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File No. 068209

VIA EMAIL

Luciralia Ibarra
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Department of City Planning
200 N. Main Street, Room 750
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Re: Martin Expo Town Center, CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-
ZV-SPR; ENV-2012-3063-EIR; Council File No. 16-0763-S1

Dear Luci:

This office represents Philena Properties, LP, the applicant (“Applicant”) of the above-referenced project (the “Project”). This letter responds to the so-called “Appeal” letter (“Letter”)¹ transmitted to City Planning and Council District 11 on September 12, 2016 by the West Sawtelle Homeowners Association (“WeSAW”), and received by this office on September 13th, the day the Project was scheduled to be considered by the City Council’s Planning and Land Use Management Committee.²

As a threshold matter, the Letter is not an appeal of the City Planning Commission’s (“CPC”) May 26, 2016 action, as the final day to appeal CPC’s action was June 24, 2016. Neither WeSAW nor any other entity or individual appealed the CPC’s action on the Project. As such, Letter constitutes general public comment on the Project. Substantively, the Letter is a rehash of issues addressed in detail in the Project’s environmental review and in the Project’s numerous public hearings, and is addressed below.

¹ The Letter does not reference the correct CPC case number for the Project, and instead references the Project’s Development Agreement case number. Regardless, this response treats the Letter as addressing the Project and not the Project’s Development Agreement.

² Given its extraordinarily late submission, the WeSAW letter is clearly a last-minute “document dump” designed not to elicit information, but rather to stack the administrative record with documents opposing the Project in the hopes the neither the City nor the Applicant will have time to prepare a substantive response. Notably, despite WeSAW’s alleged concerns, WeSAW did not bother to comment on the Project’s draft environmental impact report.

I. THE PROJECT'S ENVIRONMENTAL REVIEW THOROUGHLY ADDRESSES ALL SUBSTANTIVE ENVIRONMENTAL ISSUES

A. The Project Causes No Public Safety Impacts

The Letter, citing no evidence, states there are “concerns” regarding the ability of police and fire services to respond if the Project is approved. The Letter does not indicate whether this means responding to the Project specifically, or to incidents in the Project vicinity, but regardless, the Project will not negatively impact police and fire services. The Project site is approximately 0.7 miles from a fire station, and must conform with numerous mitigation measures ensuring compliance with applicable Fire Code requirements. Further, as detailed in Project’s EIR, emergency vehicles can travel well through congested roadways and intersections by clearing a path of travel utilizing lights and sirens. In addition, as detailed in sections 4.K.1 and 4.K.2 of the Project’s draft EIR, the Project does not create impacts such that an expansion of a police or fire station is required. Further, regardless of this analysis, a project’s impact on the provision of police and fire services is not a CEQA impact that requires mitigation. *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833.

B. The Project Provides Code-Required Open Space and Will Not Impact Area Parks

The Letter does not identify an environmental impact related to the Project’s open space or the Project’s potential impact on area parks, and correctly notes that the Project’s EIR details why the Project will not cause a significant impact on area parks. Instead, the Letter appears to submit a general complaint that the Project will provide insufficient publically-accessible open space, without acknowledging that the Project will provide code-required open space, and was redesigned at considerable expense to ensure that the publically-accessible open space is located at the ground level of the Project to encourage pedestrian access. The Project therefore goes beyond City code requirements to provide meaningful, pedestrian-friendly, publically-accessible open space.

C. The Project’s EIR Analyzed Water Supply Issues and Imposed Significant Water Conservation Measures

The Letter, again without citing to any authority or evidence, asserts that there are recent changes to the state Water Code and Plumbing code that “may” supersede the Project’s water conservation measures, and states in passing that the Project’s water supply assessment is inadequate. It is unclear what code changes, if any, the Letter is referencing, nor is it clear why WeSAW believes the Project’s water supply assessment is inadequate. Regardless, the Project’s EIR contains twenty four pages of analysis concerning water supply, the Project’s projected water usage, and water conservation measures. The EIR also contains an unchallenged water supply assessment, and imposes numerous water conservation mitigation measures and regulatory compliance measures, including compliance with the City’s Water Management

Ordinance. The Letter provides no evidence that any of these measures are infeasible, or will not achieve significant water savings.

II. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN

The Letter notes that the Project is in proximity to single family residential neighborhoods, and from this fact concludes that the Project is in violation of the West Los Angeles Community Plan. The Letter fails to note that the Project will be located on a major commercial corridor that contains numerous multi-story commercial buildings, and will be directly across the street from a new Expo Line Metro station.³

More specifically, the Letter claims that the City cannot legally change the Project site's General Plan designation from industrial to commercial because the Community Plan calls for the retention of industrial uses. First, the City has the legal authority to change its General Plan, and the Letter cites no authority, and none exists, for the proposition that a city cannot update its general plan. Second, the Project will not result in the loss of an industrial use, as the Project site is currently a commercial use (an automobile dealership) and has been for decades.

Further, the Letter does not acknowledge, let alone address, the dozens of General Plan Policies and Objectives with which the Project complies, as detailed in the Project's extensive General Plan Amendment findings. Further, even assuming that Project does not exactly align with every General Plan policy or objective, it still complies with the General Plan. General plan consistency does not require an "exact match" between a project and a general plan; rather, a project must be generally compatible "with the objectives, policies, general land uses, and programs specified in the applicable plan." *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678. Under this standard, the Project is clearly compatible with the General Plan.

In addition to ignoring the Project's compatibility with the General Plan, the Letter misstates pedestrian access surrounding the Project when it asserts the Project is not consistent with the Community Plan's objective of promoting pedestrian-oriented areas. For example, the Letter does not address the current Project design, which proposes to eliminate the pedestrian island currently adjacent to the southbound Bundy Drive right turn lane at Olympic Boulevard. This improvement will create a safer, more direct pedestrian crossing at Bundy Drive. The letter also asserts that the Project will negatively impact pedestrian access to Stoner Park, although it is unclear how the Project could possibly impact such access when the park is over half a mile away, east of Bundy Drive in the middle of residential neighborhood.

³ In its General Plan discussion, the Letter claims, without citation or support, that the Project will cause significant noise and light pollution. While it is unclear how these claims relate to General Plan consistency, the Letter provides no support for them.

III. THE PROJECT'S EIR CONSERVATIVELY ANALYZED PROJECT TRAFFIC

The Letter asserts, without citation to a study or other analysis, that the Project's EIR undercounts Project traffic because it allots too many square feet to each expected employee for the office component of the Project. The Letter does not mention that the Project's final EIR addresses this exact point, and provides extensive analysis of the trip generation of traditional and creative office space, including field data from as recently as 2014. See Response to Comment A3-25, FEIR pp. 2-95 – 2-98 and FEIR Appendix C.

In addition, the Letter is incorrect in its discussion of the Project's analysis of local streets and cut-through traffic. For example, contrary to the Letter's assertion, the Project EIR did analyze potential traffic impacts on Iowa Avenue and surrounding streets, concluding that traffic on these streets fell well below the City's thresholds of significance. See Response to Comment A-10, FIER p. 2-47.

IV. THE PROJECT IS SUPPORTED BY DETAILED, ROBUST FINDINGS

The Letter purports to attack the sufficiency of the Project's various findings, although this section of the Letter is largely a restatement of previous arguments. The Letter appears to argue that the City cannot make Site Plan Review findings for the Project, simply because the Project will cause significant, unavoidable traffic impacts, and that such impacts mean the Project does not comply with the Municipal Code. It is unclear what is meant by this argument, and in any event, the City Planning Commission approved the Project's Site Plan Review, and that approval was not appealed to City Council, and is now final.

Contrary to the Letter's scattered arguments, the Project's findings are detailed, extensive, and comprehensively demonstrate that the Project meets all City requirements, and will be an asset to the west Los Angeles community by providing a dynamic mixed-use project directly across the street from a major transit stop.

V. THE PROJECT'S STATEMENT OF OVERRIDING CONSIDERATIONS DETAIL PROJECT BENEFITS AND ARE SUPPORTED BY SUBSTANTIAL EVIDENCE

Finally, the Letter asserts that the Project's Statement of Overriding Considerations ("SOC") is not supported by substantial evidence. First, this is not a correct statement of the law regarding an SOC. State law is clear that the City's determination that the benefits of a project outweigh any negative impacts is highly discretionary, and can encompass any "economic, legal, social, technological or other" project benefits. Pub. Res. Code § 21081(b); Cal Code Regs § 15093(a). An SOC will be upheld if any of its stated reasons is supported by any evidence in the record. *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1308.

In addition, the Letter does not address the extensive detail in the Project's SOC, and instead relies on conjecture and opinion concerning the Project's impacts. Among other things, the SOC states that the Project will (i) redeveloped an underutilized site into a mixed-use development combining community-serving retail, creative office, and residential uses, (ii) provide housing, retail, and office uses along a major public transportation corridor, (iii) improve the jobs-housing balance in West Los Angeles, (iv) support local and regional sustainability goals through urban infill development, and (v) promote alternative methods of transportation. Statements that the Project will cause nearby businesses to leave the City are entirely unsupported by any facts or statements in the record, as are the Letter's other criticisms.

The City has thoroughly and properly reviewed the Project. The Applicant looks forward to constructing a notable mixed-use Project that will bring numerous benefits to surrounding neighborhoods and the City at large.

Sincerely,



Alexander M. DeGood

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cc: Ezra Gale, Office of Council member Mike Bonin
Sergio Ibarra, Department of City Planning