

#4
Paul Hastings

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Submitted in PLUM Committee
Council File No: 11-0106
Item No.: 4
Deputy: Appellant

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March 1, 2011

74638.00010

BY HAND DELIVERY

Planning and Land Use Management Committee
Honorable Ed Reyes, Chair
Honorable Jose Huizar
Honorable Paul Krekorian
200 North Spring Street
Los Angeles, California 90012

Re: Wilshire Grand Redevelopment Project – CPC-2009-3416-DA-TDR-CUB-CU-
CUW-ZV-SN-ZAD-SPR-GB; ENV-2009-1577-EIR-GB

Dear Councilmembers:

We represent Hanjin International Corporation (the "Applicant") with respect to the Wilshire Grand Redevelopment Project at 930 Wilshire Boulevard (the "Project"). We appreciate the time you took on February 22, 2011 to hear about the Project and look forward to the March 1, 2011 hearing.

This letter responds to the February 21, 2011 letter submitted on behalf of 1000 Wilshire and the February 22, 2011 letter submitted on behalf of Brookfield Office Properties ("Brookfield").

I. THE EIR DOES NOT NEED TO BE RECIRCULATED

The CEQA Guidelines prescribe very narrow circumstances in which a lead agency must recirculate an EIR. As discussed below and in Exhibit A, attached hereto, the Additional Response to Comments did not identify any significant new impacts that cannot be mitigated, any substantial increase in severity of impacts, or any new feasible mitigation measures. Therefore, CEQA does not require that the lead agency recirculate the EIR.

A. The Additional Responses to Comments Did Not Identify Any New Transportation Related Significant Impacts.

The Applicant conducted additional traffic analysis that includes the 755 South Figueroa Street as a related project and also eight additional downtown intersections. The analysis concluded that the addition of the 755 South Figueroa Street related project trips to the

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background traffic volumes does not alter the results of the significant impact analysis presented in the Project's EIR. The Additional Responses to Comments concluded that the Project, even with the addition of the 755 South Figueroa Street related project, would not result in any additional impacts beyond those already identified in the EIR. Similarly, the analysis of the eight additional intersections disclosed that only one intersection would be impacted and such impacts could be mitigated to less than significant. A more detailed response to this issue is discussed in paragraphs 1 – 6 of Exhibit A.

B. The Helistop will not Cause any New Significant Noise Impacts.

The EIR thoroughly analyzed the Project's potential noise impacts on surrounding uses and correctly concluded that the Project, including the helistop, will not cause any significant new impacts. The Applicant has voluntarily agreed to the Planning Department's condition to locate the helistop a minimum of 817 above ground level.

The noise analysis submitted by Brookfield uses incorrect assumptions and is based on erroneous building sound attenuation information, which renders the entire analysis flawed. A more detailed response to this issue is discussed in paragraph 7 of Exhibit A.

C. The EIR Incorporates all Feasible Mitigation Measures.

Brookfield has proposed a number of new or modified conditions of approval. Brookfield's proposed conditions range from the unnecessary and unreasonable, to the infeasible and illegal. The Applicant has voluntarily agreed to comply with certain additional conditions of approval, none of which require that the EIR be recirculated.

A more detailed response to this issue is discussed in paragraphs 8 – 9 of Exhibit A. In addition, the Applicant's letter to the PLUM Committee, dated February 22, 2011, responds to the requests for additional conditions of approval.

II. 1000 WILSHIRE DOES NOT RAISE ANY NEW ISSUES

A. The EIR's Project description is stable, accurate and finite.

1000 Wilshire contends that the EIR project description is not stable, accurate, and finite because of the Land Use Equivalency Program. As explained in the Additional Response to Comments 2-34, the Project Description is stable, accurate and finite. The Land Use Equivalency Program was analyzed in each impact section based on the scenario that would be most impactful in order to evaluate the impacts of the most conservative scenario.

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B. The transfer of floor area ratio is appropriate.

1000 Wilshire contends that the impacts of the floor area ratio would be different if the Project were built elsewhere. The Applicant is proposing to purchase floor area rights from the Convention Center to increase floor area at the Project Site. Therefore, the EIR correctly analyzed the Project's impacts at the Project Site, not near the Convention Center. The potential impacts if the project were built near the Convention Center are irrelevant since the Project will be built at the Project Site, not near the Convention Center.

C. The Project's parking supply is adequate.

1000 Wilshire contends that the Project's parking supply is inadequate. The Project's parking supply is adequate and was correctly analyzed in the EIR. The 1,900-space parking supply was determined to be sufficient through a Shared Parking analysis that was based on the nationally accepted Urban Land Institute model and methodology. The Shared Parking study was reviewed and approved by the City of Los Angeles. It has always been the intent of the Project to provide the correct amount of parking that meets the Project needs but still supports and utilizes the transit system serving the Project and the Project's TDM program. A more detailed response to this issue is attached as Exhibit A.

D. The Proposed sign district is appropriate.

The EIR thoroughly analyzed the Project's signage program. The Applicant has appealed the City Planning Commission's decision amending certain provisions of the proposed signage program. The Planning Department and the Applicant determined that the limitations placed on the signage program are appropriate, and were correctly analyzed in the EIR. In addition, the EIR correctly acknowledges the significant impacts related to the signage program and accurately describes the nature and severity of the impact.

E. The Additional Responses to Comments Address the Sunnyvale Case.

1000 Wilshire again contends that the EIR was inadequate because it did not analyze the Project impacts against existing conditions as required by the recent case *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (6th District Court of Appeals, December 16, 2010).

In order to address the *Sunnyvale* case, the Additional Responses to Comments issued by the Planning Department includes a detailed analysis of traffic, noise, air quality and

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alternatives impacts of the Project when compared to existing conditions as of the 2009 Notice of Preparation. (See Response to Comment 3-60) The analysis concluded that there would be no new or more significant traffic impacts. Indeed, with application of the TDM program and mitigation measures, there would be fewer significantly impacted intersections under existing conditions. With respect to noise impacts other than traffic-related noise, all of the analysis was based on Project impacts using existing conditions as the environmental baseline. The analysis was repeated for traffic-related noise using existing conditions and it was concluded that there would be no significant impacts. Similarly, the air quality analysis was conducted using existing conditions and it was concluded that there would be no new significant impacts. Finally, the alternatives were analyzed using an existing condition baseline in accordance with *Sunnyvale* case and it was concluded that there would be no new or more significant impacts.

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As expressed by many members of the community during the February 22, 2011 PLUM Committee hearing, the Wilshire Grand Redevelopment Project is compatible with the community's desires, is supported by the community and satisfies the City's goal for a high quality mixed-use project that will enhance pedestrian activity and revitalize the City's financial core. For these reasons, we respectfully request that you approve the Wilshire Grand Redevelopment Project.

Sincerely,



Mitchell B. Menzer

of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: Council President Pro Tempore Jan Perry
Greg Fisher, Planning and Transportation Deputy, Office of President Pro Tempore Jan Perry
Marie Rumsey, Planning Deputy, Office of President Pro Tempore Jan Perry
Rebecca Valdez, Chief Planning Deputy, Office of Council Member Reyes
Tara Devine, Director, Planning and Economic Development, Office of Council Member Huizar
Daniel Brumer, Director of Planning and Land Use, Council Member Krekorian
Kevin Keller, Department of City Planning
Shana Bonstin, Department of City Planning
Jay Kim, Department of Transportation
Tomas Carranza, Department of Transportation
Kenneth T. Fong, Esq. Deputy City Attorney
Michael Bostrom, Esq., Deputy City Attorney
Laura Cadogan, Esq., Deputy City Attorney
Ayahlushim Hammond, Thomas Properties Group
Benjamin Reznik, JMBM
Ryan Leadetman, DLA Piper
Mark Phillips, Brookfield Properties

EXHIBIT A

Responses to the 1000 Wilshire letter dated February 21, 2011 and the Brookfield letter dated February 22, 2011

Response to Brookfield Letter

1. **Brookfield Comment:** A new significant traffic impact at Alameda Street and 7th Street. Response to Comment II 3-49 indicates that once the inexplicably omitted 755 S. Figueroa building is included as a related project, there will be a new significant impact at this intersection.

Response: As noted in Gibson Transportation Consulting Inc.'s Memorandum, Responses to Traffic Comments for the Wilshire Grand Redevelopment Project, February 11, 2011 ("Memorandum"), additional traffic analysis that includes the 755 S Figueroa Street related project was conducted in response to Comment 5 in the Crain & Associates letter dated December 14, 2010.

The analysis concluded that the addition of 755 S Figueroa Street related project's trips to the background traffic volumes does not alter the results of the significant impact analysis presented in the EIR and the Transportation Study, i.e. the Project would not result in any additional significant and unavoidable impacts beyond those already identified in the EIR.

While there may be a potential impact at the intersection of Alameda Street & 7th Street (intersection 22) under the Future with Project conditions, the impact is mitigated to less than significant by the Project's proposed TDM program which has been approved by the Los Angeles Department of Transportation (LADOT) and the City of Los Angeles' Planning Department. As shown in the Tables 1 and 2, below, which were also included in the Memorandum, the Project does not result in a significant impact at the intersection under both the Future with Project with TDM Program and Future with Project with Mitigation scenarios.

**Table 1
Alternate Future With Project With TDM Program Conditions (Year 2020)
Intersection Peak Hour Levels Of Service**

No.	Intersection	Peak Hour	Future without Project		Future with Project, Before Mitigation				Future with Project with TDM Program			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
1.	[a] Grand Avenue & US 101 NB Ramps	A.M.	0.8	D	0.8	D	0.010	NO	0.8	D	0.007	NO
			44		54				51			
		P.M.	1.0	F	1.0	F	0.001	NO	1.0	F	0.000	NO
			25		26			25				
2.	[a] Hope Street/US 101 SB Ramps & Temple Street	A.M.	0.7	C	0.7	C	0.000	NO	0.7	C	0.000	NO
			46		46				46			
		P.M.	0.9	E	1.0	F	0.024	YES	1.0	E	0.015	YES
			85		09			00				

Table 1
Alternate Future With Project With TDM Program Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project, Before Mitigation				Future with Project with TDM Program			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
3.	[a] Figueroa Street & 3rd Street/SR 110 Ramps	A.M.	0.6	B	0.6	B	0.001	NO	0.6	B	0.000	NO
		P.M.	42 0.9 78	E	43 0.9 90	E	0.012	YES	42 0.9 86	E	0.008	NO
4.	[a] Flower Street & 3rd Street	A.M.	0.5	A	0.6	B	0.041	NO	0.6	B	0.028	NO
		P.M.	95 0.5 71	A	36 0.5 71	A	0.000	NO	23 0.5 71	A	0.000	NO
5.	[a] Grand Avenue & 3rd Street	A.M.	0.3	A	0.4	A	0.022	NO	0.4	A	0.015	NO
		P.M.	87 0.3 69	A	09 0.3 72	A	0.003	NO	02 0.3 70	A	0.001	NO
6.	[a] Figueroa Street & 5th Street/SR 110 On-Ramps	A.M.	0.7	C	0.7	C	0.006	NO	0.7	C	0.003	NO
		P.M.	93 1.0 84	F	99 1.1 34	F	0.050	YES	96 1.1 19	F	0.035	YES
7.	[a] Flower Street & 5th Street	A.M.	0.2	A	0.3	A	0.022	NO	0.3	A	0.015	NO
		P.M.	96 0.3 69	A	18 0.3 71	A	0.002	NO	11 0.3 69	A	0.000	NO
8.	[a] Figueroa Street & 6th Street/SR 110 Off-Ramps	A.M.	0.7	C	0.7	C	0.010	NO	0.7	C	0.006	NO
		P.M.	13 0.9 40	E	23 1.0 05	F	0.065	YES	19 0.9 85	E	0.045	YES
9.	[a] Flower Street & 6th Street	A.M.	0.3	A	0.4	A	0.024	NO	0.3	A	0.016	NO
		P.M.	81 0.4 03	A	05 0.4 12	A	0.009	NO	97 0.4 08	A	0.005	NO
10.	[a] Alvarado Street & Wilshire Boulevard	A.M.	0.6	B	0.6	B	0.010	NO	0.6	B	0.006	NO
		P.M.	45 0.6 93	B	55 0.7 11	C	0.018	NO	51 0.7 05	C	0.012	NO
11.	[a] Beaudry Avenue & Wilshire Boulevard	A.M.	0.6	B	0.6	B	0.036	NO	0.6	B	0.023	NO
		P.M.	60 0.5 30	A	96 0.5 32	A	0.002	NO	83 0.5 29	A	-0.001	NO
12.	[a] Francisco Street & Wilshire Boulevard	A.M.	0.5	A	0.7	C	0.177	YES	0.7	C	0.112	YES
		P.M.	97 0.5 09	A	74 0.7 28	C	0.219	YES	09 0.6 39	B	0.130	NO

Table 1
Alternate Future With Project With TDM Program Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project, Before Mitigation				Future with Project with TDM Program			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
13. [a]	Figueroa Street & Wilshire Boulevard	A.M.	0.909	E	0.975	E	0.066	YES	0.946	E	0.037	YES
		P.M.	1.191	F	1.372	F	0.181	YES	1.312	F	0.121	YES
14. [a]	Flower Street & Wilshire Boulevard	A.M.	0.693	B	0.807	D	0.114	YES	0.768	C	0.075	YES
		P.M.	0.729	C	0.729	C	0.000	NO	0.713	C	-0.016	NO
15. [a]	Grand Avenue & Wilshire Boulevard	A.M.	0.260	A	0.275	A	0.015	NO	0.271	A	0.011	NO
		P.M.	0.376	A	0.395	A	0.019	NO	0.389	A	0.013	NO
16. [a]	Alvarado Street & 7th Street	A.M.	0.383	A	0.393	A	0.010	NO	0.389	A	0.006	NO
		P.M.	0.459	A	0.470	A	0.011	NO	0.467	A	0.008	NO
17. [a]	Bixel Street & 7th Street	A.M.	0.751	C	0.775	C	0.024	NO	0.766	C	0.015	NO
		P.M.	1.043	F	1.105	F	0.062	YES	1.085	F	0.042	YES
18. [a]	Francisco Street & 7th Street	A.M.	0.488	A	0.561	A	0.073	NO	0.513	A	0.025	NO
		P.M.	0.550	A	0.712	C	0.162	YES	0.653	B	0.103	NO
19. [a]	Figueroa Street & 7th Street	A.M.	0.847	D	0.993	E	0.146	YES	0.950	E	0.103	YES
		P.M.	1.096	F	1.152	F	0.056	YES	1.132	F	0.036	YES
20. [a]	Flower Street & 7th Street	A.M.	0.373	A	0.387	A	0.014	NO	0.381	A	0.008	NO
		P.M.	0.759	C	0.830	D	0.071	YES	0.807	D	0.048	YES
21. [a]	Olive Street & 7th Street	A.M.	0.335	A	0.378	A	0.043	NO	0.364	A	0.029	NO
		P.M.	0.506	A	0.534	A	0.028	NO	0.524	A	0.018	NO
22. [a]	Alameda Street & 7th Street	A.M.	0.746	C	0.776	C	0.030	NO	0.767	C	0.021	NO
		P.M.	0.784	C	0.805	D	0.021	YES	0.797	C	0.013	NO
23. [a]	Soto Street & 7th Street	A.M.	0.722	C	0.733	C	0.011	NO	0.729	C	0.007	NO
		P.M.	0.736	C	0.738	C	0.002	NO	0.737	C	0.001	NO

Table 1
Alternate Future With Project With TDM Program Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project, Before Mitigation				Future with Project with TDM Program			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
24. [a]	Bixel Street/SR 110 SB On-Ramp & 8th Street	A.M.	0.864	D	0.867	D	0.003	NO	0.865	D	0.001	NO
		P.M.	1.084	F	1.119	F	0.035	YES	1.108	F	0.024	YES
25. [a]	Figueroa Street & 8th Street	A.M.	0.956	E	0.956	E	0.000	NO	0.956	E	0.000	NO
		P.M.	0.930	E	0.934	E	0.004	NO	0.931	E	0.001	NO
26. [a]	Flower Street & 8th Street	A.M.	0.390	A	0.390	A	0.000	NO	0.390	A	0.000	NO
		P.M.	0.579	A	0.579	A	0.000	NO	0.579	A	0.000	NO
27. [a]	Francisco Street & James M. Wood Boulevard/SR 110 NB Off-Ramp	A.M.	0.593	A	0.630	B	0.037	NO	0.618	B	0.025	NO
		P.M.	0.559	A	0.563	A	0.004	NO	0.560	A	0.001	NO
28. [a]	Figueroa Street & James M. Wood Boulevard/ 9th Street	A.M.	0.643	B	0.670	B	0.027	NO	0.661	B	0.018	NO
		P.M.	0.537	A	0.541	A	0.004	NO	0.539	A	0.002	NO
29. [a]	Cherry Street & Pico Boulevard	A.M.	0.584	A	0.584	A	0.000	NO	0.584	A	0.000	NO
		P.M.	0.716	C	0.716	C	0.000	NO	0.716	C	0.000	NO
30. [a]	Figueroa Street & Pico Boulevard	A.M.	0.598	A	0.605	B	0.007	NO	0.603	B	0.005	NO
		P.M.	0.673	B	0.677	B	0.004	NO	0.675	B	0.002	NO
31. [a]	Hoover Street & Alvarado Street/Alvarado Terrace	A.M.	0.439	A	0.439	A	0.000	NO	0.439	A	0.000	NO
		P.M.	0.575	A	0.575	A	0.000	NO	0.575	A	0.000	NO
32. [a]	Flower Street & Venice Boulevard	A.M.	0.216	A	0.217	A	0.001	NO	0.217	A	0.001	NO
		P.M.	0.452	A	0.466	A	0.014	NO	0.461	A	0.009	NO

Table 1
Alternate Future With Project With TDM Program Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project, Before Mitigation				Future with Project with TDM Program			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
33.	Grand Avenue & 18th Street	A.M.	0.4		0.4				0.4			
			76	A	86	A	0.010	NO	82	A	0.006	NO
		P.M.	0.6	B	0.7	C	0.044	YES	0.7	C	0.030	NO
			78		22			08				
34.	Olive Street & 6th Street	A.M.	0.2		0.2				0.2			
			59	A	59	A	0.000	NO	59	A	0.000	NO
		P.M.	0.3	A	0.4	A	0.040	NO	0.4	A	0.036	NO
			99		39			35				
35.	Hope Street & 7th Street	A.M.	0.3		0.4				0.4			
			59	A	25	A	0.066	NO	05	A	0.046	NO
		P.M.	0.4	A	0.4	A	0.012	NO	0.4	A	0.005	NO
			78		90			83				
36.	Grand Avenue & 7th Street	A.M.	0.3		0.4				0.4			
			90	A	55	A	0.065	NO	34	A	0.044	NO
		P.M.	0.4	A	0.4	A	0.016	NO	0.4	A	0.008	NO
			75		91			83				
37.	Figueroa Street & Olympic Boulevard	A.M.	0.8		0.8				0.8			
			25	D	47	D	0.022	YES	40	D	0.015	NO
		P.M.	0.9	E	0.9	E	0.003	NO	0.9	E	0.001	NO
			84		87			85				
38.	Glendale Boulevard & Temple Street	A.M.	1.0		1.0				1.0			
			63	F	63	F	0.000	NO	63	F	0.000	NO
		P.M.	1.2	F	1.2	F	0.005	NO	1.2	F	0.004	NO
			83		88			87				
39.	Glendale Boulevard/ Lucas Avenue & Beverly Boulevard/ 1st Street/2nd Street	A.M.	0.6		0.6				0.6			
			67	B	67	B	0.000	NO	67	B	0.000	NO
		P.M.	0.7	C	0.7	C	0.005	NO	0.7	C	0.004	NO
			66		71			70				
40.	Lucas Avenue & 3rd Street	A.M.	0.7		0.7				0.7			
			01	C	37	C	0.036	NO	01	C	0.000	NO
		P.M.	0.5	A	0.5	A	0.005	NO	0.5	A	0.004	NO
			73		78			77				
41.	Lucas Avenue & 6th Street	A.M.	0.8		0.7				0.8			
			41	D	85	C	-0.056	NO	48	D	0.007	NO
		P.M.	0.7	C	0.7	C	0.031	NO	0.7	C	0.022	NO
			11		42			33				
42.	Lucas Avenue & Wilshire Boulevard	A.M.	0.7		0.7				0.7			
			07	C	32	C	0.025	NO	23	C	0.016	NO
		P.M.	0.9	E	0.9	E	0.016	YES	0.9	E	0.009	NO
			44		60			53				

Table 1
Alternate Future With Project With TDM Program Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project, Before Mitigation				Future with Project with TDM Program			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
<i>Note:</i> [a] Intersection is operating under the LADOT Adaptive Traffic Control System (ATCS). A credit of 0.10 in V/C ratio was included in the analysis.												

Table 1 (Continued)
Alternate Future With Project With TDM Program Conditions (Year 2020)

Intersection Impact Summary					
Level of Service	Before Mitigation			With TDM	
	A.M. Peak Hour	P.M. Peak Hour	A.M. Peak Hour	P.M. Peak Hour	
C	1	3	2	0	
D	2	2	0	1	
E	2	2	2	2	
F	0	7	0	5	
Total Peak Hour Impacts	5	14	4	8	
Total Individual Intersections Impacted	16			10	

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
1.	[a] Grand Avenue & US 101 NB Ramps	A.M.	0.84	D	0.85	D	0.007	NO	0.85	D	0.007	NO
		P.M.	1.02	F	1.02	F	0.000	NO	1.02	F	0.000	NO
			5		02		5			5		

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
2.	[a] Hope Street/US 101 SB Ramps & Temple Street	A.M.	0.74	C	0.74	C	0.000	NO	0.73	C	-0.010	NO
		P.M.	0.98	E	1.00	E	0.015	YES	0.99	E	0.005	NO
3.	[a] Figueroa Street & 3rd Street/SR 110 Ramps	A.M.	0.64	B	0.64	B	0.000	NO	0.64	B	0.000	NO
		P.M.	0.97	E	0.98	E	0.008	NO	0.98	E	-0.008	NO
4.	[a] Flower Street & 3rd Street	A.M.	0.59	A	0.62	B	0.028	NO	0.61	B	0.018	NO
		P.M.	0.57	A	0.57	A	0.000	NO	0.56	A	-0.010	NO
5.	[a] Grand Avenue & 3rd Street	A.M.	0.38	A	0.40	A	0.015	NO	0.40	A	0.015	NO
		P.M.	0.36	A	0.37	A	0.001	NO	0.37	A	0.001	NO
6.	[a] Figueroa Street & 5th Street/SR 110 On-Ramps	A.M.	0.79	C	0.79	C	0.003	NO	0.78	C	-0.007	NO
		P.M.	1.08	F	1.11	F	0.035	YES	1.10	F	0.025	YES
7.	[a] Flower Street & 5th Street	A.M.	0.29	A	0.31	A	0.015	NO	0.30	A	0.005	NO
		P.M.	0.36	A	0.36	A	0.000	NO	0.35	A	-0.010	NO
8.	[a] Figueroa Street & 6th Street/SR 110 Off-Ramps	A.M.	0.71	C	0.71	C	0.006	NO	0.70	C	-0.004	NO
		P.M.	0.94	E	0.98	E	0.045	YES	0.97	E	0.035	YES
9.	[a] Flower Street &	A.M.	0.38	A	0.39	A	0.016	NO	0.38	A	0.006	NO

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
	6th Street	P.M.	0.40 3	A	0.40 8	A	0.005	NO	0.39 8	A	-0.005	NO
10. [a]	Alvarado Street & Wilshire Boulevard	A.M.	0.64 5	B	0.65 1	B	0.006	NO	0.65 1	B	0.006	NO
		P.M.	0.69 3	B	0.70 5	C	0.012	NO	0.70 5	C	0.012	NO
11. [a]	Beaudry Avenue & Wilshire Boulevard	A.M.	0.66 0	B	0.68 3	B	0.023	NO	0.67 3	B	0.013	NO
		P.M.	0.53 0	A	0.52 9	A	-0.001	NO	0.51 9	A	-0.011	NO
12. [a]	Francisco Street & Wilshire Boulevard	A.M.	0.59 7	A	0.70 9	C	0.112	YES	0.69 9	B	0.102	NO
		P.M.	0.50 9	A	0.63 9	B	0.130	NO	0.62 9	B	0.120	NO
13. [a]	Figueroa Street & Wilshire Boulevard	A.M.	0.90 9	E	0.94 6	E	0.037	YES	0.93 6	E	0.027	YES
		P.M.	1.19 1	F	1.31 2	F	0.121	YES	1.30 2	F	0.111	YES
14. [a]	Flower Street & Wilshire Boulevard	A.M.	0.69 3	B	0.76 8	C	0.075	YES	0.75 8	C	0.065	YES
		P.M.	0.72 9	C	0.71 3	C	-0.016	NO	0.70 3	C	-0.026	NO
15. [a]	Grand Avenue & Wilshire Boulevard	A.M.	0.26 0	A	0.27 1	A	0.011	NO	0.26 1	A	0.001	NO
		P.M.	0.37 6	A	0.38 9	A	0.013	NO	0.37 9	A	0.003	NO
16. [a]	Alvarado Street & 7th Street	A.M.	0.38 3	A	0.38 9	A	0.006	NO	0.38 9	A	0.006	NO
		P.M.	0.45 9	A	0.46 7	A	0.008	NO	0.46 7	A	0.008	NO
17. [a]	Bixel Street &	A.M.	0.75 1	C	0.76 6	C	0.015	NO	0.75 6	C	0.005	NO

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
	7th Street	P.M.	1.043	F	1.085	F	0.042	YES	1.075	F	0.032	YES
18.	[a] Francisco Street & 7th Street	A.M.	0.488	A	0.513	A	0.025	NO	0.503	A	0.015	NO
		P.M.	0.550	A	0.653	B	0.103	NO	0.643	B	0.093	NO
19.	[a] Figueroa Street & 7th Street	A.M.	0.847	D	0.950	E	0.103	YES	0.940	E	0.093	YES
		P.M.	1.096	F	1.132	F	0.036	YES	1.122	F	0.026	YES
20.	[a] Flower Street & 7th Street	A.M.	0.373	A	0.381	A	0.008	NO	0.371	A	-0.002	NO
		P.M.	0.759	C	0.807	D	0.048	YES	0.797	C	0.038	NO
21.	[a] Olive Street & 7th Street	A.M.	0.335	A	0.364	A	0.029	NO	0.354	A	0.019	NO
		P.M.	0.506	A	0.524	A	0.018	NO	0.514	A	0.008	NO
22.	[a] Alameda Street & 7th Street	A.M.	0.746	C	0.767	C	0.021	NO	0.767	C	0.021	NO
		P.M.	0.784	C	0.797	C	0.013	NO	0.797	C	0.013	NO
23.	[a] Soto Street & 7th Street	A.M.	0.722	C	0.729	C	0.007	NO	0.729	C	0.007	NO
		P.M.	0.736	C	0.737	C	0.001	NO	0.737	C	0.001	NO
24.	[a] Bixel Street/SR 110 SB On-Ramp & 8th Street	A.M.	0.864	D	0.865	D	0.001	NO	0.855	D	-0.009	NO
		P.M.	1.084	F	1.108	F	0.024	YES	1.098	F	0.014	YES
25.	[a] Figueroa Street &	A.M.	0.956	E	0.956	E	0.000	NO	0.946	E	-0.010	NO

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
	8th Street	P.M.	0.930	E	0.931	E	0.001	NO	0.921	E	-0.009	NO
26.	[a] Flower Street & 8th Street	A.M. P.M.	0.390 0.579	A A	0.390 0.579	A A	0.000 0.000	NO NO	0.380 0.569	A A	-0.010 -0.010	NO NO
27.	[a] Francisco Street & James M. Wood Boulevard/ SR 110 NB Off-Ramp	A.M. P.M.	0.593 0.559	A A	0.618 0.560	B A	0.025 0.001	NO NO	0.608 0.550	B A	0.015 -0.009	NO NO
28.	[a] Figueroa Street & James M. Wood Boulevard/ 9th Street	A.M. P.M.	0.643 0.537	B A	0.661 0.539	B A	0.018 0.002	NO NO	0.651 0.529	B A	0.008 -0.008	NO NO
29.	[a] Cherry Street & Pico Boulevard	A.M. P.M.	0.584 0.716	A C	0.584 0.716	A C	0.000 0.000	NO NO	0.574 0.706	A C	-0.010 -0.010	NO NO
30.	[a] Figueroa Street & Pico Boulevard	A.M. P.M.	0.598 0.673	A B	0.603 0.675	B B	0.005 0.002	NO NO	0.603 0.675	B B	0.005 0.002	NO NO
31.	[a] Hoover Street & Alvarado Street/Alvarado Terrace	A.M. P.M.	0.439 0.575	A A	0.439 0.575	A A	0.000 0.000	NO NO	0.429 0.565	A A	-0.010 -0.010	NO NO
32.	[a] Flower Street & Venice Boulevard	A.M. P.M.	0.216 0.452	A A	0.217 0.461	A A	0.001 0.009	NO NO	0.217 0.461	A A	0.001 0.009	NO NO

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
33.	[a] Grand Avenue & 18th Street	A.M. P.M.	0.476 0.678	A B	0.482 0.708	A C	0.006 0.030	NO NO	0.482 0.708	A C	0.006 0.030	NO NO
34.	[a] Olive Street & 6th Street	A.M. P.M.	0.259 0.399	A A	0.259 0.435	A A	0.000 0.036	NO NO	0.259 0.435	A A	0.000 0.036	NO NO
35.	[a] Hope Street & 7th Street	A.M. P.M.	0.359 0.478	A A	0.405 0.483	A A	0.046 0.005	NO NO	0.395 0.473	A A	0.036 -0.005	NO NO
36.	[a] Grand Avenue & 7th Street	A.M. P.M.	0.390 0.475	A A	0.434 0.483	A A	0.044 0.008	NO NO	0.424 0.473	A A	0.034 -0.002	NO NO
37.	[a] Figueroa Street & Olympic Boulevard	A.M. P.M.	0.825 0.984	D E	0.840 0.985	D E	0.015 0.001	NO NO	0.840 0.985	D E	0.015 0.001	NO NO
38.	[a] Glendale Boulevard & Temple Street	A.M. P.M.	1.063 1.283	F F	1.063 1.287	F F	0.000 0.004	NO NO	1.063 1.287	F F	0.000 0.004	NO NO
39.	[a] Glendale Boulevard/ Lucas Avenue & Beverly Boulevard/ Ist Street/2nd Street	A.M. P.M.	0.667 0.766	B C	0.667 0.770	B C	0.000 0.004	NO NO	0.667 0.770	B C	0.000 0.004	NO NO
40.	[a] Lucas Avenue &	A.M.	0.701	C	0.701	C	0.000	NO	0.691	B	-0.010	NO

Table 2
Alternate Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service

No.	Intersection	Peak Hour	Future without Project		Future with Project with TDM Program, Before Mitigation				Future with Project with Mitigation			
			V/C	LOS	V/C	LOS	Change in V/C	Significant Impact?	V/C	LOS	Change in V/C	Significant Impact?
	3rd Street	P.M.	0.573	A	0.577	A	0.004	NO	0.567	A	-0.006	NO
41. [a]	Lucas Avenue & 6th Street	A.M.	0.841	D	0.848	D	0.007	NO	0.838	D	-0.003	NO
		P.M.	0.711	C	0.733	C	0.022	NO	0.723	C	0.012	NO
42. [a]	Lucas Avenue & Wilshire Boulevard	A.M.	0.707	C	0.723	C	0.016	NO	0.713	C	0.006	NO
		P.M.	0.944	E	0.953	E	0.009	NO	0.943	E	-0.001	NO

Note:

[a] Intersection is operating under the LADOT Adaptive Traffic Control System (ATCS). A credit of 0.10 in V/C ratio was included in the analysis.

Table 2 (Continued)
Alternate Future With Project With Mitigation Conditions (Year 2020)

Intersection Impact Summary						
Level of Service	Before Mitigation		With TDM		With Mitigation	
	A.M. Peak Hour	P.M. Peak Hour	A.M. Peak Hour	P.M. Peak Hour	A.M. Peak Hour	P.M. Peak Hour
C	1	3	2	0	1	0
D	2	2	0	1	0	0
E	2	2	2	2	2	1
F	0	7	0	5	0	5
Total Peak Hour Impacts	5	14	4	8	3	6
Total Individual Intersections Impacted	16		10		7	

2. Brookfield Comment: A new significant traffic impact at Francisco Street and 7th Street. Response to Comment II 3-49 indicates that once the omitted 755 S. Figueroa building is included as a related project, there will be a new significant impact at this intersection.

Response: As noted in the Memorandum, additional traffic analysis that includes the 755 South Figueroa Street related project was conducted in response to Comment 5 in the Crain & Associates letter dated December 14, 2010.

The analysis concluded that the addition of 755 S Figueroa Street related project's trips to the background traffic volumes do not alter the results of the significant impact analysis presented in the EIR and the Transportation Study, i.e. the Project would not result in any additional significant and unavoidable impacts beyond those already identified in the EIR.

While there may be a potential impact at the intersection of Francisco Street & 7th Street (intersection 18) under the Future with Project conditions, the impact is mitigated to less than significant by the Project's proposed TDM program which has been approved by LADOT and the City of Los Angeles' Planning Department. As shown in Tables 1 and 2, above, which were included in the Memorandum, the Project does not result in a significant impact at the intersection under both the Future with Project with TDM Program and Future with Project with Mitigation scenarios.

3. Brookfield Comment: A new significant traffic impact at Hope Street and First Street. Response to Comment II 3-79 indicates that this intersection, which we requested to be analyzed for potential significant impacts, does in fact result in a new significant impact at this intersection.

Response: As noted in the Memorandum, additional traffic analysis at new intersections and corridors was conducted in response to Comment IV. K. 4 in the DLA Piper appeal dated January 14, 2011. While the analysis did not include the 755 South Figueroa Street in the related projects, the results of the analysis noted in the Memorandum would remain unchanged even with the addition of the 755 S Figueroa Street related project's trips to the background traffic volumes. Below is a description of each of the intersections and corridors noted in the DLA Piper appeal, including the intersections of Hope Street & 1st Street and Union Avenue & Wilshire Boulevard noted in the comment:

Hope Street & 1st Street – As shown in Table 3, below, which was included in the Memorandum, any potential impact at the intersection of Hope Street & 1st Street is mitigated to less than significant by the proposed mitigation at the intersection. As noted in the Memorandum, the Applicant or its successor shall install or pay LADOT to provide for design and installation of system loops at this intersection. The Applicant has received the approval of LADOT for the proposed mitigation.

The analysis at this intersection was conducted to the same level of detail as that presented in the DEIR. As noted in the Memorandum:

“Recent traffic counts (year 2005) for the intersection of Hope Street & 1st Street were obtained from LADOT. The Future without Project (year 2020) traffic volumes were developed by growing the

year 2005 traffic counts at this intersection by an ambient growth rate of 0.75% per year followed by the addition of Related Projects' traffic. The Future with Project with TDM Program (year 2020) traffic volumes were next generated by adding the Project-only traffic volumes, after the TDM Program, to the Future without Project traffic volumes. These traffic volumes were then analyzed using the CMA methodology. In order to alleviate any potential impact at this intersection, the Applicant or its successor shall install or pay LADOT to provide for design and installation of system loops at this intersection. Therefore, a 1% (a 0.01 improvement in V/C ratio) increase in intersection capacity has been accounted for at this intersection. Table 9 summarizes the LOS and the significant impact analysis for the intersection for the weekday morning and afternoon peak hours. As shown in the table, with the proposed system loops in place, the Project is not expected to result in a significant impact at this intersection during either peak hour."

The addition of the 755 South Figueroa Street related project to the background would not alter the Project's incremental impact at this intersection. Therefore, per LADOT's most stringent significant impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), the Project's net incremental impact of 0.008 during the morning peak hour and -0.004 during the afternoon peak hour would not result in a significant impact even with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes. Therefore, the proposed mitigation measure (system loops) would mitigate any potential impacts from the Project to a level below significance even if the analysis included trips from the 755 South Figueroa Street related project.

Union Avenue & Wilshire Boulevard – The comment states that the analysis presented in the Memorandum excludes information regarding whether the impact the intersection of Union Avenue & Wilshire Boulevard is significant prior to mitigation. As shown in Figure 27 in Chapter 5 of the Transportation Study, no physical and/or operational mitigations have been assumed at the intersection of Union Avenue & Wilshire Boulevard. The only mitigation assumed in the analysis for this intersection is the Project's proposed TDM program which has been approved by LADOT and the City of Los Angeles' Planning Department.

Additionally, as shown in Table 3, below, which was included in the Memorandum, the intersection is projected to operate at LOS B (V/C of 0.699) during the morning peak hour and LOS D (V/C of 0.807) during the afternoon peak hour. The Project's incremental impact at this intersection is 0.007 during the morning peak hour and 0.000 during the afternoon peak hour. Even if the analysis did not include the Project's TDM program, the Project would not result in a significant impact at this intersection during either peak hour because the intersection's LOS would not deteriorate to LOS D or worse (a change in V/C of 0.102 or more) during the morning peak hour and the Project's incremental impact at the intersection would remain 0.000 during the afternoon peak hour without the TDM program.

The addition of the 755 South Figueroa Street related project to the background would not alter the Project's incremental impact at this intersection. Therefore, per LADOT's most stringent significant

impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), the Project's incremental impact of 0.007 during the morning peak hour and 0.000 during the afternoon peak hour would not result in a significant impact even if the intersection was operating at LOS F with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes.

Hope Street & 2nd Street – As noted in the Memorandum:

“The intersection of Hope Street & 2nd Street is a T-intersection with only northbound and westbound movements. Northbound Project-only traffic travels either on Figueroa Street or on Grand Avenue and no Project trips are expected to use northbound Hope Street. Similarly, Project-only trips from the east travel on other major corridors such as 1st Street, Temple Street, and/or 3rd Street instead of traveling on 2nd Street. Therefore, no Project traffic has been assigned to the intersection of Hope Street & 2nd Street and therefore the Project is not expected to result in a significant impact at this intersection during either peak hour.”

Since no Project traffic is expected to travel through this intersection, the Project would not result in a significant impact at this intersection during either peak hour even with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes.

Figueroa Street & 11th Street – As noted in the Memorandum:

“The Project-only trips assigned through the intersection of Figueroa Street & 11th Street can be estimated based on the Project-only trips assigned through the intersection of Figueroa Street & Olympic Boulevard (#37). As shown in Figure 21 on page 114 of the Transportation Study, a maximum of 39 Project-only trips (through and right-turn movements) are added to the northbound approach at Figueroa Street & Olympic Boulevard during either peak hour.

Figueroa Street has three northbound through lanes at its intersection with 11th Street. Additionally, since this intersection has protected phasing in three directions, it has a capacity of 1,375 vphpl per CMA methodology. The Project's incremental impact at this intersection would therefore translate into a maximum increase of 0.009 in V/C ratio. Per LADOT's significant impact criteria, this level of increase would not result in a significant impact even if the intersection was operating at LOS F.”

As noted above, the Project's incremental impact at this intersection would translate into a maximum increase of 0.009 in V/C ratio. Therefore, per LADOT's most stringent significant impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), this level of increase would not result in a significant impact even if the intersection was operating at LOS E or F with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes.

Union Avenue & 7th Street – As noted in the Memorandum:

“As shown in Figure 15 on page 74 of the Transportation Study, the Project’s trip distribution does not assign any traffic on Union Avenue. Therefore, the Project-only trips assigned through the intersection of Union Avenue & 7th Street can be estimated based on the Project-only trips assigned through the intersection of Alvarado Street & 7th Street (#16). As shown in Figure 21 on page 114 of the Transportation Study, a maximum of 24 Project-only trips (through and right-turn movements) are added to one approach in the east-west direction at Alvarado Street & 7th Street during either peak hour. The Project does not add any trips to the north-south direction.

7th Street has two through lanes at its intersection with Union Avenue. Additionally, since this intersection has permitted phasing in all directions, it has a capacity of 1,500 vehicles per hour per lane (vphpl) per CMA methodology. The Project’s incremental impact at this intersection would therefore translate into a maximum increase of 0.008 in volume-to-capacity (V/C) ratio. Per LADOT’s significant impact criteria, this level of increase would not result in a significant impact even if the intersection was operating at LOS F.”

As noted above, the Project’s incremental impact at this intersection would translate into a maximum increase of 0.008 in V/C ratio. Therefore, per LADOT’s most stringent significant impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), this level of increase would not result in a significant impact even if the intersection was operating at LOS E or F with the addition of the 755 South Figueroa Street related project’s trips to the background traffic volumes.

James M. Wood Boulevard west of Downtown – As noted in the Memorandum:

“The Project-only trips assigned through the James M. Wood Boulevard corridor west of Downtown can be estimated based on the Project-only trips assigned through the intersection of Francisco Street & James M. Wood Boulevard/SR 110 northbound off-ramp (#27). As shown in Figure 21 on page 114 of the Transportation Study, the Project does not add any trips to James M. Wood Boulevard. Therefore, the Project would not result in a significant impact at any intersections along the James M. Wood Boulevard corridor west of Downtown.”

Since no Project traffic is expected to travel along the James M. Wood Boulevard corridor west of Downtown, the Project would not result in a significant impact at any intersections along the corridor during either peak hour even with the addition of the 755 South Figueroa Street related project’s trips to the background traffic volumes.

Olympic Boulevard west of Figueroa Street – As noted in the Memorandum:

“The Project-only trips assigned through the Olympic Boulevard corridor west of Figueroa Street can be estimated based on the Project-only trips assigned through the intersection of Figueroa Street & Olympic Boulevard (#37). As shown in Figure 21 on page 114 of the Transportation Study, the Project does not add any trips to Olympic Boulevard. Therefore, the Project would not result in a significant impact at any intersections along the Olympic Boulevard corridor west of Figueroa Street.”

Since no Project traffic is expected to travel along the Olympic Boulevard corridor west of Figueroa Street, the Project would not result in a significant impact at any intersections along the corridor during either peak hour even with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes.

Olympic Boulevard east of Figueroa Street – As noted in the Memorandum:

“Recent traffic counts (year 2008) were obtained from LADOT for the intersections of:

- Grand Avenue & Olympic Boulevard
- Olive Street & Olympic Boulevard
- Flower Street & Olympic Boulevard

The Future without Project (year 2020) traffic volumes were developed by growing the year 2008 traffic counts at these intersections by an ambient growth rate of 0.75% per year followed by the addition of Related Projects' traffic. The Future with Project with TDM Program (year 2020) traffic volumes were next generated by adding the Project-only traffic volumes, after the TDM Program, to the Future without Project traffic volumes. These traffic volumes were then analyzed using the CMA methodology. Table 9 summarizes the LOS and the significant impact analysis for the above-noted intersections for the weekday morning and afternoon peak hours. As shown in the table, the Project does not result in a significant impact at these intersections during either peak hour.”

As shown in Table 3, below, which was included in the Memorandum, the Project would not result in any potential impacts at intersections on Olympic Boulevard east of Figueroa Street. The analysis at these intersections was conducted to the same level of detail as that presented in the DEIR.

Grand Avenue & Olympic Boulevard – As shown in Table 3, below, the intersection of Grand Avenue & Olympic Boulevard (intersection 2) is projected to operate at LOS A during both peak hours (V/C of 0.441 during the morning peak hour and 0.541 during the afternoon peak hour). The Project's incremental impact at this intersection is 0.002 during the morning peak hour and 0.014 during the afternoon peak hour. Even with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes, the intersection's LOS would not deteriorate to LOS E or F (a change in four levels of service) during either peak hour. In fact, it can be assumed that the 755 South Figueroa Street related project's effect at this intersection would be approximately the same as that of Project since the distance and land uses of the two developments

are similar. Even with a slightly higher trip generation than the Project, the 755 South Figueroa Street related project's effect at this intersection would not be much higher than the Project's increment of 0.002 during the morning peak hour and 0.014 during the afternoon peak hour. This increment would therefore not change the intersection's LOS to E or F. The addition of the 755 South Figueroa Street related project to the background would not alter the Project's incremental impact at this intersection.

Therefore, even if it is conservatively assumed that the addition of the 755 South Figueroa Street related project to the background would change the LOS at this intersection to D (V/C of 0.801 or more) during the afternoon peak hour (an unlikely increment of 0.260 attributable to the 755 South Figueroa Street project), the Project's incremental impact of 0.014 would not result in a significant impact at this intersection per LADOT's significant impact criteria (i.e. Project increment of 0.02 or more at LOS D).

During the morning peak hour, the Project's incremental impact at this intersection would translate into a maximum increase of 0.002 in V/C ratio. Therefore, per LADOT's most stringent significant impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), this level of increase would not result in a significant impact even if the intersection was operating at LOS E or F (V/C of 0.901 or more) with the addition of the 755 S Figueroa Street related project's trips to the background traffic volumes (an unlikely increment of 0.460 attributable to the 755 S Figueroa Street project).

Olive Street & Olympic Boulevard – As shown in Table 3, below, the intersection of Grand Avenue & Olympic Boulevard (intersection 3) is projected to operate at LOS B or better during both peak hours (V/C of 0.459 during the morning peak hour and 0.692 during the afternoon peak hour). The Project's incremental impact at this intersection is 0.014 during the morning peak hour and 0.001 during the afternoon peak hour. Even with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes, the intersection's LOS would not deteriorate to LOS E or F (a change in three or more levels of service) during either peak hour. In fact, it can be assumed that the 755 South Figueroa Street related project's effect at this intersection would be approximately the same as that of Project since the distance and land uses of the two developments are similar. Even with a slightly higher trip generation than the Project, the 755 South Figueroa Street related project's effect at this intersection would not be much higher than the Project's increment of 0.014 during the morning peak hour and 0.001 during the afternoon peak hour. This increment would therefore not change the intersection's LOS to E or F. The addition of the 755 South Figueroa Street related project to the background would not alter the Project's incremental impact at this intersection.

Therefore, even if it is conservatively assumed that the addition of the 755 S Figueroa Street related project to the background would change the LOS at this intersection to D (V/C of 0.801 or more) during the morning peak hour (an unlikely increment of 0.109 attributable to the 755 S Figueroa Street project), the Project's incremental impact of 0.014 would not result in a significant impact at this intersection per LADOT's significant impact criteria (i.e. Project increment of 0.02 or more at LOS D).

During the afternoon peak hour, the Project's incremental impact at this intersection would translate into a maximum increase of 0.002 in V/C ratio. Therefore, per LADOT's most stringent significant impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), this level of increase would

not result in a significant impact even if the intersection was operating at LOS E or F (V/C of 0.901 or more) with the addition of the 755 S Figueroa Street related project's trips to the background traffic volumes (an unlikely increment of 0.442 attributable to the 755 South Figueroa Street project).

Flower Street & Olympic Boulevard – As shown in Table 3, below, the Project's incremental impact at this intersection is 0.000 during the morning peak hour and 0.008 during the afternoon peak hour. Therefore, per LADOT's most stringent significant impact criteria (i.e. Project increment of 0.01 or more at LOS E or F), this level of increase would not result in a significant impact even if the intersection was operating at LOS E or F with the addition of the 755 South Figueroa Street related project's trips to the background traffic volumes.

**Table 3
Future With Project With Mitigation Conditions (Year 2020)
Intersection Peak Hour Levels Of Service**

No.	Intersection	Peak Hour	Future Without Project		Future with Project with Mitigation			Significant Impact?
			V/C	LOS	V/C	LOS	Change in V/C	
1.	[a] Hope Street & 1st Street	A.M.	0.923	E	0.931	E	0.008	NO
		P.M.	1.125	F	1.121	F	-0.004	NO
2.	[a] Grand Avenue & Olympic Boulevard	A.M.	0.439	A	0.441	A	0.002	NO
		P.M.	0.527	A	0.541	A	0.014	NO
3.	[a] Olive Street & Olympic Boulevard	A.M.	0.445	A	0.459	A	0.014	NO
		P.M.	0.691	B	0.692	B	0.001	NO
4.	[a] Flower Street & Olympic Boulevard	A.M.	0.339	A	0.339	A	0.000	NO
		P.M.	0.719	C	0.727	C	0.008	NO
5.	[a] Union Avenue & Wilshire Boulevard	A.M.	0.692	B	0.699	B	0.007	NO
		P.M.	0.807	D	0.807	D	0.000	NO

Note:

[a] Intersection is operating under the LADOT Adaptive Traffic Control System (ATCS). A credit of 0.10 in V/C ratio was included in the analysis.

4. Brookfield Comment: A new significant construction traffic impact as a result of Phase 2 construction. Phase 2 appears to require haul trucks and construction trucks to use Wilshire Boulevard since the construction staging area must be along either Wilshire Boulevard and/or Figueroa Street in order to provide access to the Phase 2 construction area. EIR p. IV.B-46 does

not include Wilshire Boulevard as a haul route, and we believe it should not be, but if the construction staging area for Phase 2 is along Wilshire Boulevard as now proposed by the Applicant, this is not only an unacceptable change because Wilshire Boulevard is too important of an arterial roadway to limit the lanes, but it will also create a new significant impact. Response to Comment 3-30 indicates that a portion of Wilshire Boulevard would now be closed "to provide room for construction staging." This was not fully disclosed in the EIR. Further, while the Response to Comment indicates that four travel lanes would remain operational on Wilshire Boulevard, there is no assurance that the two left turn lanes on Wilshire Boulevard would remain open during construction (inclusive of the two left turn lanes, there are a total of six lanes on Wilshire Boulevard between Francisco and Figueroa). These lanes are critical and their potential removal during construction as a result of the new construction staging area along Wilshire Boulevard for Phase 2 would cause unacceptable new significant traffic impacts and great harm to Brookfield's properties.

Response: As noted in the Memorandum in response to Comments II. E. 2. and IV. K. 3 in the DLA Piper appeal dated January 14, 2011:

"As noted on page 194, Chapter 9 of the Transportation Study, lane closures on Wilshire Boulevard and Figueroa Street would be limited to:

- The parking lane on the west side of Figueroa Street, along the Project Site, from Wilshire Boulevard to 7th Street during the entire construction period to allow for construction and protected pedestrian access. This would result in a loss of on-street parking on the west side of this section of Figueroa Street. The remaining four travel lanes would remain operational.
- The parking lane on the south side of Wilshire Boulevard, between Figueroa Street and Francisco Street, during the entire construction period. The four travel lanes would remain operational.

While the Transportation Study does include the statement that a lane closure of the parking lane on the south side of Wilshire Boulevard would occur, this should be corrected to state that the existing drop-off area on the south side of Wilshire Boulevard would be utilized for construction staging. The four existing travel lanes on Wilshire Boulevard will remain operational. Therefore, the construction activities would not result in any traffic lane closures on both Figueroa Street and Wilshire Boulevard."

As noted above, Phase 2 construction activities would not result in any travel lane closures on Wilshire Boulevard. The only closure on Wilshire Boulevard would be of the existing drop-off area to the existing Wilshire Grand Hotel on the south side of Wilshire Boulevard.

The four travel lanes noted in the Memorandum refer to the travel lanes mid-block on Wilshire Boulevard between Francisco Street and Figueroa Street. However, the two left-turn lanes on eastbound Wilshire Boulevard at Figueroa Street would also remain operational. The construction activities would not result in any travel lane closures on the Wilshire Boulevard corridor or at the intersection of Figueroa Street & Wilshire Boulevard.

5. Brookfield Comment: New significant noise impacts as a result of heliport operations. Response to Comment 3-23 indicates that 55 dBA L_{max} is the "criteria for speech interference."

Several Responses to Comments (i.e., 2-23, 3-23) assume that there would be a 35 dBA exterior-to-interior noise attenuation as a result of the existing building materials at 601 S. Figueroa, such that the noise levels produced by the heliport would be below a level that would cause speech interference. Pursuant to the field testing done at the building (see the February 17, 2011 letter from PBS&J to Mr. Mark Phillips, attached and incorporated by reference), the exterior-to-interior noise attenuation is only 22 dBA. As a result, whether at the proposed 1,090 AGL or a reduced height elevation which would be allowed through the Design Flexibility Program, utilizing the field measured 22 dBA noise attenuation (and not the EIR's overstated assumed 35 dBA noise attenuation), heliport operations would cause interior noise levels to exceed the 55 dBA L_{max} threshold at 601 S. Figueroa and 725 S. Figueroa buildings. Contrary to Response to Comments 3-26, the estimated helicopter noise levels at the interior of 601 and 725 S. Figueroa would not be consistent with the typical office building background noise level, would not be below the 55 dBA L_{max} criteria for speech interference, and it would warrant additional sound attenuation. These are new significant impacts.

Response: The new significant noise impacts conclusion made in the DLA Piper letter is based on the assumption that the 601 S. Figueroa building façade provides an exterior to interior noise attenuation of 22 dBA, as provided in the PBS&J letter dated February 17, 2011. As provided in the AES response to comments to the PBS&J letter dated February 17, 2011 (see AES Letter dated February 23, 2011 and attached as Exhibit B hereto), the approach used by PBS&J to determine the building exterior to interior sound attenuation provides erroneous results. As such, the conclusion of new significant noise impacts at the 601 S. Figueroa, which was based on erroneous building sound attenuation information, is not valid.

6. Brookfield Comment: New significant noise impact as a result of heliport operations. Response to Comment 2-24 states that "with respect to speech interference levels, a maximum noise level of 55-dBA L_{max} is used as criteria for classroom environment, where speech is an important consideration," but concludes heliport operations would result in less than significant impacts. Yet, Response to Comment 3-23 indicates that at nearby Gratts Elementary School, the heliport would cause noise levels to exceed 68 dBA L_{max} or 69 dBA L_{max} (at the Project's top proposed height or a reduced building height, respectively). These noise levels would exceed a maximum noise level of 55-dBA L_{max} is used as criteria for classroom environment, where speech is an important consideration, and thus cause a new significant impact not previously disclosed.

Response: The conclusion made in the Letter is based on comparing the estimated heliport noise levels (68 dBA L_{max} or 69 dBA L_{max}) at the exterior of the school to that of the speech interference level of 55 dBA L_{max} at the interior of the classroom building. This is an incorrect comparison. As provided in the Draft EIR Section IV.C, the significance threshold at the Gratts Elementary School (Receptor 18) is 80 dBA L_{max} at the exterior of the school buildings. Therefore, the estimated heliport operations noise levels (68 dBA L_{max} or 69 dBA L_{max}) at the exterior of the school buildings would be well below the significance threshold of 80 dBA L_{max} . Furthermore, it is estimated that the heliport noise at the interior of the school classroom building would be attenuated to maximum of 44 dBA L_{max} (exterior noise level of 69 dBA L_{max} minus the building attenuation of minimum 25 dBA sound attenuation), which would be below the speech interference level of 55 dBA L_{max} . Contrary to the letter, there would not be any new noise impacts due to the heliport operations at the Gratts Elementary School.

7. Brookfield Comment: New significant noise impacts as a result of heliport operations. If the heliport is reduced in height as a result of the Design Flexibility Program, there will be a new significant impact at the Jonathan Club (Response to Comment 3-23).

Response: As concluded in the Draft EIR Alternative Analysis, noise impacts associated with the heliport operations under the Reduced Height Alternative could potentially exceed the Project's significance threshold of 94 dBA SEL at the nearest off-site noise sensitive receptors, which includes the Jonathan Club (Draft EIR, Receptor R17). Therefore, the noise impact at the Jonathan Club if the heliport elevation under the Reduced Height Alternative is not a new significant impact, as it was previously disclosed in the Draft EIR. In addition, a new condition of approval has been recommended to limit the lowest height of the heliport to 817 feet above the ground level, which will reduce the noise level at Receptor 17 to less than significant.

8. Brookfield Comment: Feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project.

Brookfield has proposed new or modified conditions of approval which would clearly lessen the significant environmental impacts of the Project.

Response: These recommended mitigation measures and conditions have been addressed in the Additional Responses to Comments document, Responses to Comments 3-3 through 3-13, and 3-17 through 3-38.

9. Brookfield Comment: The lack of mitigation and appropriate conditions to limit the adverse impacts of the Project thwart CEQA's requirement for the City to "mitigate or avoid the significant effect on the environment of projects that it carries out or approves whenever it is feasible to do so" In fact, the effectiveness of many of the current Project mitigation measures is unknown and the significant impacts of the Project would remain unabated and worse than disclosed in the EIR. See CCR Section 15164. For example, MM-20 requires a TDM program, but it does not comply with the requirements listed in LADOT's traffic assessment letter to conduct annual trip monitor and reporting with set "trip reduction milestones and a monitoring program to ensure effective participation and compliance with the TDM goals; non-compliance to the trip-reduction goals would lead to financial penalties or may require the implementation of physical improvements." See Response to Comments II 3-80. MM-20 does not include any trip reduction goals, financial penalties or implementation of physical improvements. Without these components, trip reductions will be overstated. And if the TDM program requires potential physical improvements, there has been no analysis of the environmental impacts of this component and it is unclear how MM-20 would require their implementation since nothing is in the Mitigation Measure that would even hint that physical improvements may be required, as indicated in Response to Comment II 380 and LADOT's traffic assessment. Further, on a fundamental basis, it is unclear how MM-20 would further reduce trips above and beyond the numerous transit and internal trip capture credits that the Project is already taking. CEQA does not allow double dipping of trip credits and substantial evidence does not support the additional TDM trip credits because similar credits were already taken.

Response: As noted in the Memorandum in response to Comment IV. K. 5 in the DLA Piper appeal dated January 14, 2011:

“The Project’s trip generation estimates were prepared in consultation with and approved by LADOT. Additionally, as noted in LADOT’s traffic assessment letter, the Project would be required to comply with the trip estimates noted in the EIR as the Project’s TDM Program would be required to include:

“an annual trip monitoring and reporting program that sets trip-reduction milestones and a monitoring program to ensure effective participation and compliance with the TDM goals; non-compliance to the trip-reduction goals would lead to financial penalties or may require the implementation of physical transportation improvements.”

While the EIR does not detail an annual trip monitoring and reporting program, as noted in LADOT’s assessment letter, the Project would be subject to standard LADOT trip monitoring requirements that have been employed for numerous projects across the City of Los Angeles and have also been outlined in LADOT’s latest Traffic Studies Policies and Procedures, December 2010. It should also be noted that trip monitoring programs are usually developed at the time of the issuance of the first Certificate of Occupancy of a development project rather than during the EIR process, and these programs are developed and monitored under the supervision of LADOT. Therefore, the Project’s trip monitoring program and trip reduction goals would be monitored by LADOT per their standard procedures.

Furthermore, as shown in the attached Table 4, which was provided in the Memorandum and the Responses to Comments to the DEIR, the credits taken by the Project’s traffic analysis were consistent with (and in fact less than) the credits taken by other Downtown projects.

**Table 4
Comparison of Trip Generation Credits**

Land Use	LASED - LA Live (Area A) and Area B [a]	Bunker Hill [b]	Project
Office			
Internal Capture	5%	-	0%
Transit	20%	-	25%
Walk	5%	-	5%
TOTAL	28%	30%	29%
Retail/Restaurant			
Internal Capture	20%	-	20%
Central Business District Adjustment	32%	-	20%

**Table 4
Comparison of Trip Generation Credits**

Land Use	LASED - LA Live (Area A) and Area B [a]	Bunker Hill [b]	Project
Transit	5%	-	15%
Walk	5%	-	0%
Pass-By [c]	10%	-	0%
TOTAL	56%	55%	46%
<u>Fitness Facility/Spa</u>			
Internal Capture	10%	-	20%
Central Business District Adjustment	0%	-	20%
Transit	5%	-	15%
Walk	5%	-	0%
Pass-By [c]	20%	-	0%
TOTAL	35%	-	46%
<u>Hotel</u>			
Internal Capture	15%	-	0%
Central Business District Adjustment	40%	-	0%
Transit	20%	-	25%
Walk	5%	-	5%
TOTAL	61%	50%	29%
<u>Residential</u>			
Internal Capture	10%	-	0%
Transit	10%	-	25%
Walk	10%	-	5%
TOTAL	27%	30%	29%

Notes:

[a] Los Angeles Sports and Entertainment District (LASED) Specific Plan, City of Los Angeles, October 2001.

[b] Bunker Hill Design for Development Program EIR, Kaku Associates, Inc., August 2005.

[c] Pass-by trips are defined as intermediate stops on the way from an origin to a primary trip destination without a route diversion. These trips are attracted from traffic passing the site on an adjacent street that offers direct access to a site.

10. Brookfield Comment: The EIR does not include substantial evidence that DOT would not approve a five lane Francisco; proposed improvements to Wilshire Boulevard, including a triple left or triple dual/through left turn lane, or a direct exit from the parking garage onto Figueroa Street. Recently approved Ordinance 181,557 allows adjustments to the Downtown Street Standards and

Design Guidelines, and substantial evidence does not indicate that Brookfield's proposed Mitigation Measures are not feasible (Response to Comments 11 2-43, 3-3).

Response: The City has consistently declined to adjust its Downtown Street Standards and Design Guidelines with respect to the Project. Additionally, LADOT has approved the Project's access and circulation plan and mitigation program.

11. Brookfield Comment: Brookfield's proposed condition that would require retail market parking rates could be enforced through the Development Agreement's Annual Review. The Applicant should be required to provide a retail market study annually to support the market parking rates for retail uses in an urban shopping center (Response to Comments II 3-9).

Response: Visitor parking for the Project will conform to short-term parking rates as dictated by the market. It is very common that visitor parking in the project area is governed by parking validations that offer parking at a reduced rate for customers of the specific site visited. For the reasons stated in Additional Responses to Comments 2-15, the City declined to adopt Brookfield's proposal to regulate parking rates at the Project.

12. Brookfield Comment: Response to Comments II 3-12 lists lighting levels of signage at the tops of nearby Downtown buildings. While the candela level proposed at the crown of the Project's buildings is similar, the area of the signage that the Applicant proposes at the crown is much greater than any other surrounding building.

Response: The EIR analyzed the lighting levels of the Project's signage at the top of the building and determined that it would not cause a significant impact. As stated in the Final EIR, Appendix IV.E, Tables 2 and 3, signage in Level 4 (the crown) is to be regulated by LAMC for size and limitations for building identification signage only. Large scale integral architectural lighting is to be only the top ten percent of each building over 170 feet in height above grade.

Furthermore, as discussed in the Additional Responses to Comment document, Response to Comment 3-12, the proposed crown lighting of the Project's buildings would be no brighter than several nearby examples of office tower crown signage illumination and the brightness of the Vertical Zone 4 crown signage would be limited to no more than 130 candelas per square meter. For comparison and reference, the illuminated signs of adjacent tall buildings range from 109 candelas per square meter for the Paul Hastings tower, and 124 candelas per square meter for the City National Bank tower, to a maximum of 179 candelas per square meter for the US Bank tower. The proposed intensity of the Project's crown is consistent with current installed applications. Contrary to the author's assertion, the amount of signage would not increase the brightness of such signage. Lighting is measured cumulatively, and the size of the signage on the crown, as proposed, would not result in an increased amount of illumination or brightness.

13. Brookfield Comment: A letter from PBS&J, dated February 17, 2011, is attached to the letter submitted by DLA Piper. The PBS&J letter is responded to by the letter dated February 23, 2011 from AES, attached as Exhibit B.

Response to 1000 Wilshire Letter

1. 1000 Wilshire Comment: The EIR does not contain a stable, accurate, and finite project description, precluding an understanding of what the project actually contains.

Response: As explained in the Additional Response to Comments 2-34, the Project Description is stable, accurate and finite. The Land Use Equivalency Program was analyzed in each impact section based on the scenario that would be most impactful in order to evaluate the impacts of the most conservative scenario.

2. 1000 Wilshire Comment: The project proposes a level of development that is wholly inappropriate absent additional mitigation measures.

Response: The Wilshire Grand Redevelopment Project is appropriate for downtown Los Angeles. The EIR analyzed the Project's potential growth inducing impacts, and determined that the impact would not be significant.

The Applicant is proposing to purchase floor area rights from the Convention Center to increase floor area at the Project Site. Therefore, the EIR correctly analyzed the Project's impacts at the Project Site, not near the Convention Center. The potential impacts if the project were built near the Convention Center are irrelevant since the Project will be built at the Project Site, not near the Convention Center.

3. 1000 Wilshire Comment: The project would provide grossly inadequate parking.

Response: The 1,900-space parking supply was determined through a Shared Parking analysis that was based on the nationally accepted Urban Land Institute model and methodology. The Shared Parking study was reviewed and approved by the City of Los Angeles. It has always been the intent of the Project to provide the correct amount of parking that meets the Project needs but still supports and utilizes the transit system serving the Project and the Project's TDM program.

The EIR analyzes the impacts of the Project on parking supply and demand (see page IV.B-50 of the Draft EIR). The rate used for the fitness center is appropriate for a fitness center within a mixed-use development in the downtown area, including trips by patrons already located in the building (office tenants, hotel patrons, residents).

The parking analysis presented in the EIR is based on LADOT-approved and nationally recognized Urban Land Institute's shared parking model. The Shared Parking analysis shows that only 2-3 hours per day during the 2-3 busiest months of the year will reach the occupancy levels described in the comment. Since the garage will be fully staffed and include extensive valet operations, the projected occupancy levels are appropriate for this project. Excess parking would undermine the transit service and the TDM program proposed by the Project.

The Commenter presents no evidence that the Project's parking supply of 1,900 spaces is inadequate. The City of Los Angeles' staff have reviewed and approved the Shared Parking analysis presented in Chapter 7 of the Transportation Study which demonstrates that the proposed 1,900 spaces would indeed be adequate to meet the Project's parking demand. There is no evidence

presented that the project would result in “poaching” of adjacent parking supplies or spillover onto adjacent streets. Evenings and weekends will have over 1,000 empty spaces in the Project garage to accommodate banquets, meetings, retail, health club, and restaurant parking demand. The requested analysis of parking “poaching” is not a typical element of EIR considerations. The Commenter is concerned that his parking supply will be used by Project visitors and tenants because the parking fees at the 7th Street Marketplace will be less than the fees charged at the Project’s parking garage.

The EIR analyzes the impacts of the Project on parking supply and demand. In terms of spillover parking, the parking analysis clearly shows that the Project has enough parking to meet its peak parking demand, and therefore there is no reason to believe that spillover parking will be an issue. Visitor parking for the Project will conform to short-term parking rates as dictated by the market. It is very common that visitor parking in the Project area is governed by parking validations that offer parking at a reduced rate for the specific site visited.

4. 1000 Wilshire Comment: 1000 Wilshire requests reasonable circulation mitigations.

Response: The EIR correctly concluded that Francisco Street can accommodate the office building’s traffic and that no additional points of ingress or egress are needed.

5. 1000 Wilshire Comment: The requested sign district is unprecedented and was correctly modified by the City Planning Commission.

Response: The referenced mitigation measure MM-8, states “The proposed displays (levels 1, 2, and 3) shall operate between the hours of dawn to 2:00 am, with the exception of the crown (level 4) of each of the Project buildings, which should be operable at all times for the purposes of building identification.” The comment implies that this is the only mitigation measure provided to reduce potential impacts at nearby residences. However, as discussed in the EIR, views of the project site from the nearest residences are limited by intervening development and intermittent. Conservatively, the EIR concluded that without mitigation, the Project would have a potentially significant impact with respect to artificial light on light-sensitive uses. The EIR provides a total of fourteen mitigation measures to reduce this impact to less-than-significant. This impact is not directly related to the hours of operation associated with the proposed signage, and as such further limitation is not warranted.

With respect to the nature and severity of the impact, as related to signage, reported in the EIR, the commenter is referred to Draft EIR Section IV.D, Visual Resources. Specifically, the Draft EIR states (page IV.D-21), “The change in character from a mid-rise 16-story hotel use to a high-density mixed-use development that could include animated and static signs and Integral Electronic Display Signs (animated and static) would represent a substantial change in visual character. The large-scale Integral Electronic Display Signs would focus the attention of the viewer. Furthermore, because of the size and visibility of proposed signage, the Project would introduce elements that might be considered to detract from the visual character of the area, such as bright colors, radiant lighting, and an increase in signage relative to current signage levels in the area. These elements would change the existing character of the area, creating a significant impact.”

6. 1000 Wilshire Comment: The EIR did not analyze the impacts of the Project on existing conditions.

Response: The Additional Responses to Comments Addresses the *Sunnyvale* Case.

As previously noted, in order to address the *Sunnyvale* case, the Additional Responses to Comments issued by the Planning Department includes a detailed analysis of traffic, noise, air quality and alternatives impacts of the Project when compared to existing conditions as of the 2009 Notice of Preparation. (See Response to Comment 3-60) The analysis concluded that there would be no new or different traffic impacts. Indeed, with application of the TDM program and mitigation measures, there would be fewer significantly impacted intersections under existing conditions. With respect to noise impacts other than traffic-related noise, all of the analysis was based on Project impacts using existing conditions as the environmental baseline. The analysis was repeated for traffic-related noise using existing conditions and it was concluded that there would be no significant impacts. Similarly, the air quality analysis was conducted using existing conditions and it was concluded that there would be no new significant impacts. Finally, the alternatives were analyzed using an existing condition baseline in accordance with *Sunnyvale* case.

7. 1000 Wilshire Comment: The CPC could not have considered the updated analysis in deciding whether to certify the EIR, and therefore adopted a defective EIR.

Response: The City Planning Commission correctly determined that the EIR complies with CEQA. In order to address issues raised at the City Planning Commission hearing, the Brookfield appeal and subsequent letters, the City Planning Department issued Additional Response to Comments that confirm the validity of the EIR and the City Planning Commission's certification of the EIR.

8. 1000 Wilshire Comment: The City must recirculate the EIR to allow decisionmakers and the public an adequate opportunity to consider and comment on the new analysis.

Response: The CEQA Guidelines prescribe very narrow circumstances in which a lead agency must recirculate an EIR. As discussed above, the Additional Response to Comments did not identify any significant new impacts that cannot be mitigated, any substantial increase in severity of impacts, or any new feasible mitigation measures. Therefore, CEQA does not require that the lead agency recirculate the EIR.

9. 1000 Wilshire Comment: The assumptions of the Air Quality and Noise analysis differed substantially from those of the Traffic analysis.

Response: The commenter incorrectly paraphrases Response to Comment 3-60 in the Additional Responses to Comments document. Response 3-60 stated that the analyses of construction air quality and noise emissions provided in the Draft EIR were based on comparison to a 2009 baseline, which was a correct statement. The Response acknowledged that the analysis of operational mass emissions, carbon monoxide concentrations, Harbor Freeway health risk assessment and traffic noise in the Draft EIR compared the respective project air quality and noise levels to a future 2020 baseline. None of the air quality and noise analyses in the Draft EIR utilized a 2035 baseline year. Response 3-60 stated that further analysis was undertaken for each of these areas to compare project impacts to a year 2009 baseline. The level of project air and noise emissions did not change in this

analysis from the levels presented in the Draft EIR. This further analysis resulted in the same conclusions as presented in the Draft EIR (i.e., no significant impacts would occur). The further analysis utilized the same methodologies as were utilized in the Draft EIR, with the exception of the baseline year. Therefore, the results of the further analysis reflect the correct quantitative relationships to the Project's traffic analysis and provide a direct comparison to the determination of significant impacts that was previously provided in the Draft EIR.

EXHIBIT B

AES Letter Dated February 23, 2011

AES

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February 23, 2011

Ayahlushim Hammond
Thomas Properties Group
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Los Angeles, California 90071

**Re: Wilshire Grand Redevelopment EIR –
Response to PBS&J Letter Dated February 17, 2011**

Dear Ms. Hammond:

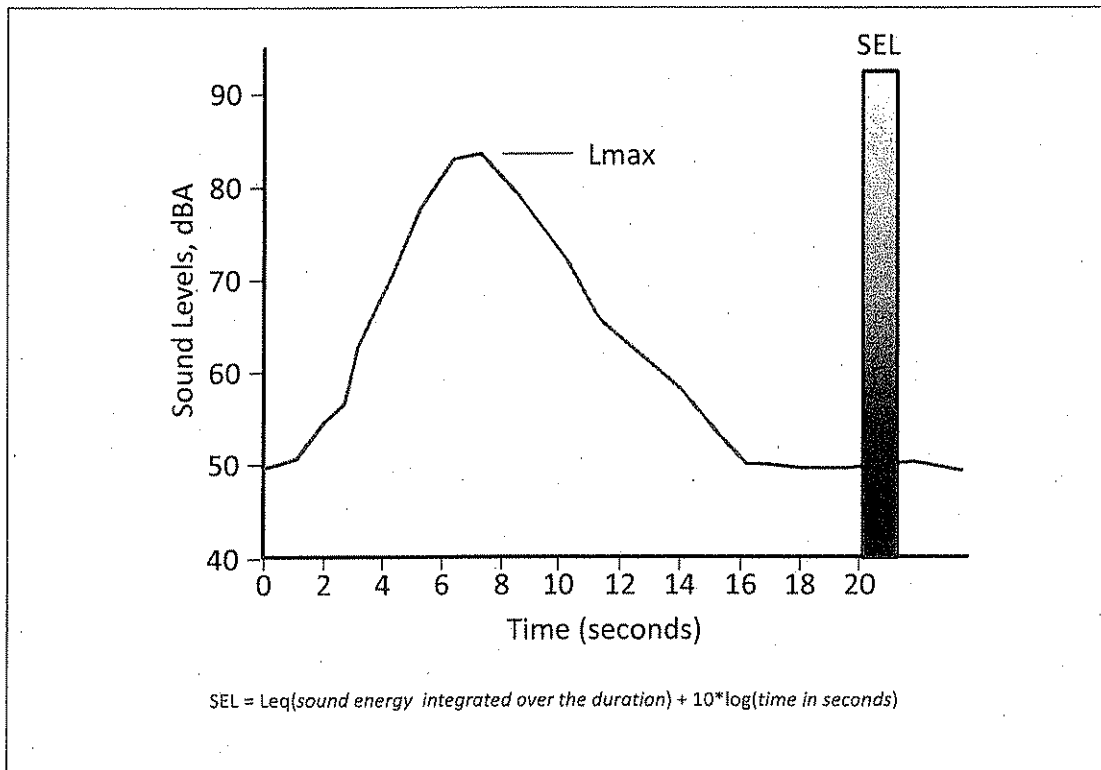
This letter report provides the responses to the PBS&J letter dated February 17, 2011 (“Letter”) for the Wilshire Grand Redevelopment Project (“Project”).

1. Page 1, second paragraph – *PBS&J indicated that only the CNEL (Community Noise Equivalent Level) was used as significance criteria in the Project's Draft EIR. In addition, PBS&J indicated that the CNEL is not the appropriate noise standard for helicopter flight noise.*

Section IV.C. Noise of the Project Draft EIR, provides the descriptions of applicable noise standards and guidelines (Regulatory Framework) with respect to various types of noise sources, including helicopter, from the federal level [i.e., U.S. Department of Housing and Urban Development (HUD), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Environmental Protection Agency (EPA), Federal Interagency Committee on Noise (FICON), and Federal Interagency Committee on Aviation Noise (FICAN)], the state level [i.e., Department of Health Services (DHS), Department of Transportation (Caltrans), and the state Airport Noise Regulations in the California Code of Regulations (CCR)], and at the city level (i.e., Noise Element of the City of Los Angeles General Plan, City of Los Angeles Municipal Code, and the L.A. CEQA Thresholds Guide). The FAA, the state Airport Noise Regulations, and the City of Los Angeles uses CNEL as a noise descriptor evaluating land use noise compatibility with respect to aircraft operations. In addition to the CNEL noise descriptor, the single-event noise descriptors including the Sound Exposure Level (SEL) and the Maximum Sound Level (L_{max}) have been recommended by FICAN and FICON as supplemental noise descriptors in evaluating noise impacts with respect to sleep disturbance (using SEL) and speech interference in classroom (using L_{max}). Contrary to the commenter, the Draft EIR utilized CNEL, SEL, and L_{max} in evaluating the noise impact associated with the proposed helistop operations.

2. Page 1, second paragraph – *PBS&J states that single-event noise level (SEL) is the maximum noise level at a given resulting from a single event.*

The SEL noise metric is a calculated noise level that is normalized to a 1 second time interval. It is not the actual maximum sound level (L_{max}) that a person would hear. The figure below provides the relation of the between an SEL and the L_{max} noise descriptors. The curvy line represents a typical sound level from a single event (which lasts approximately 14 seconds). The maximum noise level that a person would hear is the peak, which occurred at approximately 7 second mark. The SEL is the calculated noise levels, which consists of the sound energy over the entire duration (approximately 14 second, in this figure) condensed into one second duration. The SEL noise level is widely utilized to evaluate sleep interference (for residential uses); where as speech interference (for office or school uses) is analyzed using L_{max} .¹



3. Page 3, third paragraph – *The commenter indicated that the CNEL contour maps do not exist for the proposed Wilshire Grand heliport, and it is infeasible to assume their dimensions at this time.*

The predicted Project helistop operations noise levels in terms of CNEL are provided in Table IV.C-17 of the Draft EIR. As reported therein, the CNEL noise levels generated by the helistop operations are maximum 45 dBA CNEL at receptors closest to the Project site (i.e., R0 through

¹ Federal Interagency Committee On Aviation Noise (FICAN), The Use of Supplemental Noise Metrics in Aircraft Noise Analyses, February 2002.

R3). The predicted helistop operations noise levels would be minimum 27 dBA CNEL below the existing ambient CNEL noise levels. CNEL noise contours are typically provided at levels of 65 dBA CNEL and higher or at lower CNEL levels if the existing ambient noise levels are lowered than the predicted noise levels. Since the predicted helistop operations noise levels are less than 50 dBA CNEL, noise contours were not provided.

4. Page 3, last paragraph – *The attenuation factor of the 601 S. Figueroa building, as indicated by the Letter, was based on measurement of the exterior ambient noise levels outside of the building (L_{eq} levels) and the ambient noise levels (L_{eq} levels) inside of the building.*

The approach used by PBS&J to determine the building exterior to interior sound attenuation provides erroneous results, based on the followings:

- a. By simply subtracting the exterior ambient levels from that of the interior levels will not provide an accurate sound attenuation result, unless the measured interior noise levels was due to the exterior noise sources only, not due to other noise sources (such as building HVAC equipment). For example, PBS&J calculated building shell sound attenuation of 24.2 dBA seemingly originated from subtracting the measured interior noise levels (45.5 dBA L_{eq}) from that of the exterior sound readings (69.7 dBA L_{eq}). However, as indicated in Table 2 of the PBS&J Letter, the measured L_{max} at Location 1 (Exterior) was 80.8 dBA and the measured L_{max} at Location 2 (Interior) was 51.8 dBA. If the building attenuation factor was indeed 24.2 dBA (as concluded by PBS&J), the measured interior L_{max} noise level would be approximately 56.6 dBA (80.8 dBA minus 24.2 dBA) and not 51.8 dBA (as indicated by the PBSJ meter). Assuming that the measured interior noise level of 51.8 dBA L_{max} was due to the exterior traffic (fully speculation), then the building attenuation would be 29.0 dBA (80.8 dBA – 51.8 dBA). In addition, and not 24.2 dBA (as indicated by the PBSJ letter). Furthermore, it is unclear if PBSJ noise measurements at the four locations were made simultaneously (concurrent). In our opinion, the PBSJ measured sound data are recorded at a different time and therefore are not interrelated.
- b. PBS&J calculated the building attenuation of 22.1 dBA based on sound measurements of 66.1 dBA L_{eq} recorded at the building rooftop (Location 4, at the 51st floor of 601 S. Figueroa) and 44.0 dBA background noise level recorded at the 37th Floor (Location 3). However, a review of the PBSJ information on Table 2 of their letter suggests that the primary noise source at Location 3 is due to ambient building noise (Table 2 of the PBS&J Letter), not from exterior noise sources. Also, the PBSJ exterior noise measurement (Location 4) was located at the 51st floor (building roof) and the interior noise measurement (Location 3) was at the 37th floor. The PBSJ letter, however, provides no evidence that the noise level just outside the window of Location 3 (37th Floor) would be the same as the measured noise level on the 51st floor (Roof level).
- c. Building façade sound attenuation measurements are generally conducted in accordance with the current requirements of the American Society for Testing and Materials, ASTM Standard E 966, Standard Guide for Field Measurements of Airborne Sound Insulation of

Building Facades and Façade Elements. Some of the important items in determining the building façade sound attenuation, per ASTM E 966 Standard, include:

- i. The exterior source measurement location should be near the test façade (1.2 to 2.4 meters if a loudspeaker system is used or 2 meters if a traffic line source is used), Table 1 of ASTM E 966.
- ii. Exterior and interior noise levels are to be measured simultaneously.
- iii. The background level should be at least 5 dB below the level of the test source level. That is the noise at the interior due to the exterior test source should be minimum 5 dB above the background ambient levels. If the background level is between 5 and 10 dB below the combined test source level, adjustment shall be made for the background.

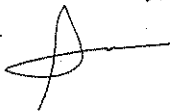
In summary, the building sound attenuation levels for the 601 S. Figueroa as provided by PBS&J is considered erroneously, or at best inaccurate.

5. Page 4, second paragraph, first and third sentences – *PBS&J recommends a maximum interior noise threshold of 55 dBA SEL. PBS&J states that this is in line with standards proposed by the WHO and U.S. Navy reports, relating to speech interference.*

There is no reference standard to the use of 55 dBA SEL as standard for speech interference. Furthermore, PBS&J recommendation of using SEL noise descriptor is not appropriate, as previously discussed that the SEL noise descriptor is used to evaluate sleep interference (for residential uses), where as speech interference (for office or school uses) is best analyzed using L_{max} . With respect to speech interference levels, a maximum noise level of 55 dBA L_{max} is used as criteria for classroom environment, where speech interference is an important consideration.²

In summary, the Draft EIR for the Project has evaluated the potential noise impacts relating to the helistop operation, based on available noise standards and guidelines provide the applicable federal agencies, the state of California, and the city of Los Angeles. The recommended standard of 55 dBA SEL at the interior of the office building is not an appropriate standard based on the reasons provided above. Furthermore, the sound attenuation for the 601 S. Figueroa building as provided by PBS&J are questionable, based on the methodology used, which is consistent with available testing standards.

Yours sincerely,



Amir Yazdaniyaz, P.E.
Principal

² Wilshire Grand Redevelopment Project Draft EIR, Appendix IV.C.1, Noise Impact Study, Page 13.