



Alan Como &lt;alan.como@lacity.org&gt;

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## Comments on DEIR for 6220 West Yucca Project

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**Dean Wallraff** <dw@aenv.org>

Fri, Jun 5, 2020 at 12:11 PM

To: alan.como@lacity.org

Cc: Kate Unger &lt;ku@aenv.org&gt;, Liza Brereton &lt;Liza.Brereton@ahf.org&gt;

Mr. Como:

Please add the attached letter to the record for the 6220 West Yucca Project and add me to the interest list for that project, so I receive notices of hearings, etc.

Also, please reply to this email to acknowledge receipt.

**Dean Wallraff**

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Advocates for the Environment

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[www.aenv.org](http://www.aenv.org)**Yucca AEnv Comment Letter final.pdf**

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June 5, 2020

## Advocates for the Environment

A non-profit public-interest law firm  
and environmental advocacy organization



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Via U.S. Mail and email to [alan.como@lacity.org](mailto:alan.como@lacity.org)

Re: Comments on Draft Environmental Impact Report for 6220 West Yucca project,  
Case No. ENV-2014-4706-EIR, SCH No. 2015111073

Dear Mr. Como:

Advocates for the Environment submits the comments in this letter on behalf of our client, the AIDS Healthcare Foundation (AHF), regarding the proposed 6220 West Yucca Project (the **Project**), to demolish 44 existing residential units and construct a mixed-use development within the Hollywood Community Plan area of the City of Los Angeles. We have reviewed the Draft Environmental Impact Report (DEIR) released on April 23, 2020, and submit comments during the public comment period ending on June 8, 2020.

The proposed Project includes a mixed-use development in two buildings of 20 and 3 stories, with a 136-room hotel, 12,570 square feet of commercial and restaurant uses, and 210 multi-family residential units. None of the residential units are planned to be affordable units.

The Project involves a zone change, a height district change, a site plan review, various conditional use permits, findings of consistency with the Hollywood Community Plan and objectives in the Hollywood Redevelopment Plan, a development agreement, an owner participation agreement, a vesting tentative tract map, and a haul route permit, as well as other discretionary and ministerial permits and approvals.

### Demolition of Rent-Controlled Housing

AHF is opposed to demolishing rent-controlled housing. Because the Costa-Hawkins Rental Housing Act curtails the creation of new rent-controlled housing, such housing is gone forever once it is demolished. Even with potential future changes to Costa Hawkins, that would not itself create additional rent control locally in Los Angeles. It is inexcusable to demolish rent stabilized units. Currently, the Project site contains 43 residential units subject to rent control under the Rent Stabilization Ordinance (RSO). The disruption to current tenants is extreme and it is harmful to approve projects where existing vulnerable tenants live

when there are plenty of sites in Los Angeles that would not require the demolition of rent controlled housing. Even with a full right of return, described below, this project would cause a major and unnecessary disruption to tenants in rent-controlled units. The Applicant should find another site for this Project, where RSO units do not need to be demolished to make way for the Project.

### **Treatment of Existing Tenants**

If the Project constructs new units and they are subject to the RSO, as the DEIR says they will be (p. II-8), the Applicant may set the rents at market rate. (LAMC § 151.28.) This will price them out of reach of the existing tenants.

The DEIR states that “the Project would provide all onsite tenants a right of return to comparable units within the Project at their last year’s rent . . . plus applicable annual increases under the RSO.” (DEIR p. II-8.) But that right is illusory because it is not enforceable by the City or the tenants. It should be made enforceable by including it as a Condition of Approval. Since the Applicant is offering the right of return, the Applicant should be willing to agree to such a condition.

The DEIR also states that relocation assistance must be provided to existing tenants displaced when their units are demolished for the Project. (p. II-7.) But the assistance required by law is limited to 42 months, and Project construction could take longer than that. If this occurs, existing tenants will need to pay by themselves the differential in rent between what they’re paying now and the rent of the units they temporarily occupy during construction. If they cannot afford to pay the differential, they may be evicted and become homeless.

The project description contains extremely little information about the anticipated construction schedule, which says only that construction may begin as early as 2020 with construction activities ongoing for approximately two years, and that full build-out and occupancy could occur as early as 2022 but would be dependent on final construction timing. While there are many unknowns in a construction schedule, the description does not provide essential information about the potential factors and likely effects of such factors, including an estimate of the longest time construction might last. This is problematic given the impact on current residents, because it fails to inform the public and decision makers about the potential length of time those residents might need to live somewhere else, and the potential for them to become homeless as a result of extended construction time.

## **Incomplete Project Description**

The Conditions of Approval are an important part of the description of the Project, because they may limit the Project's social and environmental impacts. Similarly, a Mitigation Monitoring and Reporting Plan is an important part of the project description, because it provides information on how mitigation will be ensured.

CEQA requires a stable and complete project description. As of this writing, Conditions of Approval, Findings, and a Mitigation Monitoring and Reporting Plan are not available on the Project's Administrative-Record Web site. Without access to these documents, members of the public cannot adequately evaluate the Draft Environmental Impact Report, in violation of CEQA.

## **Demolition of Rent-Controlled Housing**

The DEIR (p. II-8) states that the "Project would provide 100 percent of its 210 residential dwelling units as RSO units." But the DEIR doesn't state how this goal would be required. There is no representation that it will be required as a condition of approval. The RSO requires that units built to replace demolished RSO units be subject to the RSO (LAMC § 151.28 A), but allows the landlord to obtain an exemption to the RSO requirement if the units are affordable. (LAMC § 151.28 B.)

The change in the units' RSO status is not itself an environmental impact under CEQA, but the increase in rents, either under the RSO's provision allowing market-rate rents in the Project, or under the RSO exemption, may result in homelessness for existing tenants, which is an environmental impact under CEQA. CEQA requires the DEIR to analyze this potentially significant impact, but it does not.

## **Land Use**

The DEIR claims that the Project is consistent with the applicable General Plan, but part of the Project site is designated Highway-Oriented Commercial. There is no definition of that land-use designation in the applicable portions of the General Plan—the Framework Element or the Hollywood Community Plan—so there is no basis for the DEIR's contention that the Project is consistent with that land-use designation. The City thus abuses its discretion in finding the Project consistent with the General Plan.

Measure JJJ requires that, to be eligible for "any zone change or height-district change that results in increased allowable residential floor area, density or height" rental projects must provide a certain amount of affordable housing. (LAMC § 11.5.11.) This Project seeks such

changes, but provides no affordable housing, as that term is defined under Measure JJJ. The Project approval would therefore violate Measure JJJ.

### **Improper Labelling of Some Mitigation Measures as Project Design Features**

The DEIR concludes some environmental impacts are not significant because of project design features (PDFs) included in the Project. This conclusion violates CEQA because many of the identified PDFs, rather than being features of the Project's design, are in fact measures to reduce or eliminate environmental impacts. The City was required to evaluate the significance of impacts before mitigation and then analyze available mitigation measures and the selection of some and rejection of others. (See CEQA Guidelines § 15126.4(a)(1)(B).)

The PDFs that are in reality mitigation measures include, but are not limited to, PDF-AES-2, temporary construction fencing; PDF-AQ-1, green building measures; PDF-GHG-1, GHG emission offsets; PDF-GHG-2, 20% of code-required parking capable of supporting future EVSE; PDF-GHG-3, 5% of code-required parking equipped with EV charging stations; PDF-TRAF-1, construction traffic management plan; PDF-TRAF-2, pedestrian safety plan; and PDF-WS-1, water conservation measures.

The mischaracterization of mitigation measures as project design features is highlighted by the project design features identified for noise impacts. PDF-NOI-1 provides that generators used in construction will be electric or solar powered, while MM-NOI-2 provides for use of electric power cranes and other electric equipment during construction. PDF-NOI-2 prohibits impact pile drivers and blasting during construction, and MM-NOI-2 contains those same prohibitions among its requirements.

### **The Project's GHG Impacts Are Significant, So All Feasible Mitigation Is Required**

The DEIR correctly states the GHG emissions should be analyzed as cumulative impacts under CEQA. (DEIR p. IV.F-14.) The key issue is whether the GHG impacts are cumulatively considerable. There is a lower threshold for finding an impact to be cumulatively considerable than for finding that it is significant. The Project's GHG impacts are cumulatively considerable. Therefore, CEQA requires all feasible mitigation measures to be adopted.

As discussed in the previous section of this letter, PDF-GHG-1 is really a mitigation measure. It requires off-site offsets, and off-site offsets have nothing to do with the Project's design and therefore can't be project design features.

One of the significance thresholds the DEIR adopted for GHG impacts is “Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?” (DEIR p. IV.F-45.) In support of its conclusion that the Project’s GHG emissions are not cumulatively considerable under this threshold, the DEIR analyzes consistency with the CARB 2017 Climate Change Scoping Plan, SCAG’s 2016-2040 RTP/SCS, and the City’s Green New Deal and Green Building Code. Despite the DEIR’s conclusion to the contrary, the Project is consistent with none of these documents.

The primary goal of the CARB 2017 Climate Change Scoping Plan (**2017 Scoping Plan**) is to reduce California’s GHG emissions 40% below 1990 levels by 2030. (Scoping Plan p. ES4.) The DEIR’s conclusion that the Project is consistent with the 2017 Scoping Plan is an important part of the DEIR’s analysis purporting to show that the Project’ GHG emissions are not cumulatively considerable.

Yet the DEIR contains no significant analysis showing the Project is consistent with the 2017 Scoping Plan. A quick comparison shows it is not consistent. The 2017 Scoping Plan calls for a statewide reduction of between 27% and 32% in transportation emissions. (2017 Scoping Plan p. 31.) But the Project will result in a net increase of 2,652 daily trips (Appendix L, Traffic Study, p. 2) and 11,929 vehicle miles travelled (VMT) (DEIR p. IV.L-45). The addition of a large amount of traffic is not consistent with statewide goals to reduce traffic by approximately 30%. This same critique of inconsistency is applicable in the areas of Residential and Commercial (building design), Electric Power, and Global Warming Potential (GWP).

The DEIR’s GHG analysis also suffers from the same defect the California Supreme Court faulted in the *Newhall* case (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204), namely that the Project, to be consistent with statewide GHG-reduction goals, must do more than its pro-rata share because most housing in the state won’t be modified to reduce GHG emissions in the next ten years. New projects must bear a larger than average share of the reductions in order to be consistent with the 2017 Scoping Plan.

On December 5, 2008, the South Coast Air Quality Management District (SCAQMD) adopted guidance on CEQA GHG thresholds, including a screening level of 3,000 MTCO<sub>2e</sub> for residential and commercial projects. ([http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2), p. 8.) The Project will emit 3,134 MTCO<sub>2e</sub> (DEIR p. IV.F-82), which is higher than the threshold, so the Project’s emissions would be considered cumulatively considerable using the SCAQMD’s threshold.

Since GHG emissions are significant, the City must adopt all feasible mitigation measures. There are many possibilities, such as:

- Eliminating natural gas from the Project. Using all electric appliances for space and water heating and for cooking will progressively lower the Project's carbon footprint as California increasingly obtains its electricity from renewable sources; it will also eliminate methane emissions from leaks, which will reduce the high-GWP (global warming potential) emissions.
- Solar panels and battery storage. The Project could obtain a substantial part of its electricity from solar panels, which could be backed up with battery storage on-site so the power generated on-site could be used at times when the sun is not shining. An advanced control system would allow electric vehicles to be charged from on-site batteries, or from the grid at times when overall usage is low, lowering the grid's peak-hour requirements.

### **Inadequate Analysis of Air-Quality Impacts**

The DEIR does not sufficiently analyze or mitigate air-quality impacts of the Project. Among its flaws, the DEIR does not adequately analyze operational air-quality impacts of the Project. The DEIR states that the operational emission estimates assume compliance with PDF-AQ-1, which includes increased energy efficiency features. The measures included in PDF-AQ-1 are measures designed to reduce operational emissions—in other words, they are mitigation measures. Therefore, the DEIR fails to present information and analysis about the potentially significant operational impacts without mitigation.

The DEIR also fails to adequately discuss or support the selection of significance thresholds for air-quality impacts, contrary to CEQA Guidelines section 15064.7.

### **Inadequate Analysis of Cultural Resources Impacts**

The DEIR's analysis of impacts to cultural resources is inadequate, including in its discussion of impacts to historical resources.

The Vista del Mar/Carlos Historic District is in the immediate vicinity of the Project site, and in fact two of its constituent parcels are within the Project site boundaries, with the residences on those parcels slated for demolition as part of the Project. The Vista del Mar/Carlos Historic District was determined to be eligible for the National Register of Historic Places, and—although the DEIR relegates this information to a footnote—is listed in the California Register of Historic Resources, and is therefore a historical resource under CEQA.

The DEIR's analysis improperly concludes that there will be no significant impacts to the Vista del Mar/Carlos Historic District. First, the analysis concludes that 1765 North Vista

del Mar Avenue is not a contributor to the historic district, but that conclusion was not properly reached. The historic district was first recognized in 1984, and 1765 North Vista del Mar Avenue was identified as a contributor then, as it was in 1994 and in 2010. The DEIR claims that 1765 North Vista del Mar Avenue does not meet the criteria for eligibility as a contributor to the Vista del Mar/Carlos Historic District because it has been highly altered. But the alterations referenced occurred before the residence was identified as a contributor, and there is no basis for the DEIR's conclusion that now, just because a developer wishes to demolish the residence, it no longer is a contributor to the historic district.

The DEIR cannot rely on Public Resources Code section 5024.1(g)(4) to re-evaluate the historic district for purposes of the Project in a way that conflicts with the City's historic resources surveys, which have not determined that 1765 North Vista del Mar Avenue is an ineligible non-contributor. This includes both the 2010 and 2020 Hollywood surveys, both of which identified 14 contributors to the historic district, not 13, as stated in the DEIR.

Additionally, the conclusion that the Project will not cause a significant impact to the Vista del Mar/Carlos Historic District is based on a faulty analysis of impacts to the individual buildings without adequate consideration of the character of the historic district as a whole.

Lastly, the DEIR fails to support its conclusion that demolition of the residences at 1765 and 1771 Vista del Mar and their replacement with the Project would not result in the removal of any key physical characteristics of the district that convey its historical significance and justify its inclusion in the California Register or eligibility for inclusion in the National Register. The statement is not supported by analysis, so the DEIR lacks information showing the analytical route to the conclusion. Similarly, the analysis of compatibility between Building 2 and the historic district's buildings is conclusory and unsupported.

### **Inadequate Analysis of Hazardous-Materials Impacts**

The DEIR omits analysis of hazards and hazardous materials, relying on the Initial Study's conclusion that the Project would have no potentially significant impacts in this area. But the Project involves demolition of structures built before 1953, which may contain asbestos or lead-based paint. Toxic dust from the demolition could affect people near the Project site. The Initial Study relied on regulatory compliance measures to reach the conclusion that any impacts would be less than significant, including impacts at the nearby Cheremoya Avenue Elementary School. In failing to discuss potential impacts from hazardous materials, including during the construction phase, the DEIR fails to provide information necessary to allow adequate evaluation of potential hazardous-materials impacts.



## **Inadequate Analysis of Transportation and Traffic Impacts**

The DEIR's analysis of transportation and traffic impacts is flawed and fails to present sufficient, accurate information about potentially significant impacts.

The discussion of impacts under threshold (a) fails to adequately analyze the significance of the Project's impacts before implementation of PDF-TRAF-1, construction traffic management plan, and PDF-TRAF-2, pedestrian safety plan. The DEIR also incorrectly relies on PDF-TRAF-1 in its analysis of emergency access impacts.

The analysis of vehicle miles traveled (VMT) is insufficient and incorrect. The analysis is based on assumptions that are unsupported and inconsistent with information in other parts of the DEIR as to the Project's population. Additionally, the analysis omits consideration of VMT that would be generated by the Project, including some household VMT and work VMT, as well as VMT from hotel uses.

The DEIR concludes that the Project would result in a potentially significant impact for household VMT but that mitigation measure MM-TRAF-1, Transportation Demand Management Program, would reduce the impact to a less-than-significant level. The conclusion that MM-TRAF-1 would avoid significant impacts is unsupported by sufficient analysis or by substantial evidence, including because of the flaws identified above in the analysis of VMT generation.

Also, the DEIR fails to show that MM-TRAF-1 would be effective to avoid potentially significant impacts. Formulation of this mitigation measure is largely deferred to a time after Project approval, before issuance of a final certificate of occupancy, and the mitigation is uncertain. MM-TRAF-1 does not identify the exact measures to be implemented, and the effectiveness of transportation demand management programs varies widely, as the DEIR acknowledges.

One concern is that the DEIR concludes that with MM-TRAF-1, the household VMT per capita would be reduced from 7.4 to the identified impact threshold of 6.0, thereby reducing impacts to less than significant. Any errors of the analysis, including those mentioned above, call into question the conclusion that impacts will be less than significant with mitigation. Furthermore, the DEIR does not explain how MM-TRAF-1 would meet the threshold criterion of being 15% less than the existing average household VMT per capita for the Central Area Planning Commission (APC) area.

The DEIR's conclusion that the Project will not conflict with programs, plans, ordinances, or policies addressing the circulation system is insufficiently supported by analysis or substantial evidence. The reasons for this include the analytical flaws of the DEIR's VTM

calculations and discussion, as set forth above. For example, the analysis of consistency with Mobility Plan 2035 relies on MM-TRAF-1, which as discussed previously has not been shown to effectively reduce VMT impacts to below the Central APC area threshold and average VMT values, nor to reduce household VMT per capita to 15% below the existing average household VMT for the area.

## **Inadequate Analysis of Noise Impacts**

The DEIR's noise analysis concludes that construction-related noise and vibration impacts will be significant and unavoidable but that operational impacts will be less than significant. The analysis and proposed mitigation are flawed in several respects.

First, the analysis of existing ambient noise levels at locations of noise-sensitive receptors is incomplete and undermines the validity of the DEIR's evaluation of noise impacts. The DEIR identified nearby residential uses on all sides of the Project site. Noise measurements were taken at five selected locations, but not at the location closest to the Project site, residences immediately south and east of the eastern portion of the Project site, and measurements at the locations selected were taken inconsistently, with some long-term measurements and some short-term measurements and no average hourly levels provided for some locations.

The DEIR's significance thresholds and analysis of significance of noise impacts are also flawed. The significance thresholds do not adequately capture noise impacts that are potentially significant. The analysis for both construction-related and operational impacts is undermined by the incomplete and faulty assessment of existing ambient noise levels.

The DEIR concludes that operational noise impacts would be less than significant, based in part on a conclusion that noise from outdoor/open space activity and loading dock and refuse collection areas, as well as moving trucks, would not exceed significance thresholds at receptor locations R3 and R4. As noted above, the selected locations do not allow adequate assessment of noise levels at residential uses adjacent to the Project site, undermining the validity of this conclusion.

The operational noise impacts analysis from parking structures also appears flawed, including because it assumes that only 7 trips are expected to use the entrance driveway to access Building 2 parking, a value that appears to be greatly underestimated given the population of that building. The proximity of that parking driveway to adjacent residential uses requires a more searching analysis.

The analysis of impacts from the emergency generator is also undermined by the faulty assessment of noise levels at sensitive residential receptors adjacent to the Project. These flaws

call into question the conclusion that proposed mitigation is sufficient to avoid potentially significant impacts.

The analysis of composite noise level impacts is also weakened because as discussed above, each of the component noise sources appears understated, so the composite is also underestimated.

The DEIR's discussion of noise mitigation is also inadequate, in several respects. First, although the DEIR identifies some construction-related noise impacts—including cumulative impacts—as significant and unavoidable, the DEIR does not adequately discuss the feasibility of additional mitigation measures beyond those proposed, and does not provide information regarding the incremental benefits of increasing mitigation beyond that in the identified mitigation measures MM-NOI-1 through MM-NOI-5. For example, the DEIR states that MM-NOI-1 will not avoid significant noise impacts to upper floors of residential uses, but the DEIR provides no discussion of the effectiveness or feasibility of using additional or larger sound barriers or other methods to achieve a higher level of noise reduction. Also, the DEIR does not provide enough information to understand the level of mitigation offered by MM-NOI-2, which lacks standards for evaluating the success of the mitigation measure, and which contains uncertain and vague provisions. Nor does the DEIR provide sufficient information to evaluate the effectiveness or feasibility of mitigation measures MM-NOI-3 and MM-NOI-4 to address groundborne vibration impacts, or other mitigation measures that might further reduce these impacts, including those identified as significant and unavoidable.

Also, the DEIR does not sufficiently explain how the proposed mitigation measures will reduce construction and operational noise impacts to less than significant levels. Where analysis is provided regarding the amount of noise reduction from mitigation measures, such as for MM-NOI-5, the analysis is questionable, including because of the flawed selection of receptor locations. At other points, such an analysis is entirely lacking.

### **The Alternatives Analysis Does Not Comply with CEQA**

The DEIR's analysis of project alternatives does not comply with CEQA and does not include alternatives that would preserve affordable housing or avoid demolition of the buildings that are part of the Vista del Mar/Carlos Historic District, despite a comment submitted in response to the Notice of Preparation requesting such an alternative to be included based on concerns that demolition of those homes may damage the integrity of the historic district. The DEIR fails to include discussion of why such an alternative was rejected or the feasibility of such an alternative.

The DEIR does not provide an adequate evaluation, analysis, and comparison of the project alternatives and the proposed Project, including why the alternatives were rejected. For example, the DEIR's analysis of Alternative 2, a primarily residential mixed-use alternative, is rejected despite having overall less impacts than the Project, although it would provide more housing.

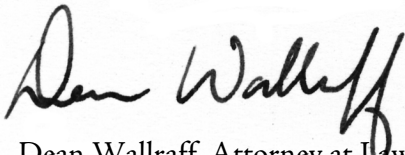
Additionally, the DEIR does not justify the selection of Project objectives, which are too specific to the Project and allow alternatives to be rejected despite their lesser environmental impacts. Specifically, the Project objectives include inclusion of a hotel, both in the underlying purpose and in objectives 1 through 3. The DEIR provides no explanation for why a hotel is needed, given that the area is well served by other hotels. In fact, comments in response to the Notice of Preparation included a concern about saturation of hotel uses in the Hollywood Community. Yet the discussion of Alternative 2 says that it would only partially be consistent with policies related to the provision of a hotel use, and that appears to be one of the reasons for rejecting the alternative in favor of the Project. The failure to explain why a hotel would be needed undermines the analysis, as does the failure to clearly state the reasons for rejecting this and other alternatives.

## Conclusion

AHF opposes the 6220 West Yucca Project because it will have significant environmental impacts that are neither adequately analyzed nor sufficiently mitigated. The lack of proper environmental analysis is grounds for a court to set aside the DEIR and order the City to conduct environmental review that complies with CEQA.

The Project also displaces the existing tenants and destroys affordable RSO units, in an area of the city that is sorely lacking in affordable housing. It is one more example of gentrification and development for the sake of profit at the expense of Los Angeles's working-class residents. The City should deny the requested entitlements for the Project and instead pursue affordable housing developments that do not sacrifice existing RSO units.

Sincerely,



Dean Wallraff, Attorney at Law  
Counsel for AIDS Healthcare Foundation