



## Chatten-Brown & Carstens LLP

Hermosa Beach Office  
Phone: (310) 798-2400

San Diego Office  
Phone: (858) 999-0070  
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
www.cbcearthlaw.com

Douglas P. Carstens  
Email Address:  
[dpc@cbcearthlaw.com](mailto:dpc@cbcearthlaw.com)  
Direct Dial:  
310-798-2400 Ext. 1

October 25, 2018

Planning and Land Use Management Committee  
Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

Re: Objection to Approval of 6400 W. Sunset Boulevard & 1419 N. Ivar Avenue; Case No: ENV-2016-3631-SCPE and Case No.: ENV-2016-3631-EIR; (also CPC-2016-3630-ZC-HD-DB-MCUP-SPP-SPR-WDI and VTT-74496-CN)

Honorable PLUM Members:

On behalf of Coalition to Preserve LA, we object to the approval of the above entitled project at 6400 W. Sunset Boulevard & 1419 N. Ivar Avenue (the Project) and lack of adequate environmental review for it.

As reported on the City's Planning website (<http://planning.lacity.org/pdiscaseinfo/CaseId/MjEwMTU10>), the Project would include the following:

New Mixed-Use Project Consisting Of 232 Residential Units With 5% Very Low Income Affordable Units And Approximately 7,000 Sf. Of Commercial Space.

**Requested Entitlement:**

- Zone Change/Height District Change Per Section 12.32.F To Increase FAR By Removing The "D Limitation,"
- Vesting Conditional Use Permit Per Section 12.24.T To Average Density And FAR Across A Unified Development,
- Master Conditional Use Permit Per Section 12.24.W.1 To Allow The On-Site Sale Of Alcohol For 4 Establishments Within The Proposed 7,000 Sf. Of Commercial Space,
- Site Plan Review Per Section 16.05 For A Project Having 50 Or More Residential Dwelling Units.
- Vesting Tentative Tract Per Section 17.15 To Merge The Existing Lots Into A Master Lot For Residential And Commercial Condominium Purposes.

The Project would also require deviations from the Advisory Agency's Residential Parking Policy No. AA 2000-1 to allow 264 parking spaces for the 232 residential units, a ratio of 1.13, in lieu of the 2.5 spaces per unit per the policy. This should be regarded as a variance and reviewed as such. However, because variance findings cannot be met, this request should be denied. The Project would also require approval by the City Board of Public Works for the removal of street trees.

**1. The Project Does Not Meet the Requirements of CEQA for Approval as a Sustainable Community Project.**

The PLUM Staff Report for the PLUM hearing of Tuesday, October 30, 2018 has not been posted yet at the time that we write this letter, but it is our understanding that the project applicant seeks approval as a Sustainable Community (SC) project pursuant to Public Resources Code section 21155.1. The Project does not meet the requirements for approval of such an SC project.

Public Resources Code section 21155.2 requires that an SC project be reviewed through a "sustainable communities environmental assessment." (Pub. Resources Code § 21155.2 subd. (b).) This sustainable communities assessment must be released in draft and "circulated for public comment for a period of not less than 30 days." (Pub. Resources Code § 21155.2 subd. (b)(3).) Notice must be provided in the same way as for an EIR under section 21092. (*Ibid.*) Pursuant to Public Resources Code section 21092.2, we request a copy of any such notice either done in the past or the future. We make this request pursuant to the Public Resources Act as well.

**2. The Project Cannot Meet the Requirements for Review of a Transit Priority Project.**

Public Resources Code section 21155.1 requires that an SC project can be adequately served by existing utilities. (Pub. Resources Code § 21155.2 subd. (a)(1).) As the October 19, 2018 letter of Casey Maddren points out, this finding cannot be made for this project.

Public Resources Code section 21155.1 requires that an SC project not have a significant effect on historic resources. (Pub. Resources Code § 21155.2 subd. (a)(5).) As the October 19, 2018 letter of Casey Maddren points out, this finding cannot be made for this project. The Project would demolish the Amoeba Music store. Amoeba Music, currently occupying the site, is a historic resource that meets at least two criteria of significance for registration in the California Register of Historic Resources under Public Resources Code section 21084.1 for its association with the lives of persons important to

local and state history and for its association with events contributing to broad patterns of cultural heritage.

Public Resources Code section 21155.1 requires that an SC project must be subject to a preliminary endangerment assessment for the release of hazardous substances. (Pub. Resources Code § 21155.2 subd. (a)(4).) This assessment must be done prior to project approval. As the October 19, 2018 letter of Casey Maddren points out, this assessment is especially necessary for this project because of the historic presence of the Muller Bros. Gas Station and Service Center from the 1920s to the 1950s at 6380 Sunset occupying the southern portion of the project site and a competitor's station at 6424 Sunset. We also question whether the site is or should be listed among facilities and sites listed pursuant to Section 65962.5 of the Government Code as contemplated by Public Resources Code section 21155.1 (a)(3). Government Code Section 65962.5 requires the Department of Toxic Substances Control (DTSC) to compile and update as appropriate a list including all hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code. DTSC should be consulted regarding the Project site before any approval is granted.

### **3. Air Quality Impacts Would be Significant But Feasible Mitigation Measures Are Impermissibly Omitted.**

Public Resources Code section 21155.2 subdivision (b)(1) requires that an initial study be prepared to identify all significant or potentially significant impacts of a SC project. Air quality, traffic, noise, wastewater generation, water supply demand, tree removal, parking and circulation, and other impacts could be significant.

Air quality impacts from this large construction project could be significant. In February 2015, California's Office of Environmental Health Hazard Assessment released its final "Air Toxics Hot Spots Program Guidance manual for the Preparation of Risk Assessments (Guidance Manual)." This is available at OEHHA's website ([http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf).) This new Guidance Manual is different from previous guidance because it includes the use of age-sensitivity factors for estimating cancer risk and changes to the duration of exposure for residents and workers. Therefore, the new assessment methods can demonstrate a substantially higher health risk for residential and other sensitive receptors near emission sources than the previous guidance would have indicated. Because the new OEHHA methodology includes a number of conservative assumptions about potential impacts to infants and children, short term construction emissions could lead to significant HRA results. For example, SCAQMD staff estimate that a six-month construction project for a typical one-acre office project could cause a significant HRA impact. (SCAQMD Staff presentation, Potential Impacts of New OEHHA Risk Guidelines on SCAQMD Programs, Agenda

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Item 8b, <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/may-specsess-8b.pdf>, p. 9 [“6 months construction impacts from a typical 1-acre office project could cause significant risk • 1 lb/day of DPM for 6 months = risk > 10 per million”.])

**Conclusion.**

An EIR must be prepared because the Project is not exempt from CEQA. We join in the objections stated in the comments of Casey Maddren, as well as other objections to the Project.

Thank you for your consideration.

Sincerely,



Douglas P. Carstens