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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

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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