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Via Email and Overnight Mail

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Re: Supplemental Comments on the Draft Environmental Impact Report – 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV-2016-3691-EIR)

Dear Ms. Afshar and Mr. Bertoni:

We are writing on behalf of the **Coalition for Responsible Equitable Economic Development (“CREED LA”)** to provide supplemental comments on the Draft Environmental Impact Report (“DEIR”) prepared for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR) (“Project”), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, “Applicant”). The Project proposes the demolition of the existing warehouse and surface parking lot, and the construction of an up-to 197,355-square-foot mixed-use building, including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities. The Project site is located at 668-678 S. Mateo Street and 669-679 S. Imperial Street in the Central City North community of the City of Los Angeles, and consists of eight contiguous lots associated with Assessor Parcel Number 5164-020-021.

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We previously reviewed the DEIR and its appendices and provided comments on January 25, 2021 regarding our concerns over the Project's impacts to air quality from construction and operational emissions, as well as its potential impacts from construction and operational noise.¹ Specifically, our comments concluded that the DEIR does not comply with CEQA due to its failure to accurately disclose the extent of the Project's potentially significant impacts, as well as its failures to support its findings with substantial evidence and properly mitigate the Project's impacts. These comments supplement and incorporate CREED LA's prior comments on the Project.

During the DEIR's public review and comment period, which ended on January 25, 2021, the City failed to provide CREED LA with timely access to the DEIR reference documents, as required by the California Environmental Quality Act² ("CEQA"). The City also declined CREED LA's January 20, 2021 request to extend the formal public comment period to allow additional time for the public to review DEIR reference documents that were provided just days before the end of the comment period.³ Due to the limited time provided for public comment, and CREED LA's limited access to documents underlying the DEIR's analysis, the City agreed to provide CREED LA with additional time, through February 8, 2021, to review and comment on the DEIR. We now provide further comments on the DEIR's analysis of the Project's impacts, and reserve the right to supplement comments at any and all later proceedings related to this Project.⁴

I. THE CITY LACKS SUBSTANTIAL EVIDENCE TO APPROVE THE PROJECT'S LOCAL LAND USE PERMITS

The Project requires a number of discretionary entitlements and related approvals under local City plans and codes, including an amendment to the land use designation for the Project Site from the current "Heavy Industrial" to "Regional Center Commercial," a Vesting Zone Change from M3 Zone to C2 Zone, Master

¹ Our preliminary review and comments were prepared with the assistance of air quality consultant James Clark, Ph.D. and acoustics expert Neil A. Shaw, FASA, FAES.

² Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.; PRC § 21092(b)(1); 14 CCR § 15087(c)(5).

³ The City provided CREED LA an informal extension to February 8, 2021 to submit its DEIR comments, but declined to extend the formal CEQA public comment period.

⁴ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("Bakersfield") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Conditional Use approval to permit the sale and dispensing of alcohol, approval of a merging and subdivision of the Project site for mixed-use purposes, and a reduction in the number of required parking spaces.⁵ In addition, the Project must comply with the City's Open Space Requirement for Six or More Residential Units.⁶

Each permit requires the City to make findings regarding land use consistencies and/or environmental factors. As discussed in our prior comments, the DEIR fails to disclose the Project's potentially significant, unmitigated impacts on air quality, public health, climate change, and noise. These impacts also create inconsistencies with several of the permits required for the Project, as proposed.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy constitutes a significant land use impact and, in itself, indicates a potentially significant impact on the environment.⁷ Any inconsistencies between a proposed project and applicable plans must be discussed in an EIR.⁸ A project's inconsistencies with local plans and policies also constitute significant impacts under CEQA.⁹ The DEIR must be revised and recirculated to adequately disclose and mitigate the significant land use impacts discussed below.

A. Plan Amendments and Zone Changes

The Project site is currently designated for Heavy Industrial land uses, which allows a variety of industrial and commercial uses. The Project, as proposed, would require a land use designation change to Regional Center Commercial. The entire Project, in fact, depends on this redesignation. Several of the Project's features, however, would make it incompatible with a redesignation.

The City of Los Angeles Industrial Land Use Policy ("ILUP"), which provided direction for preserving industrial land for job production uses, designates the block where the Project site is located as an Employment Protection District ("EMP").

⁵ DEIR Section II. Project Description, p. II-40–41.

⁶ LAMC 12.21(G).

⁷ *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.

⁸ 14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).

⁹ *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; *see also, County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376. L4986-006acp

EMP Districts are defined as “areas where industrial zoning should be maintained, i.e., where adopted General Plan, Community Plan and Redevelopment Plan industrial land use designations should continue to be implemented. Residential uses in these Districts are not appropriate.”¹⁰

The ILUP does contemplate a variety of community benefits that can be derived from projects located in an EMP that has undergone a change of use.¹¹ These benefits, however, including affordable housing and open space, are not adequately provided by the Project. Most notably, the Project’s proposed open space does not comply with the LAMC’s requirement for projects of its size.

B. Open Space Requirement

The City requires that “[n]ew construction resulting in additional floor area and additional units of a building or group of buildings containing six or more dwelling units on a lot shall provide at a minimum the following usable open space per dwelling unit: 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms.”¹²

The Project proposes 15,320 square feet of open space, which includes a swimming pool and spa, fitness and recreation rooms, courtyard, arts and production space, yoga deck, outdoor dining areas, terraces, and private balconies.¹³ With a proposed 185 residential units, however, the minimum area of open space required to comply with the LAMC would amount to at least 18,500 square feet. The DEIR offers no explanation for this deficiency, instead asserting, inexplicably, that the Project is consistent with the Open Space Requirement.¹⁴ The Project therefore fails to comply with the City’s open space requirements, resulting in a significant land use impact and a significant impact under CEQA.

¹⁰ City of Los Angeles Department of Planning and Community Redevelopment Agency, Memorandum for Staff Direction Regarding Industrial Land Use and Potential Conversion to Residential or Other Uses, January 3, 2008.

¹¹ *Id.*

¹² LAMC 12.21(G).

¹³ DEIR Section IV.G Land Use and Planning, p. IV.G-25.

¹⁴ *Id.*

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C. Master Conditional Use Approval for the Sale of Alcohol

The Project must secure approval pursuant to LAMC Section 12.24-W,1 for the sale and dispensing of a full line of alcoholic beverages for on-site consumption for up to 4 establishments, for a total of up to 15,005 square feet of floor area.¹⁵ Section 12.24-W,1, however, requires that the Zoning Administrator shall find, among other things, that that the proposed use “will not adversely affect the welfare of the pertinent community.”¹⁶

As discussed in our prior comments, the potential impacts from noise on neighboring residences from establishments serving alcohol can be significant.¹⁷ Mr. Shaw, in his comments on noise impacts, explained that noise from boisterous patrons and music being played at the rooftop pool area and businesses will likely have an impact on the residences to the west of the Project site, and could impact homes’ interiors since windows do not have good low-frequency attenuation.¹⁸ The resulting noise from these activities may require mitigation to reduce adverse impacts to neighboring residents.

As the DEIR fails to even disclose whether the Project anticipates the use of sound systems, alcohol use in the pool area, and other sources of significant noise impacts, it provides no assessment of whether the establishments serving alcohol will adversely affect the welfare of the pertinent community. The DEIR thus not fulfilled the required findings that must be made for approval of a Master Conditional Use Permit for the sale and dispensing of alcohol to be consumed at the site.

D. Vesting Tentative Tract Map

Pursuant to LAMC Section 17.15, the City requires a Vesting Tentative Tract Map No. 74550 to merge the existing lots and subdivide for commercial and live/work condominium purposes, and waive one-foot dedication along Imperial Street. The Section states that a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency determines that “a failure to do so

¹⁵ DEIR Section II. Project Description, p. II-40–41.

¹⁶ LAMC Section 12.24.W.1(a)(1).

¹⁷ ABJC Preliminary Comments, pp. 8–9.

¹⁸ Shaw Preliminary Comments, p. 5.

would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.”¹⁹

Under the Subdivision Map Act (“Map Act”), the City is similarly required to “deny approval of a tentative map” if the project’s design is “likely to cause substantial environmental damage” or “is likely to cause serious public health problems.”²⁰ The Map Act also requires written findings when a project causes changes to any existing approved ordinances, policies, or standards.²¹

As discussed in our Preliminary Comments, the Project may result in significant impacts to public health and safety from noise and air quality, including risks to public health from emissions of toxic air contaminants (“TACs”), which can be released during Project construction and operation.²² The findings required for the vesting tentative tract map under both the City’s Municipal Code and the Map Act cannot be made, as a determination that the Project may place public and immediate community in a condition dangerous to their health or safety.

E. Reduced Parking

The Project proposes to provide 287 parking spaces, 211 of which will be dedicated to residents of the 185 live/work units. This amounts to fewer than half of the parking required by Advisory Agency Policy No. 2000-1, which calls for 2 parking spaces for each dwelling unit, in addition to 1/4 guest spaces per unit in non-parking congested areas and 1/2 guest spaces in parking congested areas.²³

The DEIR includes this reduced parking in its Project Design Features meant to help mitigate adverse impacts to traffic.²⁴ The strategy will be included in the Transportation Demand Management Program to be prepared and provided to the Los Angeles Department of Transportation prior to Project construction. While the strategy is projected to contribute to a 13% reduction in vehicle miles traveled (“VMT”) attributed to the Project,²⁵ it is unclear how this reduction in VMT will actually be accomplished by the reduction in parking. By way of explanation, the

¹⁹ LAMC 17.15.C.2(a).

²⁰ Gov. Code, § 66474(e), (f).

²¹ Gov. Code, § 66474.2(c); § 66474(a), (b).

²² See ABJC Preliminary Comments.

²³ Los Angeles City Planning Department Advisory Agency Policy No. 2000-1.

²⁴ DEIR Section IV.K Transportation, p. IV.K-24.

²⁵ Id., p. IV.K-30.

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DEIR offers only that the strategy “changes the on-site parking supply to provide less than the amount of vehicle parking required by direct application of the Los Angeles Municipal Code (LAMC) without consideration of parking reduction mechanisms permitted in the code.”²⁶ Nowhere does the DEIR explain how exactly fewer parking spaces for the residents of the Project will result in lower VMT.

Though the Project is located close to public transit and proposes to install bicycle parking at the site, the DEIR fails to offer any substantial evidence of how fewer parking spaces for residents results in lower VMT. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.²⁷ The DEIR must be revised and recirculated to provide additional analysis and substantial evidence supporting its proposed findings.

II. CONCLUSION

We submit these supplemental comments regarding the Project’s violations of local land use ordinances to provide additional support for our previous comments that the DEIR fails to comply with CEQA and its requirements to disclose, analyze and mitigate the Project’s significant impacts. The extent of the Project’s adverse environmental impacts is hidden from public view due to the DEIR’s inadequate analyses and conclusions. As such, the DEIR, as currently proposed, fails to comply with the legislative intent and substantive requirements of CEQA. The City cannot rely on the document to determine if the Project’s benefits outweigh its environmental impacts or if those impacts have been lessened or avoided to the extent feasible. Thus, the City cannot lawfully approve the Project until these deficiencies are corrected.

Sincerely,



Kendra Hartmann

KH:acp

²⁶ Id., p. IV.K-24.

²⁷ *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
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