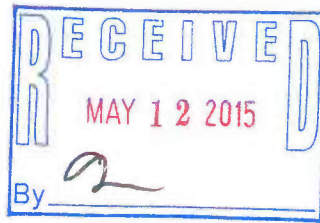


Item No. 18



May 12, 2015

Los Angeles City Council
200 N. Spring Street, Room 465
Los Angeles, CA 90012



Re: CF 15-0455
CPC-2006-8689-GPA-ZC-HD-CU-ZAA-SPR
ENV-2006-7211-MND
805-833 South Catalina Street; 806-836 South Kenmore Avenue

Dear Honorable Members of the Los Angeles City Council:

The Koreatown Immigrant Workers Alliance (KIWA) is a Koreatown-based nonprofit worker center organizing immigrant workers and low-income residents to promote just, respectful, and safe workplaces and sustainable community development. KIWA vigorously opposes the proposed development at 805-823 S. Catalina Street and 806-820 S. Kenmore Avenue (“Property”) as proposed. The development consists of a 27-story tower including five levels of unarticulated podium parking built to the lot lines, 269 luxury apartments and amenities secluded on the rooftop and 6th story podium (“Project”). The Project requests a General Plan Amendment and Zone Change to double the Property’s density and permit zero-foot yards at the first through fifth levels. The Project conflicts with numerous City policies and requests an illegal Yard Adjustment when no substantial evidence supports the findings. Moreover, the Project’s Mitigated Negative Declaration (“MND”) is so deficient in its traffic and aesthetic analysis that it fails as an informational document. New mitigation required in these impact areas will trigger recirculation. Finally, the MND fails to disclose significant project impacts, requiring the preparation of an Environmental Impact Report (“EIR”). KIWA respectfully requests that you join the unanimous recommendation of the City Planning Commission and deny the Project as proposed.

I. No Substantial Evidence Supports the Yard Adjustment Findings

The Project requests a Yard Adjustment pursuant to Los Angeles Municipal Code Section 12.28. One of the legally required findings for an Adjustment is “that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.” The Property is square and flat. It is over 300 feet long and 285 feet deep. The wide area of the lot and its regular proportions cannot conceivably make it “infeasible” or even “impractical” to satisfy mere 15 foot side setbacks. Considering the Project has demonstrated the feasibility of 14 foot side yards, no reasonable person could conclude that the flat, square lot makes 15 foot side yards impracticable or infeasible. The City’s approval of the Yard Adjustment would constitute an abuse of discretion because no substantial evidence can possibly support this finding.

II. The soil and construction analyses fail to analyze properly the effects of excavation and construction

The soil and construction analyses also fail to analyze properly the effects of the excavation and construction of the underground parking lot as well as the general construction with have on human health. The nearby school and two years of construction makes these issues especially important as these children form a known and sensitive population that will face repeated exposure during construction hours. The dust from construction is not analyzed properly for its potential impacts on the health of school children and nearby residents. Because of this failure, the mitigation measures are also not discussed properly.

Furthermore, the mitigation measures that do exist only consist of basic requirements for the safety of the workers that wear special protective clothing, rudimentary disclosure incentives and basic mitigation commitments without meaningful requirements for community input, air quality monitoring or meaningful incentives and oversight when the construction operations fail to implement successful mitigation. Without such requirements, the proposed mitigation measures offer little to prevent significant injuries to members of the community, including children; the proposed measurers offer little recourse for those affected. Furthermore, it will be difficulty without transparent air quality monitoring for nearby community and school

officials to know when to move sensitive populations indoors or seek outside assistance if the developer fails to protect air quality.

III. The MND Lacks an Aesthetic Threshold of Significance and Ignores the Significant Aesthetic Impacts of 27-Story Tower and a Monolithic 5-Story Parking Structure Within a Low-Rise Residential Neighborhood

The MND fails to analyze the Project’s aesthetic impacts relative to degrading the visual character of the project site and its surroundings as required by the Los Angeles CEQA Thresholds Guide (“Thresholds Guide”).

To begin, the MND (p. 2.1) accurately describes the project vicinity as characterized by a “low rise apartment buildings” including a “two story apartment building” abutting the project. The image below illustrates the view from Catalina and 8th Street looking south (the Property is on the right):



The image below illustrates the view from Kenmore and 8th Street looking south (the Property is on the left):



Despite accurately describing the emphatically low-rise character of the Project vicinity, the MND fails to disclose the extent of the contrast between the Project (27 stories with a 5-story parking podium) and its low-rise context, as required by the Thresholds Guide. The Thresholds Guide for Initial Study Question 1.c (whether a project would “substantially degrade the existing visual character or quality of the site and its surroundings”) provides the following factors to guide the determination:

- The degree of contrast between proposed features and existing features that represent the area's valued aesthetic image;
- The degree to which a proposed zone change would result in buildings that would detract from the existing style or image of the area due to density, height, bulk, setbacks, signage, or other physical elements;
- The degree to which the project would contribute to the area’s aesthetic value; and
- Applicable guidelines and regulations.

Despite this clear guidance, this section of the MND fails to mention that the project will include a *five story podium* with minimal setbacks on a street that is characterized by two- to six-story structures. It fails to mention that the requested General Plan Amendment and Zone Change *double* the permissible density. It fails to mention that all other R4-Zoned properties on in the vicinity must comply with front, side and rear yards, but the General Plan Amendment and Zone

Change to the C2 Zone removes the required yards at commercially-used levels. As a result, the parking podium does not require the 16-foot side yards that would otherwise be required on the northerly and southerly lot lines, or the 15-foot front yard on Catalina that would otherwise be required. Rather than provide meaningful disclosure and analysis in accordance with the Thresholds Guide, the MND simply notes that “[a]lthough the proposed project would entail a higher density and scale than the surrounding uses, the proposed project *would be designed to enhance the neighborhood character*[.]” This analysis is entirely conclusory and fails to inform the public about the true extent of the aesthetic contrast. What is the average height of a building on the Project’s block? What percent of the surrounding area is developed with buildings between two and six stories? Moreover, the MND fails to articulate what design measures could possibly enhance the character of a 5-story parking structure built to the lot lines in a low-rise multifamily neighborhood (only one structure on the block exceeds 5 stories). The MND’s aesthetic analysis is so deficient and misleading that it fails in its informational purpose and defies public comment. The MND must be recirculated for public review.

IV. The Project analysis failed to analyze properly the Project’s transportation and greenhouse gas emission impacts

The Project includes 78 more parking spots than required and is located near the Wilshire/Vermont station. The developer is planning for and encouraging the use of vehicles at the expense of metro ridership by attracting commercial ventures and residents that prefer to drive. The Project caters to drivers as residents, guests and commercial users when the Project should be reducing its parking structure size and increasing bike, metro and pedestrian access amenities. Furthermore, the Project flagrantly discourages biking and walking through its Yard Adjustment, reducing walk space and open space for bikers, pedestrians and those seeking to walk to the Wilshire/Vermont station or nearby bus stops. Cumulatively, adding drivers to the neighborhood and encouraging others to visit the commercial space and residents through driving will negatively impact circulation and traffic in ways that have not been analyzed in the MND.

V. The MND's Land Use Analysis Fails to Disclose the Project Creates an Island of Regional Center Surrounded by Lower-Density Designations

The land use section of the MND (p. 3-28 to 3-32) fails to disclose the Project's conflicts with numerous City policies regarding spot zoning and general plan amendments. The Thresholds Guide specifically mentions that a significant land use impact may occur when a project results in a "spot zone", which "occurs when the zoning or land use designation for only a portion of a block changes, or a single zone or land use designation becomes surrounded by more or less intensive land uses." Not one word in the MND discloses that the Project would result in an island of Regional Center surrounded by lower-intensity designations. The MND falls so far short of disclosing the Project's conflict with a core zoning concept outlined in the Thresholds Guide that its approval would constitute an abuse of discretion. This is a fatal defect that compromises the MND's function as an informational document.

As illustrated in the figure below, the Property is located mid-block and is currently designated High Medium Residential and Neighborhood Office Commercial. The lots to the north lining 8th Street are designated Neighborhood Office Commercial. The lots to the south are designated High Medium Residential. To the east across Catalina Street and to the west across Kenmore Avenue, lots are designated High Medium Residential and Neighborhood Office Commercial. The Project would result in an island of Regional Center in a sea of High Medium Residential and Neighborhood Office Commercial. Moreover, even to the extent the property north of 8th Street is designated Regional Center Commercial, it is occupied by a school campus.



The implications of the Project’s spot zoning are severe – the Regional Center designation corresponds to *commercial zones* with no setbacks required below residentially-used levels. The Regional Center designation permits *twice* the density of the surrounding designations (one unit per 200 square feet of lot area compared to one per 400). The MND must be substantially revised and recirculated to disclose the significant land use impacts associated with the General Plan Amendment.

VI. The upscale units and lack of affordable housing will displace current residents

The upscale units and lack of affordable housing has the potential to displace significantly local, lower-income residents that use public transportation as the Project creates ripples in property values, encouraging the raising of rents and the economic expulsion of long-term residents reliant on public transportation. This will create significant greenhouse gas and traffic impacts, especially as displaced



residents relocate farther away, where they can afford to live. Such former residents will then potentially commute long distances by car because they no longer will have efficient access to public transportation.

VII. The MND's Traffic Counts Conflict with Established LADOT Policy

The LADOT 2013 Traffic Study Policies and Procedures provides that “[t]he traffic study should not use any traffic counts that are more than two years old.” In direct conflict with this rule, the MND includes traffic analysis based on traffic counts from 2006, 2007 and 2011. Of nine intersections studied, only one count is from 2014 and complies with the LADOT Policy. Departures from standard City policies require the support of substantial evidence. The record includes no evidence that the 0.4% annual increase – a County-wide average – represents the actual increases in the urban core of Koreatown from 2006 to 2015, which has seen rapid new development over the past decade. The MND’s failure to justify its departure from standard practice would be an abuse of discretion, if adopted by the City.

Whereas eight of the nine traffic counts were over four years old in violation of LADOT policy, the ninth count was taken when school was not in session. The LADOT 2013 Traffic Study Policies also provide that “unless otherwise required, all traffic counts should generally be taken when local schools or colleges are in session[.]” Despite this clear instruction, the MND relies on a Thursday, July 24, 2014 count at Catalina Street and James M. Wood Boulevard, in the middle of summer when schools were not in session. This deficiency is fatal for the MND because the Robert F. Kennedy Community Schools campus is located barely *one block north of the Project on Catalina Boulevard*. Despite its location on the same street as a campus serving 4,000 students, the MND applies 19% adjustments for a.m. peak and 12% for p.m. peak. The MND includes no citation for this adjustment, nor does it substantiate that the 19% adjustment is derived from comparable sites on the same street as major school campuses. The MND’s failure to adhere to established LADOT traffic count policies is a vulnerability that must be corrected.

VIII. CEQA Requires consideration of cumulative impacts

The MND does not properly consider cumulative impacts. The MND erred in failing to consider and account for the likely and reasonably foreseeable future projects that will come to the area as a result of the increased demand for high-end commercial spaces and services from the increased parking at the Project, increased density, increased density of comparatively affluent and new residents, and likely demographic shift the project will incubate. The cumulative analysis should be based on the Project's effects on human health and the environment, not a simple contextualization of the Project within total forecasted development for the area or belittling of the impacts because the environmental situation in the area is already significantly impacted.

IX. The construction-related noise impacts will be significant

The construction-related noise impacts will be significant, exceeding 75 DBA at 50 feet and construction will likely continue over a 24 month period. The mitigation outlined (City's Standard Conditions) are only the beginning of appropriate mitigation for a construction project of this length, size, and location near sensitive populations that would be present during construction hours, such as school children at the school and in the neighborhood. CEQA requires mitigation to a level where the impact is less than potentially significant for a MND; CEQA does not merely require the application of City Standard Conditions; the record must provide enough analysis and evidence to show that these conditions and other mitigation measures actually would reduce the impacts to less than potential significance.

X. Conclusion

The Project's entitlements and MND are deficient. No substantial evidence supports the Yard Adjustment finding. The MND is so deficient in its aesthetic analysis that it defied public comment and must be revised and recirculated. The aesthetic analysis fails to analyze or disclose significant aesthetic impacts of the General Plan Amendment and Zone Change permitting a five-story monolithic parking structure with no setbacks on a low-rise residential neighborhood. Every single traffic count used in the MND deviated from LADOT policy and failed to provide substantial evidence to justify its deviation.



KIWA respectfully requests that you join the unanimous recommendation of the City Planning Commission and deny the Project. Should the City Council recommend approval of the Project to the full City Council, KIWA will have no choice but to consider additional avenues of appeal to achieve an outcome that will advance affordable housing and employment needs in our community.

We consider that land-use regulations uphold a public good. These regulations must not be violated for the sake of private profit at the expense of the people of Los Angeles. Should the developer be open to including a community benefits agreement that scales back the size of the project, incorporates some affordable housing, and contributes to publicly accessible open space in the neighborhood, we would be open to discussing this.

Sincerely,

A handwritten signature in black ink that reads "Alexandra Suh".

Alexandra Suh
Executive Director