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Via Email

Los Angeles City Council
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012
CityClerk@lacity.org

**Re: College Station Project Final Environmental Impact Report;
Project No. ENV-2012-2055-EIR; SCH No. 2014061066**

Honorable Members of the Los Angeles City Council:

This letter is submitted on behalf of Supporters Alliance for Environmental Rights (“SAFER”), Laborers International Union of North America, Local 300, and their members living in and near the City of Los Angeles (collectively “LIUNA”) regarding the Final Environmental Impact Report (“FEIR”) prepared for College Station, Project No. ENV-2012-2055-EIR (SCH No. 2014061066) (the “Project”).

After reviewing the FEIR, LIUNA is concerned that the FEIR fails to adequately respond to comments, fails to adequately analyze significant environmental impacts, and fails to mitigate significant impacts that will occur as a result of the Project. LIUNA requests that the City refrain from certifying the EIR at this time and instead request staff to prepare a revised draft EIR (RDEIR) to reconsider the analyses and require additional mitigation measures in order to address the Project’s significant impacts. We hereby incorporate by reference in their entirety all of our prior comments that have been filed concerning this matter. This comment letter focuses solely on Measure JJJ and the lack of affordable housing in the College Station Project.

I. Project Description

The Project proposes to build a mixed-use transit-oriented development on 4.92 acres of land located at 129-135 W. College Street and 924 N. Spring Street in the Central North Community Plan Area of the City of Los Angeles. The Project would contain up to 770 residential apartment units, and approximately 51,390 square feet of commercial space. The Project will consist of a two-story podium structure, topped by six, five-story residential buildings arranged around a central courtyard located on the podium deck. The Project’s 51,390 square feet of commercial area will be divided among four separate spaces on the Project site. The largest would include a 35,020-square foot grocery store, 1,500 square foot restaurant, 500-square foot coffee shop, and a 500-square foot juice bar. Structured parking would be located

internal to the Project site, where 1,179 vehicle parking spaces would be provided in one and a half subterranean levels and two above-ground levels within the podium structure. The Project would also include 899 bicycle spaces throughout the site.

The 32-acre Los Angeles State Historic Park is located immediately across North Spring Street from the Project. The Los Angeles State Historic Park is the largest area of open space in the neighborhood, and includes open space, landscaping, water features, and recreational amenities including trails, viewing platforms, and picnic areas.

Initially, the Project was entirely market-rate units with no units set aside as affordable. On December 13, 2018, the Los Angeles Planning Commission voted to require the inclusion of 5% affordable housing units for very low income persons.

II. Legal Background

On November 8, 2016, Measure JJJ passed in Los Angeles. Measure JJJ amended the Los Angeles Municipal Code to include, *inter alia*, affordable housing requirements for residential developments. Measure JJJ contained the following provisions for projects with ten or more residential rental units:

If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or

...

If the General Plan amendment, zone change or height district change allows a residential use where not previously allowed, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units.

(Los Angeles Municipal Code (“LAMC”) § 11.5.11(a)(1).)

Additionally, projects within a one-half mile radius of a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code, are eligible for Transit Oriented Community (“TOC”) incentives if at least 11% of the units are affordable for Very Low income households, at least 20% of the units are affordable for Lower Income households, or at least 7% of the units are affordable for Extremely Low Income households. (LAMC § 12.22(A)(31).)

Measure JJJ went into effect on December 16, 2016.

III. Analysis

A. The Project Fails to Provide the Affordable Housing Required by Measure JJJ.

An Appeal Response Letter from the Department of City Planning responded to the concerns of LIUNA and of SAFER that the Project did not contain the amount of affordable housing required by Measure JJJ by stating, “Further, the Project is exempted from Measure JJJ, as the Project was filed and deemed complete prior to the adoption of Measure JJJ.” (Appeal Response Letter, Los Angeles Department of City Planning, March 14, 2019, p. 5, *available at* http://clkrep.lacity.org/onlinedocs/2019/19-0095_misc_03-14-2019.pdf.) On March 19, 2019, at the meeting of the Planning and Land Use Management (“PLUM”) Committee, a Department of Planning staff member stated that the Project had been deemed complete for the purposes of the California Permit Streamlining Act. The Initial Study for the Project states, “The Project application was initially filed with the City in 2012 and deemed complete.” (Initial Study, p. B-30.) However, even though the Project was deemed complete for purposes of the Permit Streamlining Act in 2012, there has been no evidence provided as to why Measure JJJ, which went into effect on December 16, 2016, does not apply to this Project, whose DEIR was not circulated for public comment until March 15, 2018.

Notably, nothing in the text of Measure JJJ restricts its application to projects which were “deemed complete” under the Permit Streamlining Act prior to Measure JJJ going into effect. Such a lack of specific text stands in direct contrast to other provisions which were found to not apply to the Project. For example, the Cornfield Arroyo Seco Specific Plan (“CASP”) was initially found to not apply to the Project because the CASP included the following provision: “The provisions of this Specific Plan shall not apply to any Project that has an application that is deemed complete by the Department of City Planning prior to the adoption of this Specific Plan.” (Initial Study, p. B-30.) Because the CASP was not adopted until June of 2013, the Initial Study concluded that the CASP did not apply to the Project, which was “deemed complete” in 2012.

Measure JJJ contains no language similar to the CASP restricting its applicability. Rather, Measure JJJ states, “If the City Council approves this measure, or if a majority of the voters pass this Ordinance, it shall become a valid enactment of the City, binding on the City Council and all other City officials, as of the earliest date allowed by law.” (Measure JJJ § 9, *available at* <http://clkrep.lacity.org/election/FINAL%202016%20Housing%20JJJ%20Text%20for%20WEB.pdf>.) Even if the Project was “deemed complete” in 2012, it is clear that the Project has not yet secured the approvals necessary to proceed with construction. The City cannot decline to apply Measure JJJ to this Project without explicit authority to do so. Because nothing in Measure JJJ restricts its application to projects which were “deemed complete” for purposes of the Permit Streamlining Act prior to Measure JJJ’s enactment, the City must apply Measure JJJ’s affordable housing requirements to the Project. Therefore, the City must decline to certify the FEIR.

IV. Conclusion

LIUNA and SAFER respectfully request that the City refrain from certifying the FEIR and allow staff additional time to address the concerns raised herein. Please include this letter in the record of proceedings for this project. Thank you for your attention to this comment.

Sincerely,



Brian B. Flynn
Attorney for LIUNA Local 300 and SAFER