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June 5, 2018

VIA EMAIL & HAND DELIVERY:

Planning and Land Use Management Committee
City of Los Angeles
200 N. Main St., Room 350
Los Angeles, CA 90012
clerk.plumcommittee@lacity.org

**Re: Item 11, PLUM Hearing Scheduled June 5, 2018;
2136-2148 East Violet Street;
CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND, Council File # 17-0025**

Dear Honorable PLUM Commissioners:

This Office respectfully writes on behalf of Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza ("Commentors") with regard to the referenced Project in the City of Los Angeles ("City") for the Violent Street project (CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND) ("Project"), proposed by Lowe Enterprises/Violet Street Investor ("Applicant").

In short, since the Project was first approved by the December 14, 2016 letter of determination ("LOD"), Commentors have submitted extensive comments regarding the Project's mitigated negative declaration ("MND") in areas including traffic, land use inconsistency, hazardous substances and greenhouse gas ("GHG") impacts. Of particular concern was the adequacy of remediating legacy contaminants at the Project site ("Site"), with Commentors requesting a thorough investigation by the Department of Toxic Substance Control ("DTSC"). These concerns raise serious questions regarding the Project's compliance with the Los Angeles Municipal Code ("LAMC" or "Code") and the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA"). However, as of drafting of this letter, no new documents addressing the issues raised therein have been made available to the public via the Project's Council File (CF: 17-0025).¹

Commentors are concern that this Project is proceeding with its hearing before the Planning and Land Use Management ("PLUM") Committee without full disclosure of these important environmental documents. Nor have the numerous Code and CEQA issues been addressed. For these reasons, Commentors respectfully renews their request that the City reject the MND and withhold all Project approvals until a Project-specific environmental impact report ("EIR") is properly prepared and circulated for public comment pursuant to CEQA.

In addition to the issues already raised by Commentors and other comment parties, incorporated in their entirety by this reference, the EIR should also address the following issues:

¹ <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=17-0025>.



1. THE MND FAILS TO PROVIDE AN ADEQUATE CUMULATIVE IMPACTS ANALYSIS ON THE CONVERSION OF INDUSTRIAL LAND.

CEQA requires the full disclosure and analysis of any inconsistency between a proposed project and land use plans that apply to the project. 14 Cal. Code Regs. (“CEQA Guidelines”) § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. There does not need to be a direct conflict to trigger this requirement; even if a project is “incompatible” with the “goals and policies” of a land use plan, the CEQA document must assess the divergence between the project and the plan, and mitigate any adverse effects of the inconsistencies. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378-79; see also *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (holding under CEQA that a significant impact exists where project conflicts with local land use policies); *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998 (held county development and infrastructure improvements must be consistent with adopted general plans) (citing Gov. Code § 65302).

Here, the Project’s MND contains a single, perfunctory paragraph discussing cumulative land use impacts, stating that it is “reasonable to assume that the related projects under consideration would implement and support local and regional planning goals and policies[,]” and therefore the Project would not be cumulatively considerable. MND, p. III:77. No discussion is given to the cumulative impacts of converting M-Zoned land into non-industrial uses. Moreover, neither the MND nor the LOD mentions 18 other projects approved and/or proposed within 1,000 feet of the Project Site (see below Table 1). As shown below in Figures 1, the Project vicinity² has undergone extensive redevelopment at the expense of industrial-zoned properties. Figure 1 shows the Project Site (shaded in black), the 18 projects not studied under the MND (shaded in red and grey) and the four related projects identified in the MND (shaded in yellow). MND, p. II:30.

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² Bounded between 6th St. (north), Sacramento St. (south), Alameda St. (west), and the Los Angeles River (east).



Figure 1: Conversions of Non-Industrial Uses Within the Vicinity of the Project



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Table 1: Related Project Within the Vicinity of the Project

Project No.	Address	LADCP Case Nos.	Description
A	2059 E 7TH ST	CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR; ENV-2017-4735-EAF	Addition of 53,353 square feet (“SF”) to an existing 16,928 SF building including a hotel with restaurant, bar, gym, event space, rooftop pool deck, and other uses
B	2110 E BAY ST ³	CPC-2016-3479-GPA-VZC-HD-SPR; ENV-2016-3480-EIR	New mixed-use development comprised of 110 live/work units with 11 restricted affordable units and 164,198 SF of creative office and retail/restaurant space. The project includes multiple subterranean parking levels.
C	2159 E BAY ST	CPC-2017-624-VZC-HD-MCUP-ZAA-SPR; ENV-2017-625-EIR	Proposed construction of an eight-story, 138-ft. in height building with 222,189 SF of office/creative office uses with accessory retail/restaurant uses and a minimum of 444 parking spaces.
D	1000 S MATEO ST	CPC-2016-4554-GPA-VZC-HD-DB-SPR; ENV-2016-4555-EAF	Demolition of existing buildings and construction of a mixed-use project with 104 live-work units and nine affordable units, 121,556 SF of commercial floor area and 12,700 productive space.
E	642 S MESQUIT ST ⁴	CPC-2017-247-GPAJ-VZCJ-HD-VCU-MCUP-CUX-ZV-MS; CPC-2017-248-DA; ENV-2017-249-EIR	New mixed-use development with 308 residential units (including 50 affordable units), 236 hotel guest rooms, and commercial office, retail, and restaurant space. The project includes four levels of below-grade parking.
F	2116 E 7TH ST ⁵	CPC-2017-536-GPA-VZC-CUB-CUX; ENV-2017-537-MND	Change of use from a vacant firehouse to an upscale ten-room boutique hotel with accessory restaurant and retail space.
G	676 S MATEO ST ⁶	CPC-2016-3689-GPAJ-ZCJ-HD-MCUP-DB-SPR; ENV-2016-3691-EIR	The demolition of a 27,000 SF warehouse and the construction of a 179,759 SF 85’ high mixed-use development with 172 live/work units, 23,025 SF of commercial area and 240 residential and 46 commercial parking spaces in three subterranean levels on a 44,800 SF site.
H	668 S ALAMEDA ST ⁷	CPC-2016-3575-GPA-VZC-HD-MCUP-DB-SPR-WDI; ENV-2016-3576-EIR	Demolition of existing industrial buildings and construction of a 475 live/work unit mixed-use project with a density bonus with 5 percent set aside for very low-income units and 45,478 SF

³ ENV-2016-3480-EIR, NOP, pp. 2-7, <https://planning.lacity.org/eir/nops/2110BaySt/RevisedNOP.pdf>.

⁴ ENV-2017-249-EIR, Initial Study, pp. A:2,A:22, <https://planning.lacity.org/eir/nops/670Mesquit/InitialStudy.pdf>.

⁵ CPC-2017-536, Letter of Determination, pp. 4, 30, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/Y2ExZDVjNTYtMTNiMC00ZDI2LTk0MDMtM2FIYTk2YmYxNzM10>.

⁶ ENV-2016-3691-EIR, Initial Study, pp. A:1-3, https://planning.lacity.org/eir/nops/676_Mateo_Street/InitialStudy.pdf.

⁷ ENV-2016-3758-EIR, DEIR, pp. 2:1-4, Figure 2-2, <https://planning.lacity.org/eir/668SoAlamedaStreet/deir/2.0%20Project%20Description.pdf>.

			of commercial, including 842 parking spaces within three below-grade and one at grade levels.
I	1301 E WHOLESALE ST ⁸	CPC-2016-3756-GPA-VZC-SP; CPC-2016-3757-DA; ENV-2016-3758-EIR	The Project includes an integrated mix of residential, community-serving commercial, hospitality, educational, office, and cultural uses within seven new buildings dispersed across the approximately 15-acre site. Specifically, the Project would provide 412 hotel guest rooms with related conference and hotel amenities, 1,305 residential apartments, 431 residential for-sale condominium units, approximately 253,514 SF of office space, an approximately 29,316-square-foot school, approximately 127,609 SF of community-serving commercial space, and approximately 22,429 SF of art space. In total, the Project includes approximately 2,824,245 SF of floor area with an associated floor area ratio ("FAR") of 4.44 to 1 based on the lot area of 635,566 after street dedications. The Project would also provide 3,441 parking spaces to accommodate the proposed uses. To provide for the new uses, two existing produce warehouse and distribution facilities would be demolished. The project includes five levels of subterranean parking levels.
J	641 S IMPERIAL ST	CPC-2017-739-GPAJ-VZCJ-HD-SPR; ENV-2017-740-EAF	Construction of a new mixed-use structure to include 140 live/work units, approximately 14,749 SF of ground floor commercial space above a four-level subterranean parking structure.
K	635 S MESQUIT ST	DIR-2016-3858-SPR; ENV-2016-3860-EAF	Demolition of an existing cold storage structure and development of a new 107,127 SF office building and associated ground floor retail and restaurant uses.
L	1855 E INDUSTRIAL ST	TT-54050-CC; ZA-02-4041-ZV; ENV-2002-4868-MND; ZA-2002-4041-ZV; TT-54050; ENV-2002-4868-MND; ZA-2004-2167-CUB-CU; ENV-2004-2168-MND; ZA-2011-519-MCUP; ZA-2011-523-525-MPA; ENV-2011-520-ND	A 1-lot subdivision for the adaptive reuse of an existing 6 story industrial building for a condominium of 129-units of residential live/work and 3-units for commercial use (6,529 square-foot total) on a 42,694 square-foot site in a m3-1 zone (DLK). On-site sales of full line in a 179-seat bar; on-site sales of full line in a 157-seat restaurant; off-site sales from a gourmet shop; live entertainment in bar and restaurant. A conditional use permit, under LAMC § 12.24.w.1 to allow the continued sale of a full line of alcoholic beverages in an existing

⁸ ENV-2016-3758-EIR, Initial Study, pp. A:4, A:23, <https://planning.lacity.org/eir/nops/6AMProject/InitialStudy.pdf>.



			bar/lounge which accommodates 179 patrons and operates from 4 pm to 2 am on Mondays thru Fridays and from 11 am to 2 am on Saturdays and Sundays.
M	712 S SANTA FE AVE	ZA-1989-1138-CUZ-PA; VTT-67457-CC; ENV-2006-5903-CE	To approve the site for ten joint living and working quarters for artists in the M3-1 zone.
N	1800 E INDUSTRIAL ST ⁹	ZA-2004-3332-ZV-ZAD-SPR; ENV-2004-3333-MND-REC1	Conversion of two existing buildings and construction of one building into approximately 229 joint living and work quarters (condominium units) and retail space.
O	691 S MILL ST ¹⁰	ZA-2011-2095-ZV-ZAD; TT-71705; ENV-2011-2096-MND	Conversion of existing 100,286 SF industrial building into 57 joint live-work quarters for artists and artisans condominium units and one commercial condominium unit in the M3-1 zone.
P	2017 E 7TH ST ¹¹	ZA-2012-1951-CUB-CU; ENV-2012-1952-CE	Conditional use pursuant to LAMC § 12.24.w.1 to allow the on-site sale of beer and wine in conjunction with an existing pizza restaurant containing 22 seats. The hours of operation are from 1 p.m. to midnight on Tuesday thru Friday and from 5 p.m. to midnight on Saturday and Sunday and closed on Monday.
Q	1920 E 7TH PL	ZA-2017-5347-CUB-ZV; ENV-2017-5348-CE	Sale and dispensing a full-line of alcohol for on-site consumption for a 923 SF concession area and bar for a gallery and 170-seat theater and 23 off-site parking spaces within 750 feet by lease
R	2143 VIOLET ST ¹²	ENV-2017-438-EIR	Construction of a 13-story building with up to 509 live-work units, up to 288,230 SF of commercial space with 569,676 SF of new floor area, retention of 55,625 SF of existing

⁹ ZA-2004-3332, pp. 4-7,

<http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/YWJhMTBmNmMtMzY5Mi00MzQyLTlmYWMTZjA4MDhlYzBIMmM50>; see also Site Plan,

<http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZmExZmEwZmUtOWM1My00NDc4LWI0NTYtZDMxNzIxNGYyYzRj0>.

¹⁰ ZA-2011-2095, Letter of Determination, pp. 10-12,

<http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZTlhMTdkZDgtMWFkYi00YTllLTlmYmUtZTQ5ZDBhZTE3ZDBh0>; see also Site Plan,

<http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/NGZhMmRmMTctODQ2Ny00NzEyLTlhMmEtZTNlMTU5YzAzZTY30>.

¹¹ ZA-2012-1951, Letter of Determination, pp. 6-7,

<http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZGNkNzA5NjYtYTk3Yy00M2YyLTlkMzAtYTdhMWMxY2E1OGZj0>; see also Floor Plan,

<http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/YzkzOGQzYzEtNzc2Ni00OGM1LWEwNmItZDdjZTY3MTZkZDRl0>.

¹² ENV-2017-438-EIR, NOP, p. 1-6, <https://planning.lacity.org/eir/nops/2143VioletStreet/nop.pdf>.

			commercial uses, for a total floor area of 625,301 SF, including 433 market rate units and 76 affordable. The project includes six subterranean parking levels.
5	687 S SANTA FE AVE ¹³	ZA-2005-6616-ZV-ZAD-ZAA; ZA-2013-4075-ZV-ZAD-SPR; ENV-2005-6596-MND-REC1; ENV-2014-2963	New 320 joint live-work units to include 20,000 SF of commercial space.
10	1525 E INDUSTRIAL ST ¹⁴	CPC-2013-2993-GPA-VZC-HD-DB-MCUP-SPR; ENV-2013-2994-MND; ENV-2017-1676-MND	The Project includes the demolition of the existing industrial building, loading dock, and freight storage area on the project site and the construction of a 336,304 SF mixed-use project with 344 live/work units, 29,544 SF of commercial space including 24,044 SF of creative office uses, and 5,500 SF of restaurant space. Parking would be provided within one below-grade, one at-grade, and one above-grade parking levels.
11	817 S SANTA FE AVE ¹⁵	DIR-2014-3936-SPR; ENV-2014-3938-MND	Proposed conversion of an existing 283,583 SF warehouse to office use and up to a maximum of 40,000 SF of retail uses, of which up to 20,000 SF for restaurant uses, located in the arts district.
14	1800 E 7TH ST ¹⁶	CPC-2014-4042-GPA-ZC-SPR; ENV-2014-4043-TERM; CPC-2016-2683-GPA-VZC-HD-CU-CUB-DB-SPR; ENV-2016-2684-MND	Redevelopment of an existing surface parking lot at the corner of 7th Street and Decatur Street in the Arts District with a 85-foot tall mixed-use project consisting of 122 live/work units, 9,500 SF of commercial space (including 3,245 SF of retail space, 3,555 SF of restaurant space, and 2,700 SF of creative office space), 5,885 SF of arts and production and other related amenity spaces for the use of residents living in the building, and 132 parking spaces in a two-level subterranean garage and ground-floor level parking area. The Project's FAR would be approximately 4.66 to 1. The Applicant would provide a total of 14 Very Low-Income Units (11 percent).

¹³ ZA-2013-4075, Letter of Determination, pp. 10-14, [http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/MDhINGUzOTItNTkyYS00MjA5LWlZyYUUtM2MyOTg0YjE1Njc3Q](http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/MDhINGUzOTItNTkyYS00MjA5LWlZyYUUtM2MyOTg0YjE1Njc3Q;); see also Tentative Tract Map, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/OGE0MmRkNWUtMWMxZS00MjM5LTlhM2YtNzA5MDRmZTZjNWExO>.

¹⁴ ENV-2017-1676, MND, pp. II:7, II:31, https://planning.lacity.org/staffrpt/mnd/Pub_051817/ENV-2017-1676.pdf.

¹⁵ ENV-2014-3938-EAF, Initial Study, pp. A:2-3, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2014-3938.pdf>.

¹⁶ ENV-2016-2684, MND, pp. II:2-6, https://planning.lacity.org/staffrpt/mnd/Pub_100517/ENV-2016-2684.pdf.

2. THE PROJECT IS INCONSISTENT WITH APPLICABLE LAND USE PLANS, OBJECTIVES AND POLICIES PROTECTING INDUSTRIALLY ZONE LAND.

Here, notwithstanding the Site remaining M3-Zoned, the Project will convert the Site to non-industrial uses (i.e., office and retail use). LOD, p. 1. This is inconsistent with the City's land use plans, including:

GENERAL PLAN FRAMEWORK: While Chapter 3 of the General Plan Framework goes on to suggest that "some existing industrially zoned lands may be inappropriate for new industries and should be converted for other land uses" it qualifies that before the City may convert such lands "their appropriate use shall be the subject of future planning studies."¹⁷ *Id.*, emphasis added. The City undertook such a study of industrial land during the early to mid-2000s, culminating in a series of policy recommendations intended to preserve industrial land. The City's 2007 industrial land use policy study¹⁸ concluded:

Competition for industrially zoned land in Los Angeles is extremely high; industrial land in the City has the lowest vacancy rate in the nation, remaining consistently below two percent. Yet the supply of these critical job-producing areas is becoming increasingly scarce as non-industrial uses such as residential, big-box retail, schools, open space and recreational facilities continue to encroach on industrial land. Currently, 26 percent of Los Angeles' industrial land is already used for non-industrial purposes, leaving just six (6) percent of the City's total land area available for active industrial uses. In Downtown Los Angeles, West Los Angeles and increasingly in Hollywood, residential developers have purchased industrial properties to convert them to high-end housing, creating speculative markets that result in increasing land prices and uncertainty about future land use decisions, making it difficult for our most important industries to do business in Los Angeles and for new industries to have the confidence to invest. (Id. at p. 4)

The policy study is entirely consonant with Framework Element Policy 7.2.8 (stating that City policy is to "[r]etain the current manufacturing and industrial land use designations... to provide adequate quantities of land for emerging industrial sectors" and Policy 7.2.9 (City policy seeks to "[l]imit the redesignation of existing industrial land to other land uses."¹⁹ The General Plan Framework only permits conversion of industrial land to non-industrial uses "[w]here it can be demonstrated that the reduction of industrial lands will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts." General Plan Framework Policy 3.14.6. The City's overarching goal is to limit

¹⁷ <http://cityplanning.lacity.org/cwd/framwk/chapters/03/03209.htm>.

¹⁸ See generally Los Angeles Department of City Planning and Community Redevelopment Agency (Dec. 2007) Los Angeles' Industrial Land: Sustaining a Dynamic City Economy, http://planning.lacity.org/Code_Studies/LanduseProj/Industrial_Files/Attachment%20B.pdf.

¹⁹ <http://cityplanning.lacity.org/cwd/framwk/chapters/07/07.htm>.

conversion of existing industrial land to other land uses to avoid creating “a fragmented pattern of development [that] reduces the integrity and viability of existing industrial areas.” *Id.*

Former Director of Planning Gail Goldberg stated emphatically in her 2008 City Memo²⁰ that the “City’s adopted policy is to retain industrial land for job producing uses, as established in the adopted General Plan Framework and Community Plans.” *Id.*, emphasis in original.

The LOD and the Project’s MND cherry-picks discussion of the General Plan Framework in a manner that leaves out the objectives and policies supportive of retaining industrial use such as Framework Element Policies 7.2.8 and 7.2.9. See e.g., LOD, pp. F:1-2; MND, p. III:58. The analysis is thus incomplete and one-sided, and not an objective discussion intended to lead to better-informed community members and decisionmakers as required by CEQA. See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

COMMUNITY & REDEVELOPMENT PLANS: Likewise, the MND’s discussion of the Central City North Specific Plan (“CCN”) also cherry-picks those community plan goals, objectives, and policies that generally support the development of the Project while omitting serious discussion related to preservation of industrially-zoned land. For example, one of the primary issues identified in the CCN is the “[i]ntrusion of commercial and residential uses into previously industrial areas.”²¹ CCN, p. I:7. Nor is there a discussion of the Project’s inconsistency with Objective 3-1 (“[t]o provide for existing and future industrial uses which contribute job opportunities for residents and which minimize environmental and visual impacts to the community”) or Objective 3-3 (“[t]o retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.”). CCN, pp. III:8-9. The Project particularly conflicts with Policy 3-3.1, which provides:

The numerous large rail yards and other industrially planned parcels located in predominantly industrial areas should be protected from development by other uses which do not support the industrial base of the City and the community. (Id., emphasis added).

For these reasons, the Project is also inconsistent with the Central Industrial Redevelopment Project plan (“Redevelopment Plan”),²² which provides that “[i]ndustrial shall be maintained, developed or used for Industrial uses, consistent with the applicable Community Plan ...” (§ 503.1); and promote community revitalization, the goals and objectives of the Redevelopment Plan, and compatible with and appropriate for the industrial uses in the vicinity (§ 503.5).

In short, the Project is not partially consistent with applicable land use plans because it would place an office building on the industrial-zoned Site and bar its future use for industrial activities, which is in direct conflict with the above-mentioned policies and programs. Moreover, within the context of the related projects listed above, the Project is cumulatively significant in the evisceration of industrial-zoned land within the City generally and the CCN area specifically.

²⁰ Memorandum from S. Gail Goldberg (Jan. 3, 2008) Staff Direction Regarding Industrial Land Use and Potential Conversion to Residential or Other Uses, p. 1,

https://planning.lacity.org/code_studies/landuseproj/Industrial_Files/StaffDirections.pdf.

²¹ <https://planning.lacity.org/complan/pdf/ccncptxt.pdf>.

²² http://www.crala.org/internet-site/Projects/Central_Industrial/upload/centralindustrial-4.pdf.

3. THE MND FAILS TO ADEQUATELY ADDRESS INDIRECT GROWTH INDUCING IMPACTS RELATED TO DISPLACED INDUSTRIAL USES.

Under CEQA, displaced development due directly or indirectly to a project is appropriate for environmental study. *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 383 (“[N]othing inherent in the notion of displaced development places such development, when it can reasonably be anticipated, categorically outside the concern of CEQA”).

Here, the MND’s analysis of Population and Housing is even less complete than the Land Use and Planning analysis, including only a brief discussion of regional residential objectives (MND, pp. III:96), but no discussion of the City’s industrial objectives. Nor does it consider that the indirect growth-inducing impacts of the Project, which may include displaced industrial uses to other parts of the City or region. The City has not provided a programmatic environmental analysis of the conversion of CCN industrial land to non-industrial uses, which makes the displacement of industrial uses likely. Therefore, the Project should include such an analysis, particularly concerning potentially significant cumulative impacts of this and similar related projects. In short, the MND is too incomplete and thus inadequate.

4. THE PROJECT IS INCONSISTENCY WITH THE CITY’S PARKING PODIUM ADVISORY.

Here, the Project is over-parked by 78 spaces in five stories of above-grade parking levels. LOD, p. 1; MND, p. III:57. This conflicts with the City’s Parking Podium Advisory, which provides projects should employ strategies that “reduce required parking to lessen the need for above-grade parking,” such as taking advantage of “parking reductions available in the [LAMC] to alleviate the need for additional parking levels.”²³ Given the height/massing impacts to adjacent properties and community, why is this Applicant being spared from providing subterranean parking levels like the numerous other CCN projects listed above? See *supra* Table 1 (Projects B, E, G-J, R, 10).

5. IT IS ARBITRARY AND CAPRICIOUS FOR PLUM TO CONSIDER APPROVING THIS PROJECT WITHOUT COMPLETE DISCLOSURE OF INFORMATION TO DECISIONMAKERS AND THE PUBLIC, AND IN VIOLATION OF COMMENTORS’ DUE PROCESS RIGHTS.

A local agency’s adjudicatory decisions must be made pursuant to principles of due process. *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 610. The doctrine of due process applies to land use administrative hearings of the type at issue here. *Mohlief v. Janovici* (1996) 51 Cal.App.4th 267, 285-287 (standards regarding the adequacy of due process apply at administrative hearings).

Here, the deprivation of process in this case—of the basic right of decisionmakers and the public to have before them the information upon which the administrative decision rests and an opportunity to be heard as to the competency or adequacy of that information—is patent.

Commentors provided extensive comments on this Project, including but not limited to expert comments regarding GHG, traffic, and hazardous substance impacts. Similarly, Commentors and numerous stakeholders requested a thorough investigation by DTSC regarding the remediation of the Site. As of drafting of this comment, no documents have been provided to the Project’s Council File (CF #17-0025) addressing these issues or the concerns raised therein.

²³ https://planning.lacity.org/documents/policy/cpc_policies/CPC_AN_GradeParking.pdf.

All documents relied upon by the Applicant must be fully disclosed with adequate time for City decisionmakers and the public to digest, particularly a final clean-up plan or a no-action letter in advance of any PLUM vote. Why is the public not being given this opportunity?

CONCLUSION

To summarize, Commentors are concerned with the various CEQA and Code issues raised herein and previously submitted letters, including but not limited to the Project's potential GHG, traffic, hazards, land use and cumulative impacts. Substantial evidence shows potential significant impacts warranting full consideration under an EIR. Additionally, Commentors are concerned that PLUM is proceeding with the Project without complete disclosure of vital environmental documents. For these reasons, Commentors respectfully request PLUM withhold all Project approvals until a full analysis under a CEQA-compliant EIR is prepared and vetted by public.

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. *See Cmtys. for a Better Env't*, 184 Cal.App.4th at 86 (EIR invalidated based on comments submitted after Final EIR completed); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Thank you for consideration of these comments. We ask that they are placed in the administrative record for the Project.

Sincerely,



Gideon Kracov
Attorney for Commentors