

**GIDEON KRACOV**

Attorney at Law

801 South Grand Avenue  
11th Floor  
Los Angeles, California 90017

(213) 629-2071  
Fax: (213) 623-7755

gk@gideonlaw.net  
www.gideonlaw.net

Via E-Mail and Hand Delivery

jojo.pewsawang@lacity.org  
sharon.dickinson@lacity.org

February 28, 2017

JoJo Pewsawang, City Planning Department  
Sharon Dickinson, City Clerk's Office  
Los Angeles City Planning and Land Use Management Committee  
200 N. Main St., Room 350  
Los Angeles, CA 90012

Re: 2136-2148 East Violet Street; CPC-2016-1706-VZC-HD-SPR & ENV-2016-177-MND; Council File # 17-005

Dear Mr. Pewsawang and Ms. Dickinson:

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"). Our understanding is that the Project will be heard by the Planning and Land Use Management ("PLUM") Committee in the upcoming weeks.

Commentors will soon submit more detailed comments, but for now write to express concerns about the Project's inadequate Mitigated Negative Declaration/Initial Study ("MND") in areas including traffic, land use inconsistency, hazardous substances and greenhouse gas ("GHG") impacts.

Local 11 represents more than 20,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California. Members of Local 11, including dozens who live and work in the City of Los Angeles, join together to fight for improved living standards and working conditions. Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the California Environmental Quality Act ("CEQA") process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

A MND has been prepared for this new, 9-story high rise Project, not a more comprehensive Environmental Impact Report ("EIR"), pursuant to CEQA law. This means that the less deferential "fair argument" standard applies. The "fair argument" standard creates a "low threshold" favoring

environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia v. Los Angeles* (2005) 130 Cal.App.4th 322; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903. An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318.

This Project is discretionary, not by right. Applicant seeks discretionary approvals under the City's Municipal Code including a Vesting Zone Change, Height District Change to 3.5:1 Floor Area Ratio ("FAR") instead of the permitted 1.5:1 FAR and Site Plan Review. As such, PLUM must make express findings under the Municipal Code and Central City North Community Plan ("Community Plan"). Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework Goal 3J of "[i]ndustrial growth" and policy 3.14.6 that industrial-zoned land must not be reduced to "adversely impact the City's ability to accommodate sufficient industrial uses" (see General Plan Framework, Chapter 3).<sup>1</sup> The Project also conflicts with the Community Plan Goal 3 of providing "sufficient land for a variety of industrial uses" and Objectives 3-1 and 3-3 of "providing for existing and future industrial uses" and to "retain industrial plan designations" (see Community Plan, pp. III-8-9).<sup>2</sup>

*In sum, the City Council and PLUM have clear legal authority to disprove the Project if these required land use findings cannot be made.* *Kavanau v. Santa Monica Rent Control* (1997) 16 Cal.4th 761. Commentors have serious concerns, that we will explain in more detail in a forthcoming letter, that this Project's MND is flawed and that the Project cannot satisfy the City's required land use findings and General and Community Pan goals and policies.

Thank you for consideration of these comments. We ask that they be placed in the Administrative Record for the Project.

Sincerely,



Gideon Kracov

Lawyer for Unite HERE Local 11 and Antonio Mendoza

<sup>1</sup> Available at <http://planning.lacity.org/cwd/framwk/chapters/03/03209.htm>.

<sup>2</sup> Available at <https://planning.lacity.org/complan/pdf/ccncptxt.pdf>.