineers (ITE) trip generation rates for multi-family use. The publication is utilized as an industry standard for estimation of trips for various land uses.

Based on the ITE trip generation rates, 72 dwelling units of mid-rise multi-family residential, would generate approximately 320 daily trips.

700 square feet of general retail use would generate an additional 26 daily trips, bringing the daily trip generation for the proposed uses to approximately 346 trips per day.

This trip generation estimate based on ITE rates is significantly higher than what has stated to be generated by the VMT Calculator.

Comment 2:

Page III-22 of the report states:

"If either of the following conditions is present for a proposed development project, then a further analysis of the potential roadway hazards is required:

- 1. The Project proposes new driveways, or introduces new vehicular access to the property from the public right-of-way.*
- 2. The Project proposes to, or is required to, make modifications to the public right-of-way (i.e., street dedications, reconfigurations of curb line, etc.).*

The access to the Project Site would be limited to the existing driveways along West Temple Street and the alley south of West Temple Street. Therefore, the Project would not introduce any new vehicular access points to the site."

This statement and finding from the report, quoted above, does not appear accurate since the proposed project does introduce a new access to the site via the alley.

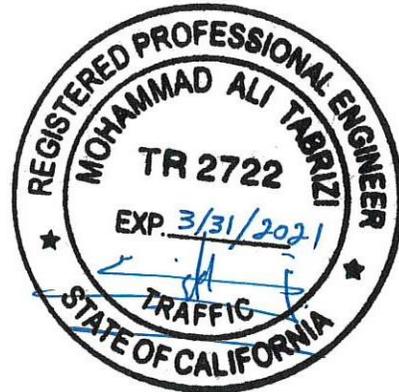
RK appreciates the opportunity to provide a peer review and assist you on this project. If you have any questions regarding this letter, please call me at (949) 474-0809.

Respectfully submitted,
RK ENGINEERING GROUP, INC.



Alex Tabrizi, PE, TE
Principal

CA Licensed Civil Engineer #78923
CA Licensed Traffic Engineer #2722





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November 2, 2020

Via Electronic Mail: pperry@allenmatkins.com

Patrick Perry
Allen Matkins Leck Gamble Mallory & Natsis LLP
865 South Figueroa Street
Suite 2800
Los Angeles, CA 90017

RE: Proposed Conditions regarding Appeal relating to 1614 Temple

Dear Patrick:

Thank you for the materials and information provided to date about this project located at 1614 Temple. Our review reveals some important issues. As we have explained, my clients, PHS properties, that own the property and business where the car wash is located next door, are very concerned about a number of adverse impacts that will occur from the development of your client's project.

The adverse impacts include, but are not limited to, traffic congestion and difficulty in circulation on and near the car wash property, and its business operations, as well as in the public alley that has historically and continues to be used for circulation on to and out of my client's property and business. Moreover, your client's project will similarly adversely impact the property, business, and residents, in the other adjacent properties, residential properties to the south of 1614 Temple, and the transmission business also across the alley. We expect those adjacent residents and businesses to support this appeal. The studies, memos and findings relative to the traffic study, noise study, and air quality that have been done do not provide an adequate basis to mitigate the concerns of all these neighbors, and do not allow for a CEQA Categorical Exemption.

These adverse impacts will primarily be the result of an improvidently placed driveway into and out of your client's parking lot, as well as the delivery dock facing that alley. As you know, the alley side of the building, facing my client's property and business, has only a 1 foot 1-inch setback. Thus, the narrow alley is used for parking, pick-up and delivery to the loading dock. There is no space on your client's property for delivery vehicles to perform these functions.

Furthermore, lack of adequate setback requires vehicles entering the parking lot at the alley entrance to queue up in the alley, rather than on any substantial portion of your client's property; whether those vehicles enter the alley from Temple street or from Cortez Street. Also, since the alley allows travel both ways those vehicles utilizing the parking entrance on the alley will further tie up traffic and cause congestion because there is not adequate width of that alley to accommodate traffic both ways at the same time. And the location of the loading dock in the same narrow alley with no adequate setback will require delivery vehicles, while using or preparing to use the loading dock, to eliminate the ability to pass each other in the alley to get to and from Temple.

Delivery trucks will utilize the alley for servicing your client's development, and the design and location of the loading dock means that the delivery trucks will be forced to park in the public alley while loading and unloading, thus blocking or making unsafe and unduly restricted the use of that alley for ingress and egress for customers of the car wash.

The natural consequence of this bottle neck described above is for residents and customers and delivery vehicles of and for your client's property to instead use my client's adjacent property for ingress and egress. To avoid that bottle neck and or to simply use it as a short cut to and from Glendale Blvd. Those residents and customers will traverse my client's property, improperly using both parking lots as thoroughfares to and from Glendale Blvd, rather than using Temple or Cortez streets.

The adverse impact will thus be that the residents and customers of the 72 residential unit plus street-level commercial development, when completed, will tie up the alley so severely that it will prevent my client's customers from using the car wash and cause a decrease in their revenues. This situation will similarly adversely impact the transmission business that is also adjacent to and whose customers use the alley. This situation will also adversely impact the residents in the apartments to the rear of your client's development, who currently use the alley to access to their own parking.

These adverse impacts will not only be present permanently once your client's development is completed, but for the next couple of years while in construction these adverse impacts will be exponentially increased by construction vehicles to and from, and construction activity at the site, with attendant dust, debris, and noise related to the demolition and construction. This is especially detrimental to my client's car wash business, as the dust and debris will settle on the vehicles of my client's customers who have just finished washing their vehicle at the car wash. In essence, they pay good money to clean their cars only to have a layer of dust immediately cause those vehicles to become dirty again. That scenario will soon cause these customers to go elsewhere for their car wash, losing customer base forever and causing a decrease in gross revenues.

As a result of the foregoing, it appears that this project is not entitled to the Categorical Exemption to CEQA requirements it has obtained. The project does not satisfy the factors

necessary for the application of a Class 32 Categorical Exemption, per California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387. To wit, the project does not conform to CEQA Guidelines §15332(d): ("Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality"). Instead, here the project will result in significant effects relating to traffic, noise, and air quality as described elsewhere in this letter.

For considering traffic impacts under CEQA (pursuant to CEQA Guidelines Section 15064.3), the project would have a significant impact should any of the following be true:

1. The development project would conflict with the City's plans, programs, ordinances, or policies.
2. The development project would cause substantial VMT (Vehicle Miles Traveled).
3. The development project would substantially increase hazards due to a geometric design feature or incomplete uses.

Thus, one pertinent question is: "*Would a project substantially increase hazards due to a geometric design feature...?*" Another pertinent question is: "*Would the development project conflict with the City's plans, programs, ordinances, or policies?*" As explained elsewhere, this project will increase hazards due to a geometric design feature, and it conflicts with City's plans, programs, ordinances, or policies.

Moreover, even assuming arguendo that all factors necessary to apply the Class 32 Categorical Exemption in the first place were satisfied, there are nevertheless exceptions to that Exemption that apply here and thus eliminate the ability to obtain a Categorical Exemption to the requirements of the California Environmental Quality Act.

Of course, this is not an exhaustive analysis of why and how the Categorical Exemption should not be applied to thus preclude an otherwise necessary Environmental Impact Report (EIR).

Furthermore, the impacts identified above show a number of ways that this project is therefore inconsistent with city and state guidelines and requirements, even in a TOC. For example, and not by way of limitation, it is inconsistent with Citywide Guidelines. For instance, Guideline 2 requires this project to "...minimize both the number of driveway entrances an overall driveway width." Here this project has not one, but two, driveways to serve the parking needs. One on Temple and the other on this problematic narrow alley where there is also the loading dock with all loading activities squeezed on to the public alley rather than your client's property. As described above, this second driveway on the alley interferes with the adjacent businesses and residents, but it also impeded pedestrian travel and the pedestrian experience for those pedestrians using the area, whether to and from the adjacent businesses, your client's building, or just in general.

As another example, and not by way of limitation, the design of your client's building also violates the requirements by placing a pedestrian access to that building at the corner of the building where Temple meets the Alley. The guidelines require pedestrian access to be as far

Patrick Perry
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away from a corner of 2 thoroughfares as possible. Placing that pedestrian access right at that corner is dangerously inconsistent.

There are other examples as well as this is not an exhaustive list or description of the difficulties caused to adjacent businesses and residents that are violative of state and local requirements. In short, it is designed in such a way that it will interfere with pedestrian and vehicle circulation from areas this development will use for public parking and public entrances.

These adverse impacts can, however, potentially be mitigated by your client's commitment to do, and Conditions in City entitlements that require your client to do, the following:

1. Eliminate the second driveway which utilizes the alley, thus directing all parking into and out of the project from Temple Street, which is much better suited to accommodate it;
2. Set back the alley side of the building to allow for the loading dock activities to take place entirely on property owned and controlled by your client's building, rather than allowing it to encroach onto public alley and adversely affect existing businesses and residents;
3. Install signage requiring compliance with city noise ordinances during construction as well as when the building is in operation;
4. During construction install devices that will eliminate the dust and debris from the construction activities and otherwise contain it all to the building project site with no dispersal to adjacent businesses or residents; and
5. Other additional methods to address the concerns stated herein that your client and their experts may suggest given their expertise and needs.

Given that a hearing on this appeal is likely to occur soon, please advise not later than Wednesday November 4 end of business what your client can propose to address the concerns expressed above.

Thank you for your time and attention to this matter.

Sincerely,
SOLOMON SALTSMAN & JAMIESON


Stephen Jamieson
Licensed in California, Michigan, and Wisconsin

cc: Clients
Craig Lawson