

FIX THE CITY

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January 3, 2020

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**RE: OPPOSITION TO SUSTAINABLE COMMUNITIES PROJECT EXEMPTION REQUEST
FOR A PROPOSED PROJECT AT 623 - 671 SOUTH LA BREA AVENUE; CASE NOS.
ZA-2019-1744-CU-MCUP SPR-TOC & VTT-82618-CN**

This project does not qualify for this CEQA exemption.

On November 26, 2019 Planning Director Bertoni sent you a letter requesting that the "City Council consider and determine if the above proposed project qualifies for a Sustainable Communities Project Exemption (SCPE), pursuant to Public Resources Code (PRC) Section 21155.1. He further stated that PRC Section 21155.1 provides that projects are statutorily exempt from CEQA if a hearing is held by the City Council and the City Council finds, based on the **whole of the administrative record**, that the project qualifies as a transit priority project as defined by PRC Section 21155(b), and further meets all of the criteria set forth in PRC Section 21155.1 (a) and (b) and one of the criteria of subdivision (c). If the City Council finds, after conducting a public hearing, all of the above, then the project is declared a Sustainable Communities Project and shall be exempt from the California Environmental Quality Act (CEQA)."

Fix The City wishes to add the following to the Administrative record for Council File 19-1533.

ENV-2019-1736-SCPE makes several claims that are not based on substantial evidence and therefore cannot be relied upon by this body for a CEQA Exemption. For instance, it states that: "under PRC § 21155.1(a). The transit priority project complies with all of the following environmental criteria:

- 1) *"The transit priority project and other projects approved prior to the approval of the transit priority project but not yet built can be **adequately served by existing utilities**, and the transit priority project applicant has paid, or has committed to pay, all applicable in-lieu or development fees."*

"Consistent. The Project Site is located within a highly urbanized area in the City of Los Angeles and is **adequately** serviced by the LADWP (water and electricity), the Bureau of Sanitation (sewer), natural gas (Southern California Gas Company), and telecommunications (cable and internet). The Project Site is currently developed with commercial and office land uses and is **adequately** served by the existing utility infrastructure. Thus, development of the Proposed Project would not require the extension of utilities or roads to accommodate the proposed development."

This statement is incorrect in several ways and cannot be relied on for this CEQA exemption.

- a) It fails to address the following projects approved at:
5757 Wilshire Blvd. (under construction),
6001 Wilshire Blvd. The Motion Picture Academy (under construction),
5905/5864 Wilshire Blvd. The new LACMA museum project (Approved)
5891 West Olympic Blvd (approved)

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These extremely large projects will collectively impact the existing utility infrastructure that is already showing signs of strain as recent blackouts demonstrate. Miracle Mile Outage History

- The circuits servicing Miracle Mile are 44% underground and 56% overhead.
- Number of outages in 2018 and 2019 were higher than previous years due underground cable related outages and wind/rain storms in 2019.
- Underground equipment related failures contributed to 78.7% of all 2019 outage minutes as of May 2019.
- Vegetation contributed to 11.3% of all 2019 outage minutes as of May.
- There were 6 total storms with 4 rain storms, 1 wind storm, and 1 rain/wind storm in 2019.

(July 11, 2019 LADWP briefing for the Miracle Mile Residential Association).

In addition, there are substantial demands on already inadequate Fire and EMS services due to the homeless crisis. This needs to be quantified and factored into response time analysis, just as cumulative impact analysis must include new or pending projects. The homeless crisis is an ongoing burden on all city services and a humanitarian crisis. Homeless demand for service, and brushfires caused by campfires, are an objective, substantial factor in evaluating the adequacy of current service and the impact of proposed projects.

- 2) "PUBLIC FACILITIES. ENV-2019-1736-SCPE states that the existing facilities are capable of providing **acceptable response times** for fire protection and emergency response services. Specifically, the Los Angeles Fire Department considers fire protection services for a project adequate if a project is within the 1.5 miles in this instance). The Project Site is served by LAFD Station No. 61, approximately 0.6 miles northwest of the Project Site. Therefore, fire protection response with existing facilities is therefore considered adequate, and Proposed Project impacts would not be significant."

Fix The City reminds this committee that **average response times are not the standard** for the Los Angeles Fire Department. Adequate response time is defined by LAFD using the NFPA 1710 standard (EMS within 5 minutes 90% of the time, and Fire within 5:20 minutes 90% of the time). This is the definition of adequate response time employed by LAFD, the LA County Grand Jury, and the LA City Comptroller. Unfortunately, since those studies were conducted, starting in 2012, response times have further declined.

Response time and staffing are measures of adequacy included in the Wilshire Community Plan. Planning. Whereas monitoring and evaluating are not measures of adequacy. Making changes in deployment with a larger population, more homeless, and smaller Fire Department staff and equipment, is not make fire and EMS services adequate. CEQA requires that the service is adequate, and not just the distance from a station to a project site. Likewise, providing sprinklers and fire hydrants is not a substitute for adequate response times.

In order to determine adequacy of Fire service, the Planning Department needs to provide the number of hours the first-in station is dark, along with the percentile of response times within 5 or 5:20 minutes. The NFPA 1710 response time standard is used to evaluate response time lags, by the City Comptroller, the LA County Grand Jury, and a third-party study. *All of these studies concluded, based on substantial evidence, that response times were inadequate.* LAFD's Strategic Plans also demonstrate that response times are not adequate. Again, monitoring and planning LAFD deployments is no substitute for providing adequate response times. Rather, they amount to rearranging the deck chairs on the Titanic and deny the public their right to public safety under the *California Constitution* (Article XIII, Section 35). Providing adequate public safety is the first responsibility of local government in California. Los Angeles is ignoring this mandate.

The General Plan Framework mandates balancing development with available infrastructure and public services in order to maintain adequate infrastructure and public services. Policy 3.3.2 and

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GPF FEIR Sections 2.10.5 and 2.11.5 are mandatory, enforceable mitigation measures adopted by the City Council on August 9, 2001 as mandatory CEQA mitigation measures.

Anyone touched by the recent wildfires knows that our heroic first responders were amazing. What you may not know is that most of the city's fire stations were empty, leaving most neighborhoods defenseless. Visit fire stations near your home and ask them what percentage of their calls are for homeless assistance. Ask them how many days they are somewhere else, and not in your neighborhood. Then go to the Police Station and ask the same questions.

The City of Los Angeles has long abdicated its duty under the California Constitution to provide adequate public safety services. Every LA City study cited by Fix the City's testimony over time, as well a Grand Jury report, concluded that LAFD response times are dangerously inadequate. Sadly, each year, response time has worsened, not improved. Now, the burden of homelessness further taxes emergency services.

The city's benchmark (and national standard NFPA 1710) for LAFD response time as stated in the Third-Party Study, the Grand Jury Report on LAFD Response Time Lag, and the City Controller's audit of response time, for EMS is within 5 minutes 90% of the time. Most stations respond in five minutes about 50% of the time, way slower than the performance benchmark and definition of adequacy. These studies have been cited by Fix the City and ignored. **Check out your neighborhood LAFD Station on www.FireStatLA.org. Visit your station and ask how often it is empty and how the homeless crisis impacts their station.**

Keep in mind that the city is presenting response time as an average, whereas its benchmark is a percentile (90%). Even using averages, response time is well below the 5 minutes for EMS and 5:20 minutes for fire. The City has also failed to adopt "Standards of Coverage," which were promised several years ago. We have fewer firefighters now than a decade ago who are asked to serve a larger population and traverse through worse gridlock.

This project does not comply with the General Plan Framework mandatory mitigation Policy 3.3.2 which requires before increasing allowable density, adequate infrastructure (water, electricity, sewers, sidewalks, etc., and adequate police and fire service for current demand and can accommodate added demand.

This project does not comply with the Wilshire Community Plan which states. "The quality of life and stability and neighborhoods throughout the Wilshire Community Plan Area critically depend on the adequate provision of infrastructure resources (e.g. transportation, police, fire, water, sewerage, parks, etc.) commensurate with the needs of the population."

Attaching October 22, 2019 Fix The City letter regarding this project.

Sincerely:



James O'Sullivan

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jim@FixTheCity.org, jamesos907@gmail.com [Messages 213-840-0246](#)

October 22, 2019

RE: OPPOSITION TO TOC PROJECT APPLICATION FOR 623 - 671 S. LA BREA AVENUE, LOS ANGELES
CA 90036 ZA-2019-1744-CU-MCUP-SPR-TOC, VTT-82618-CN

Dear Mr. Tovar:

Fix the City opposes the 80% increase in density for this project along with the following two (2) additional incentives for a qualifying Tier 4 project: i. To permit any or all setbacks consistent with the RAS3 Zone; and ii. To permit the reduction of the required open space by 25%. We requests that this letter be included in the record for this project, and that you address the concerns below.

The TOC Guidelines cannot be used to approve the requests for the following reasons:

1. The Guidelines were never lawfully adopted by the City Council as required by California Government Code Section 65915(d)(1)(C)(3).
2. The Guidelines exceed the authority of JJJ. Only non-substantive changes can be made without voter approval (JJJ Section 5.A).
3. The "Additional Incentives" lacked CEQA review and voter approval.
4. The "Additional Incentives" increase allowable density and intensity without providing a finding based on substantial evidence that infrastructure and public services are adequate.
5. The TOC Map is an unlawful amendment of the General Plan Land Use Element unauthorized by JJJ and requires voter approval.
6. TOC Tiers 1,2,3 and 4 are unlawful zone changes not authorized by JJJ and require voter approval.
7. JJJ only permits the base incentives unless an applicant seeks a General Plan Amendment, Zone Change or Height District Amendment and requires following the Labor requirements of JJJ Section 5e.

We incorporate by reference:

- Fix The City lawsuit on the Expo line (Case # 18STCP02720)
- Fix The City lawsuit on 10400 Santa Monica Boulevard (Case # 19STCP03740)

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- Fix The City documentation for 2301 Westwood Blvd. (DIR-2018-6719-TOC-WDI, ENV-2018-6720-CE)

For all these reasons, we request that you deny approval of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "James O'Sullivan", written in a cursive style.

James O'Sullivan, Vice President, Fix the City

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Cc David.Ryu@lacity.org

cc. emma.howard@lacity.org

cc rob.fisher@lacity.org

cc nicholas.greif@lacity.org