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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,

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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