

MEMORANDUM

ARMBRUSTER GOLDSMITH & DELVAC LLP

DATE:	August 7, 2013
TO:	Los Angeles City Council Planning and Land Use Management Committee Attn: Sharon Gin (City Clerk's Office)
FROM:	R.J. Comer David A. Goldberg
CC:	Jonathan Brand, CD 4
SUBJECT:	il Villaggio Toscano Project – Responses to Appeals of City Planning Commission Determination Case Numbers: Council File Numbers 13-0877 & 13-0877-S1 VTT – 61216 ENV-2004-6000-EIR

I. INTRODUCTION

This memorandum responds to three appeals of the City Planning Commission determination to approve the above-referenced il Villaggio Toscano Project (the “**Project**”). This firm represents the Project applicant, M. David Paul & Associates. In particular, this memorandum responds to the separate appeals filed by:

- The Sherman Oaks Homeowners Association (“**SOHA**”);
- Sherman Oaks Residents for a Safe Environment (“**SORSE**”); and
- Homeowners of Encino (“**HOE**”)

The appeals should be denied, and the thoughtful decisions and findings of the City Planning Commission (“**CPC**”) should be upheld. Collectively, the appeals raise the same issues the appellants have raised throughout the many public hearings and intense administrative review of this Project. The Appeals merely reiterate issues that were fully vetted by the Deputy Advisory Agency, the City Planning Staff, and the City Planning Commission. None of the appeals raise new issues. Instead the appeals merely disagree with the thoughtful and well-supported conclusions of the CPC and City Planning Department staff.

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 2

We have carefully studied the appeals and all of the attachments thereto, as well as the written and oral testimony taken at the April 25, 2013 CPC hearing. The analysis in this memorandum, as well as the in-depth analysis and technical reports included in the administrative record of this Project, show the following:

- Although the appeals express opposition to the Project, none of the materials provided or testimony given contains substantial evidence that the Project Environmental Impact Report (“**EIR**”) is inadequate or fails to comply with the California Environmental Quality Act (“**CEQA**”).
- None of the appeals provide substantial evidence of new significant impacts, and none of the materials provide substantial evidence that the Final EIR must be recirculated for public review before certification.
- None of the appeals provide substantial evidence that the requisite Tract Map and Specific Plan Exception findings cannot be made. The appellants may disagree with the CPC’s findings and determination, but substantial evidence supports each and every requisite finding.

The following documents are attached hereto for incorporation into the Administrative Record of the Project along with this memorandum:

- **Exhibit A** – March 8, 2013 Memorandum from Armbruster Goldsmith & Delvac with Technical Exhibits A through F;
- **Exhibit B** – Bullet Point Response from expert acoustical engineer Amir Yazdanniyaz of Acoustical Engineering Services;
- **Exhibit C** – Crain & Associates letter dated August 7, 2013.

II. SIGNIFICANT PROJECT REDUCTIONS AND ADDITIONAL PROTECTIVE MEASURES

Although the appeals continue to claim that the Project is too big and will cause significant impacts, the Project has been substantially reduced compared to the Project studied in the EIR. In contrast to the claims in the appeals, the Project history demonstrates that the applicant has been willing to meet with the community and reduce the Project in response to community concerns. In addition, the CPC further reduced the Project and incorporated important additional protective measures.

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 3

The Project characteristics have changed since the commencing environmental review. The density, intensity, and height of the proposed project have twice been reduced from the original proposed project.

A. Original Project-Draft EIR

The proposed project studied in the Draft EIR included the development of a maximum of 500 multi-family residential units and approximately 55,000 square feet of neighborhood-serving commercial uses. The combined floor area for the residential and neighborhood-serving commercial uses for the proposed project totaled approximately 708,659 square feet, with a floor area ratio (“FAR”) of 3.3:1. Approximately 106,013 square feet of common and private open space would be provided on-site.

B. Reduced Project-Final EIR

In response to public comments received regarding the Draft EIR, the proposed project was revised. The revised project identified and evaluated in the Final EIR involves reducing the number of residential units from 500 units to 399 units, expanding the publicly accessible plaza from 2,300 square feet to 13,000 square feet along the Sepulveda Boulevard frontage, and reducing the proposed project’s 55,000 square feet of neighborhood-serving retail by 3,000 square feet to 52,000 square feet of retail. Furthermore, the building heights along Sepulveda Boulevard have been reduced based on distance from the Sepulveda Boulevard property line. Expanding the size of the publicly accessible ground level plaza up to approximately 13,000 square feet along the Sepulveda Boulevard frontage would exceed the maximum permitted front yard setback of 10 feet along this portion of the Sepulveda Boulevard frontage. The publicly-available plaza is proposed to include tables, chairs, benches, and planters with native landscaped vegetation.

The Reduced Project resulted in several of the requested Specific Plan exceptions set forth in the Draft EIR being revised or eliminated. Specifically, with the proposed reduction in residential units and commercial uses, the floor area ratio of 3.3:1 reduced to 2.75:1. Accordingly, the Applicant’s request for exception from Specific Plan Section 6.B.4 has been revised to reflect the proposed project’s reduction in FAR from 3.3:1 to 2.75:1. With this modification, the combined floor area for the proposed project’s residential and neighborhood-serving commercial uses would be reduced from approximately 708,659 square feet to approximately 582,359 square feet. In addition, with the inclusion of an 18-inch setback on Camarillo Street and along portions of Sepulveda Boulevard, the request for exception from Specific Plan Section 7.A.2.a is no longer required. However, in order to accommodate an expanded publicly-accessible ground level plaza along Sepulveda Boulevard, an exception from Specific Plan Section

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 4

7.A.2.a to exceed the front yard setback along a portion of the Sepulveda Boulevard frontage is needed. Furthermore, the request for exception from Specific Plan Section 7.B.1 has been revised to reduce the lot coverage of 83 percent at grade to 78.5 percent at grade. Finally, with the revision to fully enclose the parking structure along Camarillo Street, the request for exception from Specific Plan Section 7.D.2.b would be eliminated. These proposed changes to the Project would reduce the overall environmental impacts of the proposed project compared to the Project studied in the Draft EIR.

C. Approved Project

The CPC-approved Project included additional reductions and new protective measures. The Reduced Project described in the Final EIR has been further reduced from 399 units to 325 units and the FAR has been reduced from 2.75:1 to 2:25:1. Maximum height has been reduced from the 100 feet sought by the Applicant to a maximum of 82 feet approved by the CPC.

In addition, at its April 25, 2013 hearing on this matter the CPC added the following requirements:

- Landscaping to the pool deck;
- Increased the tree wells to a minimum of seven feet along the project boundary abutting the 405 to 101 Freeway Interchange;
- Required one transit pass be provided to each residential unit;

III. SORSE APPEAL

A. SORSE Members Have Not Identified Themselves

At no time throughout this administrative process has anyone identified himself or herself as a member of SORSE. SORSE is an otherwise unidentified association of persons.¹ No one identifying himself or herself as a member of SORSE has ever testified at a public hearing on this Project, and no one claiming to be a member of SORSE has submitted any written comments to the City regarding this Project. The Applicant's request to meet with SORSE members has been rebuffed by SORSE's attorney Bradley Torgan. All of SORSE's opposition has come through Mr. Torgan.

¹ As of the date of this memorandum "Sherman Oaks Residents for a Safe Environment" is not an entity that is registered with California Secretary of State.

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 5

B. SORSE Appeal Reiterates Previous Arguments That Were Thoroughly Vetted

The SORSE appeal is accompanied by a two-page letter reiterating SORSE’s disagreement with the City’s findings and EIR analysis. The thrust of SORSE’s appeal challenges the adequacy of the EIR, the City’s Specific Plan Exception findings, and the Vesting Tentative Tract Map (“**VTTM**”) findings. The SORSE appeal does not raise any issues that SORSE has not already raised previously.

The bulk of the SORSE appeal is the attachment of two previously-submitted letters from SORSE’s attorney, dated February 14, 2013 (the “**February Letter**”) and April 23, 2013 (the “**April Letter**”), respectively. The April Letter contains some arguments that were not made in the February Letter, but it mostly restates arguments from the February Letter.

The Draft EIR was released for public circulation in December 2010. Despite the availability of the Draft EIR for public comment and several opportunities to directly interact with the applicant and express concerns, Mr. Torgan and SORSE ignored these opportunities and delayed filing any comment until February 14, 2013—one business day before the February 19 hearing. A May 26, 2011 Project-specific correspondence from Hans Giroux addressed to Mr. Torgan and attached to the February Letter indicates that Mr. Torgan had been retained long before submitting his February Letter. CEQA discourages the kind of intentional last-minute document dumping such as Mr. Torgan’s, and CEQA expressly states that a lead agency is not required to respond to the Torgan letter at all. (CEQA Guidelines 15088(a), 15207.) Nevertheless, substantive responses were prepared.

Mr. Torgan again filed a last-minute letter when he filed the 16-page April Letter with 60 pages of attachments two days before the CPC hearing—a tactic which City Planning Commissioner Perlman noted with consternation at the hearing. Nevertheless, the CPC findings contain a thorough and thoughtful response to the April Letter.

C. All Issues Raised in the February Letter Have Been Thoroughly Considered and Found Lacking

The administrative record contains ample response to the February Letter. The responses to the February Letter include:

- A 40-page rebuttal dated March 8, 2013, from Armbruster Goldsmith & Delvac with Technical Exhibits A through F (the “**March AGD Memo**”), which is incorporated herein by reference and attached hereto as **Exhibit A**;

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 6

- Final EIR Supplemental Analysis Responses to February 2013 Comments (the “**Supplemental RTC’s**”) prepared by Matrix Environmental and which the CPC found “*provide substantial evidence that none of the comments received in conjunction with the February 19 hearing show that the EIR analysis is inadequate under CEQA or provide substantial evidence of significant new information requiring recirculation of the Final EIR*”;
- CPC Findings specific to the February Letter as follows:
 - Although the SORSE letter was very late, the City Planning Department fully considered the SORSE letter and the Supplemental Responses to Comments provide complete responses to the SORSE Letter. In addition, the Supplemental Responses to Comments contain expert technical reports responding to the memoranda and reports attached to the SORSE letter.
 - Based upon the substantial evidence contained in the Supplemental Responses to Comments, the City finds that the SORSE Letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the SORSE Letter does not provide substantial evidence of significant new information requiring recirculation of the Final EIR. Nevertheless, suggestion to tighten the enforceability of Mitigation Measures B-5 and B-6 were incorporated into revised mitigation measures.
 - Furthermore, the City has thoroughly reviewed the expert credentials of the persons preparing the technical reports attached to SORSE Letter. The City finds that the credential of Hans Giroux fails to demonstrate that Hans Giroux possesses the requisite expertise, training, or experience to qualify him as an expert in the fields of air quality, human health, noise or vibration. Mr. Giroux’s credential shows that he holds degrees in meteorology and physics, which do not establish him as an expert in air quality, human health, noise or vibration. He holds no degree in engineering or human health. Nothing in his credential shows any formal education or experience in human health risk assessments. His credential reveals no relevant publications he has authored and his experience as an educator has primarily been in the field of meteorology. The City finds that Mr. Giroux’s memorandum does not contain credible expert opinion. The City further finds that the Supplemental Responses to Comments and

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 7

expert reports by Bill Piazza and Amir Yazdaniyaz attached thereto provide substantial evidence refuting the opinions offered by Hans Giroux.

- The City has thoroughly reviewed the experience of Mr. Arthur Kassar and finds Mr. Kassar to be qualified as an expert in traffic impact analysis. Additionally, Mr. Roy Nakamura, traffic engineer with Crain & Associates, prepared a traffic impact report. However, after thoroughly reviewing both Mr. Kassar's report attached to the SORSE Letter and Mr. Nakamura's reports, the City finds that the opposing reports constitute a disagreement among experts. The City further finds that Mr. Nakamura's reports and conclusion are more credible and provide substantial evidence refuting Mr. Kassar's conclusions.
- The City has thoroughly reviewed the expert credentials of the persons preparing the technical reports attached to the Supplemental Responses to Comments. The City finds that substantial evidence demonstrates that Traffic Engineer Roy Nakamura of Crain & Associates, Acoustical Engineer Amir Yazdaniyaz of Acoustical Engineering Services, and Bill Piazza of Air Quality Dynamics possess the requisite expertise and experience in their respective fields and that the technical reports prepared by each of them is credible.

The March AGD Memo not only refuted every argument in the February Letter regarding the EIR, but also refuted every argument made in the February Letter regarding the Project approvals. The March AGD Memo contained in-depth analysis demonstrating the following:

- Substantial Evidence Supports the Conclusion that the Project Is Consistent with the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (the "**Community Plan**");
- The Project Is Consistent with the Commercial Goals, Policies, and Objectives of the Community Plan;
- The Project Is Consistent with the Ventura Cahuenga Boulevard Corridor Specific Plan (the "**Specific Plan**"); Specific Plan Exceptions Are Expressly Allowed by the Specific Plan;
- Substantial Evidence Supports the Requisite Specific Plan Exception Findings; and

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 8

- Substantial Evidence Supports the Tract Map Findings.

Consequently, every issue raised in the February Letter has been thoroughly considered and shown to either be lacking in substantial evidence or merely evidence of Mr. Torgan’s disagreement with the City’s thoughtful and well-supported findings and interpretations of its own plans and policies.

D. All Issues Raised in the April Letter Have Been Thoroughly Considered and Rejected

Despite Mr. Torgan filing the 76-page April Letter only two days before the CPC hearing, substantial evidence was presented at the CPC hearing refuting every claim in the April Letter. In addition, the CPC Findings contain three full pages of findings summarizing the evidence that refutes every claim made in the April Letter regarding the EIR. (See F 131 – F134.)

At the CPC hearing, air quality expert Bill Piazza testified in direct rebuttal to the air quality arguments made in the April Letter. The following table summarizes Mr. Piazza’s rebuttal:

Table 1. Expert Air Quality Rebuttal of Claims Made in SORSE’s April Letter

April Letter	Expert Rebuttal
<i>UCLA/USC Autism Study. The study found that exposure to nitrogen dioxide (NO₂) was the predominant pollutant linked to an increased likelihood of autism. The authors of the study also note that this link is not proof that air pollution causes autism and more research is required to determine a causal relationship.</i>	The HRA evaluated NO ₂ exposures. NO ₂ exposures were found to be within acceptable limits and did not exceed the State’s ambient air quality standard
<i>The UCLA/CARB study noted an increase in the downwind extent of ultrafine particles in the early morning hours than previously thought to exist. Atmospheric conditions (e.g., wind direction and speed) influence the lateral extent and concentrations of ultrafine particles. The study also noted that for the 101 freeway in the San Fernando Valley, impacts associated with the freeway trend to the north.</i>	The Project Health Risk Analysis analyzed near-field impacts utilizing an approved dispersion model and meteorological data which accounts for the atmospheric conditions that exist during early morning hours. The near-field concentrations predicted by the model are conservative (health protective) and consistent with regulatory guidance.

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 9

<p><i>The HRA focuses almost exclusively on diesel exhaust and its relationship with excess cancer risk and fails to recognize the recent UCLA/CARB study.</i></p>	<p>The HRA evaluated exposures to particulates (PM10 and PM2.5), carbon monoxide, nitrogen dioxide, benzene, 1,3-butadiene, acetaldehyde, formaldehyde and diesel particulates. All were assessed based upon identified toxicity criteria and averaging times. See above for response to UCLA/CARB study.</p>
<p><i>Questions the efficacy of identified filtration (MERV 16) to remove diesel particulates and ultrafine particles.</i></p>	<p>A recent study conducted by the SCAQMD (Pilot Study of High Performance Air Filtration for Classrooms Applications, Draft Report: October 2009) reported that HVAC systems as proposed for the Project readily control black carbon (a surrogate for diesel particulate matter) and ultrafine particles by achieving removal efficiencies of more than 90 percent.</p>
<p><i>The HRA fails to account for age specific factors in the risk assessment because the authors of the HRA do not consider diesel particulate matter is a mutagenic compound. They are incorrect because studies show that extracts of diesel exhaust contain mutagenic compounds.</i></p>	<p>Although studies indicate mutagenic extracts are found, along with many other non-mutagenic compounds, related studies also note that “whole” diesel exhaust does not elicit a mutagenic mode of action (USEPA, Integrated Risk Information System, Diesel Engine Exhaust. Website: http://www.epa.gov/iris/subst/0642.htm). As such, a mutagenic mode of action has not been identified for whole diesel exhaust at this time.</p>

The April Letter included comments challenging the EIR noise impact analysis and referenced the noise comments from the Sherman Oaks Homeowners Association (SOHA) in Marshal Long’s Letter dated February 14, 2013. Expert acoustical engineer Amir Yazdanniyaz of Acoustical Engineering Services has prepared a response to the April Letter, which shows that the challenges to the EIR noise impact analysis are inaccurate and unreliable. **(Exhibit B.)**

The April Letter also included comments again challenging the EIR traffic impact analysis, and included two more letters from traffic consultant Arthur Kassin. Expert traffic engineer Roy Nakamura of Crain & Associates has provided a bullet-point response to the traffic issues raised in the April Letter. **(Exhibit C.)** Mr. Nakamura concludes that none of the issues raised by Mr. Kassin constitute substantial evidence that traffic and parking analysis in the EIR is inadequate.

The CPC findings regarding the April Letter summarized the evidence presented at the CPC hearing and evidence contained elsewhere in the administrative record which refute the environmental claims made in the April Letter.

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 10

Specifically, the CPC found:

April 23, 2013 Letter from SORSE

On the day of the April 25, 2013 City Planning Commission hearing on the SORSE appeal and the project, the City Planning Commission received a 16-page letter with approximately 60 pages of attachments from attorney Bradly Torgan on behalf SORSE.

At the City Planning Commission hearing, Commissioner Perlman expressed dissatisfaction at receiving a lengthy opposition on the day of the hearing and noted that it is impossible for the Commissioners to consider lengthy material that is filed at the last minute. Thereafter, testimony was taken from Mr. Torgan, speaking on behalf of SORSE, and from the Applicant's representative in rebuttal. No other written or oral testimony was given by anyone identifying himself or herself as a member of SORSE.

The City Planning Department staff has carefully considered the April Letter and the material accompanying the letter and finds that the April Letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the April Letter does not provide substantial evidence of significant new information requiring recirculation of the Final EIR.

Mr. Torgan refers to the November 8, 2012 Advisory Notice Regarding Sensitive Uses Near Freeways, which the City Planning Commission adopted as a guidance document for applicants proposing developments within 1,000 feet of a freeway (the "Advisory"). Mr. Torgan also refers to Case Number CPC 2008-4604 previously decided by the City Planning Commission as evidence that CEQA requires the City Planning Commission to restrict residential development within 500-feet of the freeway—as the Commission did in Case Number CPC 2008-4604. Substantial evidence presented at the April 25, 2013 hearing shows that Mr. Torgan's reference to the Advisory and to Case Number CPC 2008-4604 fail to provide substantial evidence of a significant unmitigated air quality impact or hazard.

The project air quality and hazard analysis is consistent with the Advisory. The Advisory is not a mandate and is not a prohibition on development within 1,000 feet of a freeway. It is a guidance document that strongly encourages doing air quality health risk assessments in such circumstances. The health risk assessment

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 11

prepared for this project and included within the EIR contains substantial evidence supporting the conclusion of the EIR. Furthermore, the Advisory expressly states that each proposal shall be evaluated on a case-by-case basis. Finally, residential uses are allowed in the applicable zones on the subject property, and if the City Planning Commission were to prohibit residential development within 500 feet of a freeway on the subject property, then the City would be prohibiting all residential uses on this entire project site.

Case Number CPC 2008-4604 is not applicable to the proposed project and does not act as a precedent. The following differences distinguish Case Number CPC 2008-4604 from the proposed project:

Case No. CPC-2008-4606	iL Villaggio Toscano Project
<p>Entire project site was Industrial-Zoned – which does not allow residential uses – the applicant was seeking new zoning allowing residential development.</p> <p>The property was large enough to prohibit residential uses within 500 feet of the nearby freeway and still allow residential uses on other portions of the property.</p> <p>Health Risk Assessment did not contain site-specific analysis and identified significant impacts.</p>	<p>The property is zoned commercial & residential – which allows residential uses by-right; and residential uses previously existed on site.</p> <p>Prohibiting uses within 500 feet of the abutting freeway would prohibit otherwise by-right residential uses throughout the entire site.</p> <p>Health Risk Assessment contains substantial evidence and site-specific analysis showing that mitigation plus conditions support a conclusion of less than significant impact.</p>

The April Letter includes another comment from Has Giroux, who Mr. Torgan presents as an expert in air quality and health risk assessments. As previously-stated with regard to Mr. Giroux’s analysis accompanying the February Letter, the City finds that the credential of Hans Giroux fails to demonstrate that Hans Giroux possesses the requisite expertise, training, or experience to qualify him as an expert in the fields of air quality, human health, noise or vibration. Mr. Giroux’s credential shows that he holds degrees in meteorology and physics, which do not establish him as an expert in air quality, human health, noise or vibration. He holds no degree in engineering or human health. Nothing in his credential shows any formal education or experience in human health risk

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 12

assessments. His credential reveals no relevant publications he has authored and his experience as an educator has primarily been in the field of meteorology. The City finds that Mr. Giroux's memorandum does not contain credible expert opinion.

The April Letter referenced a UCLA study linking air pollution from freeways to autism in children and a UCLA/CARB study. Neither of these references provides substantial evidence of a significant air quality impact regarding the proposed project. They are generalized studies and are not project-area specific. Furthermore, substantial evidence was presented at the April 25 City Planning Commission hearing rebutting Mr. Giroux's comments and the referenced studies as follows:

- The UCLA study found that exposure to nitrogen dioxide (NO₂) was the predominant pollutant linked to an increased likelihood of autism. The authors of the study also note that this link is not proof that air pollution causes autism and more research is required to determine a causal relationship.
- The project HRA evaluated NO₂ exposures. NO₂ exposures were found to be within acceptable limits and did not exceed the State's ambient air quality standard.
- The UCLA/CARB study noted an increase in the downwind extent of ultrafine particles in the early morning hours than previously thought to exist. Atmospheric conditions (e.g., wind direction and speed) influence the lateral extent and concentrations of ultrafine particles. The study also noted that for the 101 freeway in the San Fernando Valley, impacts associated with the freeway trend to the north.
- The project HRA analyzed near-field impacts utilizing an approved dispersion model and meteorological data which accounts for the atmospheric conditions that exist during early morning hours. The near-field concentrations predicted by the model are conservative (health protective) and consistent with regulatory guidance.
- The prevailing winds across the project site are northward and the freeway is on the northwest boundary of the project site. Thus, prevailing winds across the project site would disperse any near-

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 13

field concentrations of freeway pollutants northward and away from the project site.

- The April Letter incorrectly claims that the project HRA focuses almost exclusively on diesel exhaust and its relationship with excess cancer risk and fails to recognize the recent UCLA/CARB study. The HRA evaluated exposures to particulates (PM₁₀ and PM_{2.5}), carbon monoxide, nitrogen dioxide, benzene, butadiene, acetaldehyde, formaldehyde and diesel particulates. All were assessed based upon identified toxicity criteria and averaging times.
- A recent study conducted by the SCAQMD (Pilot Study of High Performance Air Filtration for Classrooms Applications, Draft Report: October 2009) confirms the efficacy of mitigation using MERV 16 filtration to remove diesel particulates and ultrafine particles. The report found that HVAC systems such as are proposed for the Project readily control black carbon (a surrogate for diesel particulate matter) and ultrafine particles by achieving removal efficiencies of more than 90 percent.
- The April Letter incorrectly states that the HRA fails to account for age specific factors in the risk assessment because the authors of the HRA do not consider diesel particulate matter is a mutagenic compound. They are incorrect because studies show that extracts of diesel exhaust contain mutagenic compounds.
- Although studies indicate mutagenic extracts are found, along with many other non-mutagenic compounds, related studies also note that “whole” diesel exhaust does not elicit a mutagenic mode of action (USEPA, Integrated Risk Information System, Diesel Engine Exhaust. Website: <http://www.epa.gov/iris/subst/0642.htm>). As such, a mutagenic mode of action has not been identified for whole diesel exhaust at this time.

The April Letter includes another memorandum from traffic engineer Arthur Kassan. Most of the comments from Mr. Kassan repeat the disagreement among experts apparent in Mr. Kassan’s previous memorandum and Crain & Associate’s rebuttal of Mr. Kassan’s analysis. As previously-stated, the City finds that the

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 14

analyses prepared by Roy Nakamura of Crain & Associates presents the more credible evidence regarding potential project traffic impacts.

The remainder of the April Letter appears to restate arguments and assertions made in the February Letter, which have all been fully addressed to the satisfaction of the City.

The April Letter restates the same plan-consistency arguments made in the February Letter—that the Project is not consistent with the Community Plan or the Specific Plan and, therefore, the Specific Plan Exception findings and VTTM findings cannot be made. The March AGD Memo thoroughly responds to these claims. Furthermore, the CPC findings contain substantial evidence supporting each and every necessary finding.

IV. SOHA AND HOE APPEALS

A. The HOE Appeal is Identical to the SOHA Appeal

Both SOHA and HOE filed separate appeals challenging the CPC Determination and challenging approval of the VTTM. The SOHA and HOE appeals are virtually identical, and each of their CPC appeals makes many of the same arguments in their respective VTTM appeals.

The HOE CPC appeal contains 14 points and the SOHA CPC appeal contains 17 points. The first 13 points of both appeals are identical and HOE's 14th point is identical with SOHA's 16th point. The additional points made by SOHA are minor differences with the HOE CPC appeal: 1) the SOHA CPC Appeal incorporates the SORSE appeal by reference; 2) SOHA's 14th and 15th points reiterate questions and issues regarding the appropriate noise impact threshold and interior noise standards that have already been fully addressed.

The HOE VTTM appeal contains 12 points and the SOHA VTTM appeal contains 15 points. The first 12 points of the two appeals are identical. The additional points made by SOHA in its VTTM are minor differences from the HOE VTTM appeal and are identical to those set forth in the SOHA's CPC Appeal: 1) the SOHA CPC Appeal incorporates the SORSE appeal by reference; 2) SOHA's 14th and 15th points reiterate questions and issues regarding the appropriate noise impact threshold and interior noise standards that have already been fully addressed.

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 15

B. The VTTM Appeals Are Without Merit

The VTTM appeals reiterate previous arguments setting forth HOE’s and SOHA’s objections to the Project, which are presented in the form of an appeal of the VTTM findings. SOHA made all the same arguments in its comment on the Draft EIR and in its appeal to CPC. All of these arguments have been fully considered by the City Planning Department staff and the CPC. Furthermore, SOHA’s and HOE’s VTTM appeals only contain statements of objection and disagreement; they do not contain any evidence supporting their appeal.

Each of the points presented in the appeal is summarized and responded to in the table below.

Table 2. Responses to Points in VTTM Appeals

VTTM Appeals	Response
1. Site is unsuitable for proposed project due to proximity to freeway creates air quality and health risks.	These air quality and health risk claims have been fully addressed by expert analysis. See the following: <ul style="list-style-type: none"> • March AGD Memo, p. 9; • Supplemental RTCs Appendix A; • CPC CEQA findings pp. F132 – F134.
2. Project is inconsistent with the Specific Plan.	The statement merely disagrees with the City’s own interpretation of the Specific Plan. See the following: <ul style="list-style-type: none"> • March AGD Memo, pp. 12-19, 24, 29-31; • CPC Findings.
3. Vacating Peach and La Maida Streets will create traffic congestion.	This statement is a mere conclusion. No evidence is offered to support it. The expert traffic analysis in the EIR and Supplemental RTCs provides substantial evidence that vacating Peach and La Maida Streets will not create traffic congestion or parking impacts.
4. Project is not consistent with the Community Plan.	The statement merely disagrees with the City’s own interpretation of the Specific Plan. See the following: <ul style="list-style-type: none"> • March AGD Memo, pp. 12-19, 24, 29-31; • CPC Findings.
5. Project is not suitable because of alleged and unspecified impacts regarding parking, traffic, and infrastructure.	This statement is a mere conclusion. No evidence is offered to support it. The expert traffic analysis in the EIR and Supplemental RTCs provides substantial evidence supporting the EIR’s conclusions regarding potential traffic, parking, and infrastructure impacts.

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Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 16

6. General and un-specific allegation that EIR is inadequate and mitigation measures are faulty.	This statement is a mere conclusion. No evidence is offered to support it. The argument is too vague to provide response.
7. City ignored a petition from residents opposing the Project.	<p>The Project has received broad support from a wide spectrum of the surrounding community, including:</p> <ul style="list-style-type: none"> • Sherman Oaks Neighborhood Council; • United Neighbors 818 (who live in the community closest to the Project and originally opposed the Project); • Valley Industry and Commerce Association; • Sherman Oaks Chamber of Commerce and the Encino Chamber of Commerce; and • Over 500 documented supporters within a three-mile radius. <p>The City has taken opponents' views into careful consideration, but it is not an abuse of discretion to approve a project despite a petition from opponents to the Project.</p>
8. City failed to consider alternatives and a "range of [unspecified] options contemplated by the zoning code."	<p>The argument is vague and unspecified.</p> <p>The EIR and Supplemental RTCs considered full range of Project alternatives.</p> <p>See the following:</p> <ul style="list-style-type: none"> • March AGD Memo, pp. 16-17, 27-30, 32; • March AGD Memo, Exhibit E – an analysis by Crain & Associates showing that a Specific Plan-compliant mixed-use project of 1.5 FAR with 277 residential units, a 45,000 square-foot grocery, and 6,000 square feet of neighborhood-serving retail impacts 10 of the 11 intersections impacted by the Project, and after mitigation would result in the same significant unmitigated impacts at the same 5 local intersections as the Project. • CPC Findings.
9. Project size is out of character with the neighborhood.	Appellants merely disagree with the City's reasoned analysis and findings. See also March AGD Memo, pp. 7, 14, Exhibit B.
10. Map negatively impacts neighborhood, reiterates unspecified environmental impacts.	Appellants' argument is too vague and unspecified to warrant a response.
11. Project is too close to freeway creating air quality and health risks, references SCAQMD March 2000 study.	See response to Point 1, above.
12. Reiterates claims regarding air quality impacts from freeway.	See response to Point 1, above.
13. Challenges EIR noise impact threshold.	<p>The confusion regarding the correct noise impact threshold was fully addressed and resolved.</p> <p>See the following:</p>

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 17

	<ul style="list-style-type: none"> • Supplemental RTCs, Appendix B • March AGD Memo, pp. 10-12; • Exhibit B attached hereto.
14. Expresses doubt that City will enforce its interior noise threshold of 45 dB	Appellants express doubt but provide no evidence that the City will fail to enforce interior noise standards.
15. Incorporates SORSE’s Appeal by reference.	See Section III, above.

C. The CPC Appeals Are Without Merit

The CPC appeals also reiterate previous arguments setting forth HOE’s and SOHA’s objections to the Project, which are presented in the form of an appeal of the CPC Determination. SOHA made all the same arguments in its comment on the Draft EIR and in its appeal to CPC. All of these arguments have been fully considered by the City Planning Department staff and the CPC. Furthermore, SOHA’s and HOE’s CPC appeals only contain statements of objection and disagreement; they do not contain any evidence supporting their appeal.

Each of the points presented in the appeal is summarized and responded to in the table below.

Table 3. Responses to Points in CPC Appeals

CPC Appeals	Response
1. Challenges CUP for alcohol, claims there is an undue over-concentration of alcohol licenses.	<p>Appellants merely disagree with the City’s finding that although there is an over-concentration of alcohol licenses in the census tract, the over-concentration is not rendered “undue” because of the nature of the alcohol permit being granted—an off-site permit for a grocery store.</p> <p>Only four liquor licenses are allowed in the applicable census tract. There are already four licenses. The Project CUP would be the fifth, thereby causing overconcentration. But the over-concentration is not “undue” because:</p> <ul style="list-style-type: none"> • The CUP approved is not a bar and is not a liquor store; • Liquor sales incidental to a grocery store will not present an undue over-concentration because grocery store liquor sales do not result in local nuisance or crime; • There is not an over-concentration of grocery stores in the census tract. • The method of calculating the number of liquor licenses by census tract does not account for the nature of the census tract being a mix of residential and commercial uses. The

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 18

	<p>appropriate amount and variety of liquor sales is greater in a census tract with sites designated regional Commercial, such as the Project site. Regional commercial areas are by definition destinations. Therefore, it is appropriate to have more responsible liquor sales licenses in census tracts that include regional destinations.</p>
<p>2. Project is inconsistent with the Specific Plan.</p>	<p>The statement merely disagrees with the City’s own interpretation of the Specific Plan.</p> <p>See the following:</p> <ul style="list-style-type: none"> • March AGD Memo, pp. 12-19, 24, 29-31; • CPC Findings.
<p>3. Project is not consistent with the Community Plan, and is not served by adequate public transportation.</p>	<p>The statement merely disagrees with the City’s own interpretation of the Specific Plan.</p> <p>See the following:</p> <ul style="list-style-type: none"> • March AGD Memo, pp. 12-19, 24, 29-31; • CPC Findings.
<p>4. Project not suitable because of alleged and unspecified impacts regarding parking, traffic, and infrastructure.</p>	<p>This statement is a mere conclusion. No evidence is offered to support it. The expert traffic analysis in the EIR and Supplemental RTCs provides substantial evidence supporting the EIR’s conclusions regarding potential traffic, parking, and infrastructure impacts.</p>
<p>5. General and un-specific allegation that EIR is inadequate and mitigation measures are faulty.</p>	<p>This statement is a mere conclusion. No evidence is offered to support it. The argument is too vague to provide response.</p>
<p>6. City ignored a petition from residents opposing the Project.</p>	<p>The Project has received broad support from a wide spectrum of the surrounding community, including:</p> <ul style="list-style-type: none"> • Sherman Oaks Neighborhood Council; • United Neighbors 818 (who live in the community closest to the Project and originally opposed the Project); • Valley Industry and Commerce Association; • Sherman Oaks Chamber of Commerce and the Encino Chamber of Commerce; and • Over 500 documented supporters within a three-mile radius. <p>The City has taken opponents’ views into careful consideration, but it is not an abuse of discretion to approve a project despite a petition from opponents to the Project.</p>

Los Angeles City Council
Planning and Land Use Management Committee
Council File Numbers 13-0877 & 13-0877-S1
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
August 7, 2013
Page 19

<p>7. Project is inconsistent with the Specific Plan; its size is out of character with the neighborhood; Specific Plan Exceptions are not needed to develop the property.</p>	<p>Appellants merely disagree with the City’s reasoned analysis and findings.</p> <p>See also March AGD Memo, pp. 7, 14, Exhibit B.</p> <p>Appellants’ objection to Specific Plan Exceptions largely regards perceived impacts from a project larger than would be otherwise allowed under the Specific Plan. But as shown in the March AGD Memo, Exhibit E –a Specific Plan-compliant mixed use project of 1.5 FAR with 277 residential units, a 45,000 square-foot grocery, and 6,000 square feet of neighborhood-serving retail impacts 10 of the 11 intersections impacted by the Project, and after mitigation would result in the same significant unmitigated impacts at the same five local intersections as the Project.</p> <p>Furthermore, substantial evidence supports each and every requisite finding for the Specific Plan exceptions.</p> <p>See the following:</p> <ul style="list-style-type: none">• March AGD Memo, pp. 29-31;• CPC Findings F14 – F41.
<p>8. Project size is out of character with the neighborhood; CPC should not have granted Specific Plan Exceptions.</p>	<p>Appellants merely disagree with the City’s reasoned analysis and findings.</p> <p>See the following:</p> <ul style="list-style-type: none">• March AGD Memo, pp. 29-31;• CPC Findings F14 – F41.
<p>9. The Project will adversely affect traffic in the area.</p>	<p>This statement, though vague, is correct. The Project results in significant unmitigated traffic impacts at five intersections. Although the Project is able mitigate other traffic impacts to less-than-significant levels, traffic in this area is challenging and the Project will make it more challenging.</p> <p>But Appellant’s argument is essentially that the City should not approve any project that generates traffic impacts. No law, regulation or policy in the City prohibits project approvals for projects that generate traffic impacts. Rather, the City can weigh the significant public benefits of the Project and decide whether these public benefits override the projects traffic impacts. See Point 16, below.</p>
<p>10. Reiterates previous claims regarding air quality impacts from freeway.</p>	<p>See response to VTTM Appeal Point 1, Table 2, above.</p>

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 20

<p>11. Project is too close to freeway creating air quality and health risks, references SCAQMD March 2000 study.</p>	<p>See response to VTTM Appeal Point 1, Table 2, above.</p>
<p>12. Reiterates previous claims regarding air quality and health impacts from proximity to freeway.</p>	<p>See response to VTTM Appeal Point 1, Table 2, above.</p>
<p>13. Reiterates previously-made air quality and health claims regarding Case Number CPC-2008-4606.</p>	<p>See CPC findings quoted at length on pp. 10-14, above.</p>
<p>14. Challenges EIR noise impact threshold.</p>	<p>The confusion regarding the correct noise impact threshold was fully addressed and resolved.</p> <p>See the following:</p> <ul style="list-style-type: none"> • Supplemental RTCs, Appendix B • March AGD Memo, pp. 10-12; • Exhibit B attached hereto.
<p>15. Expresses doubt that City will enforce its interior noise threshold of 45 dB.</p>	<p>Appellants express doubt but provide no evidence that the City will fail to enforce interior noise standards.</p>
<p>16. Challenges the value of the Project's public benefits and the Statement of Overriding Considerations.</p>	<p>Substantial evidence in the administrative record supports the City's Statement of Overriding Considerations. In particular, the City found that Project will result in the following public benefits and the City approves the Project based on the following contributions of the Project to the community:</p> <ul style="list-style-type: none"> • Development of a 13,000 square-foot publicly-available plaza that will activate this segment of Sepulveda Boulevard compared to existing conditions; and • Revitalization of a large under-utilized and vacant site into a coherent development and mix of uses; and • Installation and maintenance for the life of the project of landscaping improvements within the median along Sepulveda Boulevard between Moorpark Street and Camarillo Street; and • Use of the Project's two community rooms by local community-based organizations; and • Pedestrian, streetscape and transit enhancements, such as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales to promote consistency with the Sherman Oaks Streetscape and Design Plan and foster a high-quality pedestrian environment along the Project's Sepulveda

Los Angeles City Council
 Planning and Land Use Management Committee
 Council File Numbers 13-0877 & 13-0877-S1
 CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR
 August 7, 2013
 Page 21

	<p>Boulevard frontage; and</p> <ul style="list-style-type: none"> • According to the May 2013 “Economic Impact Analysis prepared by the Los Angeles County Economic Development Corporation (the “EIA”), construction of the proposed project will generate the following economic benefits; <ul style="list-style-type: none"> • Approximately \$218 million in total economic output in Los Angeles County; • Support 1,440 annual jobs with labor income of \$91.4 million; and • At least \$18.0 million of total state and local taxes. • According to the EIA, operation of the proposed project will generate the following economic benefits: <ul style="list-style-type: none"> • Resident spending will generate \$9.0 million in total economic output and support 90 annual jobs in Los Angeles County with labor income of \$3.9 million; • Total ongoing state and local taxes generated due to spending by new residents of il Villaggio Toscano is estimated to be \$954,240; and • Incremental property taxes due to the reassessed value of the property are expected to generate an additional \$1.55 million per year. <p>Appellants merely disagree that these benefits are sufficient to outweigh Project impacts, but Appellants’ disagreement is not sufficient to show that the City’s Statement of Overriding is inadequate.</p>
<p>17. Incorporates SORSE’s Appeal by reference.</p>	<p>See Section III, above.</p>

V. CONCLUSION

The appeals are without merit. They fail to make any new arguments or present any new evidence. Rather, the appeals restate previously-made arguments that have been thoroughly considered and either disproven or shown to be merely a disagreement among experts or a disagreement between the appellants and the City.

The Project EIR and each every one of the findings made by the City are supported by substantial evidence. The CPC determination reflects thoughtful analysis, responsiveness to community concerns, and an administrative process that was full and fair.

The appeals should be denied.

Exhibit A

March 8, 2013 Memorandum from
Armbruster Goldsmith & Delvac with
Technical Exhibits A through F

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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March 8, 2013

VIA HAND DELIVERY

Nick Hendricks
City of Los Angeles
Department of City Planning
6262 Van Nuys Blvd., Room 351
Van Nuys, CA 91401

Jose Carlos Romero-Navarro
City of Los Angeles
Deputy Advisory Agency
Department of City Planning
6262 Van Nuys Blvd., Room 351
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Re: Il Villagio Toscano Project – Case Numbers: CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR – Responses Letters and Comments Submitted for February 19, 2013 Hearing

Dear Mr. Hendricks and Mr. Romero-Navarro:

As you know, this firm represents the Project applicant, M. David Paul & Associates.

With this letter we provide a memorandum and attachments thereto that provide evidence and analysis responsive to the written and oral comments submitted to the City of Los Angeles Planning Department as part of the February 19, 2013 joint-hearing on the above-referenced Il Villagio Toscano Project. For your convenience, the memorandum and attachments are also provided electronically on the enclosed portable storage device. Revised proposed California Environmental Quality Act findings are also provided for independent review and consideration.

Very Truly Yours,



R.J. Comer

RJC

Enclosures

MEMORANDUM

ARMBRUSTER
GOLDSMITH
DELVAC
LLP

DATE: March 8, 2013

TO: Nicholas Hendricks, City of Los Angeles Department of City Planning
Jose Carlos Romero-Navarro, City of Los Angeles Deputy Advisory Agency

FROM: R.J. Comer
David A. Goldberg

CC Jonathan Brand, CD 4

SUBJECT: Il Villagio Toscano Project – Responses to Comments

Case Numbers:

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB
VTT – 61216
ENV-2004-6000-EIR

INTRODUCTION

This memorandum provides comprehensive responses to written comments and oral testimony taken with regard to the February 19, 2013 hearing on the above-referenced Il Villagio Toscano Project (the “**Project**”). This firm represents the Project applicant, M. David Paul & Associates. In particular, this memorandum responds to the letter dated February 14, 2013 from attorney Bradly Torgan (the “**Torgan Letter**”) on behalf an otherwise unidentified association of persons known as Sherman Oaks Residents for a Safe Environment (“**SORSE**”).¹ This memorandum also responds to other letters and comments received during the February 19 hearing. This memorandum also addresses the comments submitted jointly by the Sherman Oaks Homeowner’s Association and Homeowners of Encino on February 19, 2013 (the “**SOHA Letter**”). This memorandum also refers to the Final EIR Supplemental Analysis Responses to February 2013 Comments (the “**Supplemental RTC’s**”) prepared by Matrix Environmental and the attachments thereto.

¹ As of the date of this memorandum “Sherman Oaks Residents for a Safe Environment” is not an entity that is registered with California Secretary of State.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 2

We have carefully studied the Supplemental RTCs, the Torgan Letter, the SOHA Letter, and all of the attachments thereto, as well as the written and oral testimony received. The analysis in this memorandum and the technical reports attached hereto show the following:

- Although the Torgan Letter and other comments express opposition to the Project, none of the materials provided or testimony given contains substantial evidence that the Project Environmental Impact Report (“EIR”) is inadequate or fails to comply with the California Environmental Quality Act (“CEQA”).
- Neither the Torgan Letter nor any of the testimony or submissions from Project opponents provides substantial evidence of new significant impacts and none of the materials provide substantial evidence that the Final EIR must be recirculated for public review before certification.
- Neither the Torgan Letter nor any of the testimony or submissions from Project opponents provides substantial evidence that the requisite Tract Map and Specific Plan Exception findings cannot be made. Mr. Torgan, SORSE, and other Project opponents may disagree with granting the Project approvals sought by the applicant, but substantial evidence supports each and every requisite finding.

The following documents are attached hereto for incorporation into the Administrative Record of the Project along with this memorandum:

- Exhibit A – Grand Apartments Inspection Permit;
- Exhibit B – Google Earth Street Views;
- Exhibit C – Revised Project Step-Back Cross-Section;
- Exhibit D – Reply Brief LASC Case No. BS12829;
- Exhibit E – Crain & Associates letter dated February 14, 2013;
- Exhibit F – Rent Stabilization Notices to Withdraw.

Where helpful, this memorandum provides citation to legal authority such as CEQA provisions and case law when such citations are necessary to correct Mr. Torgan’s incorrect or incomplete statements of law.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 3

THE TORGAN LETTER

The Torgan Letter Was Submitted More Than Two Years After the Draft EIR Was Circulated for Public Comment

The Draft EIR was released for public circulation in December 2010. Several public comments were received and responses are provided in the Final EIR. The Final EIR also reflects a substantial reduction in the Project from 500 residential units to 399 residential units as well as substantial design changes. These Project revisions arose out of a comprehensive program of community stakeholder engagement that was documented in the applicant's presentation on February 19.

Despite the availability of the Draft EIR for public comment and several opportunities to directly interact with the applicant and express concerns, Mr. Torgan and SORSE ignored these opportunities and delayed filing the Torgan Letter until February 14, 2013—one business day before the February 19 hearing. A May 26, 2011 Project-specific correspondence from Hans Giroux addressed to Mr. Torgan and attached to the Torgan Letter indicates that Mr. Torgan had been retained long before submitting his February 14, 2013 letter.

CEQA discourages the kind of intentional last-minute document dumping such as Mr. Torgan's, and CEQA expressly states that a lead agency is not required to respond to the Torgan letter at all. (CEQA Guidelines 15088(a), 15207.) Nevertheless, substantive responses have been prepared.

The Environmental Analysis Is Not Outdated

Throughout his letter, Mr. Torgan incorrectly claims or infers that the EIR's analysis is outdated. The environmental analysis is not outdated. CEQA unequivocally establishes the environmental baseline of any EIR analysis as the date on which the Notice of Preparation is published or when the environmental analysis commences. (CEQA Guidelines §15125(a).) The Project NOP was published on December 13, 2004. Typically, this would be the date of the environmental baseline against which the Project impacts are measured. However, in an abundance of caution and to account for a delay between the date of the NOP and the beginning of the environmental analysis, the environmental baseline was adjusted to 2008—the year the Project traffic study was completed.

The Project traffic study was done in 2008 and included a comprehensive related projects list. The 2008 related projects database in the traffic study and EIR was large and extensive, analyzing 51 related projects within an approximate 3.5-mile radius of the

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 4

Project site. A radius of 1.5-2.0 miles is typically used in most traffic studies. As a result, the traffic study conservatively assumed higher traffic volumes from related projects. While it is expected that some of the related projects have not proceeded or have been downscaled due to the economic recession that began in 2008, the trips from all of these projects are still included in the analysis of future traffic volumes. In addition, an ambient traffic growth factor of two percent per year was used at the time of the original traffic study, accounting for potential projects not yet proposed at the time the related projects database was developed. In 2010, the traffic study was updated to reflect a revised buildout year for the Project and, as part of that update, additional ambient growth again was added to the counted traffic volumes, consistent with LADOT-approved methodologies for traffic study updates. No projects were removed from the 2008 related projects list.

The horizon date of the Project traffic study has been updated to 2015 (the “**2015 Analysis**”). (Supplemental RTCs Appendix D.) The 2015 Analysis does not require updating the related projects list because the related projects list is an element of the environmental baseline. The 2015 Analysis updates the traffic analysis for the Final EIR Project comprised of 399 dwelling units, a grocery store of 45,000 square feet and 7,000 square feet of retail use. This updated analysis assumes a two-year construction period. The updated traffic data in the 2015 Analysis reached the same conclusions for the Project as in the Final EIR. In particular, the 2015 Analysis concludes the Project would result in the same significantly impacted locations for the year 2015, without and with mitigation, as determined for the year 2013.

Regarding the 405 Freeway Improvement Project, this is a construction project that is temporary in nature and with short-term construction effects. Once completed, the 405 Freeway Improvement Project is expected to *improve* capacity along the Sepulveda Pass corridor and have long-term transportation benefits. Yet, for purposes of a conservative analysis, no capacity improvement or other similar credit attributable to this freeway project was assumed in traffic study or EIR.

Mr. Torgan mischaracterizes the holding in *Citizens for East Shore Parks v. California State Lands Commission* (2011) 202 Cal.App.4th 549. The case upholds the CEQA rule that the environmental baseline of an EIR is generally the date on which the Notice of Preparation is published or when environmental analysis commences. The *Citizens* case does not *require* that a baseline be updated simply because the NOP or commencement of environmental review was several years prior. To the contrary, the case reiterates and upholds this approach. Rather, in *Citizens*, the State Lands Commission, at the beginning of the CEQA review process in 1999, determined the EIR should assess environmental impacts of a lease renewal for a currently operational Chevron Long Wharf Marine Terminal against a baseline that assumed no terminal operations but the terminal structure

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 5

remaining physically intact. Over the years, the Lands Commission changed its view as to the appropriate baseline. Accordingly, the draft and final EIRs defined the lease renewal project as allowing Chevron to “continue its existing Long Wharf operations” and used the existing, actual condition of the marine terminal, which included off-loading and on-loading operations, as the baseline by which to assess potential environmental impacts. Using this baseline, the EIRs concluded the lease renewal could result in significant environmental impacts due to potential oil spills. Consequently, the State Lands Commission revised (it did not update) its baseline to reflect that at the time its NOP was published the marine terminal was operational. Consequently, the *Citizens* case does not stand for the proposition Mr. Torgan claims. It stands for the proposition that a lead agency may correct a mistake made at the commencement of its CEQA process.

Although no further analysis of the environmental baseline beyond 2008 is necessary or required, the facts are that the environmental conditions surrounding the Project have not changed significantly since that time. A profound economic recession occurred in 2009 which dramatically curtailed development. The result of the recession is that development projects stopped and few others were proposed. While it is expected that some of the related projects have not proceeded or have been downscaled due to the economic recession that began in 2008, the trips from all of these projects were still included in the analysis of future traffic volumes. Consequently, updating the related projects list is not warranted.

The Torgan Letter and General Topic Articles Are Not Substantial Evidence

Mr. Torgan incorrectly presents his own letter and general topic articles attached thereto as substantial evidence. They are not. A lawyer’s letter filed on behalf of a project opponent speculating as to project impacts or merely disagreeing with the analysis is argument, not evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580.) Similarly, general topic articles and studies that do not address the specific Project are not substantial evidence of Project impacts. (*Newberry Springs Water Ass’n v. County of San Bernardino* (1984) 150 Cal.App.3d 740, 750.)

Consequently, Mr. Torgan’s letter is not substantial evidence. Of the exhibits attached to his letter, Exhibits 1, 2, 3, 4, 6, 11, and 12 are all general topic articles that do not address Project specifics and do not include any specific Project information. Consequently, these general topic articles do not constitute expert testimony and are not substantial evidence of Project environmental impacts under CEQA.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 6

The Project Description of Uses and Access is Complete and Complies with CEQA

Mr. Torgan mischaracterizes the Project description and misunderstands the Final EIR, then claims that the EIR Project description is inadequate. The Project description in the Draft EIR accurately describes the height and number of uses and buildings and the Final EIR accurately describes Project reductions made in response to public input. Draft EIR Table II-1 lists each use and identifies the floor area of each use. Draft EIR Figure II-4 clearly shows the location and number of buildings. The Draft EIR clearly stated that the Project was six stories across above a podium. Subsequent to the circulation of the Draft EIR the Project was revised, reduced, and stepped-back as shown in the Final EIR. Final EIR page II-1 and the Exhibit II-1 clearly show the number and height of various buildings and clarify the location of each building and the height of each building above the 2-story podium. The description of uses is clear and unambiguous.

Similarly, Mr. Torgan unreasonably claims that a minor inconsistency between the text and a figure regarding driveways requires recirculation of the EIR. Yet, Mr. Torgan offers no evidence that this inconsistency deprives the public of a meaningful description of the Project. Technical perfection is not required in CEQA documents.

As clearly shown on Final EIR Figure II-1, Project has the following driveway and internal circulation elements:

- A private, two-way, dual-purpose driveway/fire lane extending from Sepulveda Boulevard to Camarillo Street along the backside of the site (the “**Back Lane**”) with ingress and egress on both Camarillo Street and Sepulveda Boulevard—ingress from Sepulveda is restricted to right turn in and egress onto Sepulveda is restricted to right-turn out;
- 2 Retail driveways into and out of the parking structure: 1 from the Back Lane and 1 from Camarillo Street;
- 1 Resident driveway into and out of the subterranean levels of the parking structure from the Back Lane;
- 1 Residential guest driveway into and out of the parking structure from Camarillo Street;
- 1 Residential drop off and drive-thru on Camarillo Street involving an ingress curb-cut and egress curb-cut.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 7

The Aesthetics Analysis Uses the Appropriate Comparative Standards and Complies with CEQA

The Aesthetics section of the EIR accurately describes the height of the Project elements, nearby buildings and uses, the Project surroundings and nearby sensitive uses. Mr. Torgan incorrectly implies that because the tallest elements of the Project are taller than some buildings on Sepulveda Boulevard the Project has a significant aesthetic impact. Mr. Torgan's implication lacks evidentiary support and reflects purposefully narrow view of the surrounding area. The Grand Apartments referenced by Mr. Torgan is 4 stories and 60-feet in height. (See Inspection Permit attached hereto as "Exhibit "A".) Mr. Torgan then claims that the 16-story Comerica building is not a relevant comparison because he thinks it is too far away. As can be seen on a Google Earth Street View image taken from underneath the I-405-to-101 transition (Exhibit "B" View 1), the Draft EIR accurately describes the surrounding area for purposes of aesthetic analysis. (See also Supplemental RTCs Figure 1.) Multi-story residential is seen in foreground in very close proximity to the 101 Freeway; the vacant Project site is visible to the right; the 75-foot Sherman Oaks Galleria parking lot is visible on the left adjacent to the Project site; lower rise 2-story structures are also seen along the east side of Sepulveda, and three very tall buildings are visible along Sepulveda Boulevard. The view from westbound Camarillo Street toward Sepulveda shows the dramatic differences in height that already characterize the surrounding area. (See Exhibit B, View 3.) The 777 Motel is already dwarfed by the Grand Apartments building which immediately abuts the motel, and right behind the motel the Galleria parking structure rises 75 above it. The Project site is across Camarillo Street and with the revised step-back design the tallest elements of the Project are at least 65 feet from the 777 Motel. Consequently, the Project is consistent with the prevailing development in the area.

Furthermore, Mr. Torgan discounts the fact that with the proposed setbacks, the taller buildings would be concentrated across the street from the Galleria Parking Garage and generally past the motel use. The Torgan Letter does not provide substantial evidence of an aesthetic impact requiring recirculation; the Torgan Letter provides Mr. Torgan's overly narrow opinions on what the surrounding area is and what is important.

The appropriate scope of aesthetic impact analysis is to compare numerous elements such as height, density, bulk, setbacks, signage of the Project to the surrounding area. (Draft EIR page IV.A-14.) Height is one element stated in one of seven Aesthetic/Visual Quality Thresholds of Significance. Furthermore, the appropriate aesthetic/visual quality comparison is to the entire surrounding area, not just the two shortest buildings along Sepulveda Boulevard—as Mr. Torgan suggests. The EIR makes abundantly clear that the portions of the project that exceed the 75-foot height limit are in the back of the Project next to the Freeway Interchange that forms the longest of the three borders of this site.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 8

The portions of the Project along Sepulveda Boulevard are less than 75 feet—within the permitted height limit. The land uses closest to the portions of the Project that exceed 75 feet in height are: 1) the Sherman Oaks Galleria parking structure, which is 75 feet tall and 2) the 405 Freeway Interchange, which is not adversely impacted by an adjacent taller structure. With the proposed stepbacks, the taller buildings would be concentrated across the street from the Galleria Parking Garage and generally past the motel use. The Draft EIR did not conceal that the Project would be substantially taller than the motel and the Grand Apartments, but correctly took into consideration the existing variability of heights in the area. (Draft EIR IV.A-25.) Furthermore, the revised Project with its stepped-back design makes the Project more compatible with the variety of heights in the area by locating the lowest buildings along Sepulveda and the highest portions in the back of the site. (See Step-Back Cross-Section attached hereto as **Exhibit “C”**.)

Either Mr. Torgan did not read the Draft EIR carefully or he is being intentionally obtuse by claiming that Table IV.A-1 is flawed for failing to mention that Specific Plan exceptions are being sought by the applicant. The Aesthetics section of the Draft EIR compares the physical design and structure to the applicable design standards. The land use issues are appropriately discussed in Section IV.G—the Land Use analysis. The Footnote to Table IV.A-1 expressly states that consistency with the design guidelines are set forth in the Land Use Impact analysis of Section IV.G – Table IV.G-3 in particular. Mr. Torgan implies that no project seeking Specific Plan exceptions could be consistent with applicable design guidelines, but what Mr. Torgan is really arguing is a policy preference—not evidence of a significant aesthetic impact. The Draft EIR appropriately evaluates the Project in light of the entire surrounding area and identifies elements of the Project that are consistent with applicable design guidelines despite the applicant’s request for Specific Plan exceptions.

Mr. Torgan provides no evidence that the EIR analysis of aesthetic impacts and consistency with applicable plans is inadequate or that the EIR failed to disclose a significant impact. Instead, Mr. Torgan shares his opinion that he disagrees with the analysis and restates his opinion that Project is out of scale with his selectively narrow view of the surrounding area. Mr. Torgan’s opinions and disagreements are merely argument, not evidence.

The EIR Air Quality/Human Health Impact Analysis is Comprehensive and Complete; Human Health Impacts Are Not Under-Estimated

The Torgan Letter fails to provide any substantial evidence that the EIR Air Quality analysis underestimated the potential impacts to human health of Project residents.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 9

Although CEQA does not require a health risk assessment for this Project or any project located near a freeway, the Final EIR includes a health risk assessment and thorough analysis of potential health impacts associated with freeway pollutant emissions on project residents. CEQA does not require an EIR to study the potential impacts of the surrounding environment upon the ultimate residents of a proposed project. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2012) 201 Cal.App.4th 455; *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464.) Nevertheless, the City Planning Commission recently adopted an advisory that projects in close proximity to a Freeway should conduct a health risk assessment.

The Project EIR goes beyond the requirements of CEQA, complies with the City Planning Commission's advisory by preparing a health risk assessment, thoroughly analyzes the potential health impacts of freeway emissions, and prescribes state-of-the-art mitigation measures to assure that health risks are less than significant. The EIR includes in-depth analysis of this issue informed by expert technical analysis. (Final EIR pages II-13 through II-27; FEIR App. B-5 "Project Pollutant Exposure Assessment" by Air Quality Dynamics (May 2011); FEIR App. C "Duration of Residence in the Rental Housing Market".) Substantial evidence and expert analysis supports the analysis and conclusions in the EIR.

Mr. Torgan incorrectly assumes that CEQA requires a health risk assessment—which it does not—and then simply presumes that any project within 500 feet of a freeway will have a significant impact to human health. Mr. Torgan attaches general topic articles to his letter, but neither his opinions nor the general topic articles in his Exhibits 2, 3, or 4 are substantial evidence of a significant impact to human health.

The only Project-specific analysis Mr. Torgan includes is a report from Hans Giroux—who dubiously purports to be an expert in both air quality and noise impacts. Mr. Giroux only holds degrees in meteorology and physics, which do not establish him as an expert in human health or noise. He holds no degree in engineering or human health. Nothing in his credential shows any formal education or experience in human health risk assessments. His credential reveals no relevant publications he has authored and his experience as an educator has primarily been in the field of meteorology. Consequently, Mr. Giroux is not an expert qualified to give expert opinion on this topic.

By contrast, air quality expert Bill Piazza of Air Quality Dynamics has provided a response to the Torgan Letter and the report from Hans Giroux attached to the Torgan Letter. (Supplemental RTCs Appendix A.) Mr. Piazza is an expert in the field of environmental health and safety with particular expertise in both air dispersion modeling and health risk assessments. Mr. Piazza has completed more than 200 risk and hazard assessment studies. To date, he has characterized and modeled the contaminant

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 10

emissions of more than 2,000 commercial and industrial operations. Mr. Piazza participated as a member of the South Coast Air Quality Management District's (SCAQMD) Localized Significance Threshold Working Group which developed an assessment tool to assist lead agencies in the analysis of air pollution impacts at the local scale. Mr. Piazza was also a member of SCAQMD's MATES II external peer review group responsible for evaluating the agency's technical methodology and implementation plan to characterize ambient levels and "hot spot" concentrations of toxic compounds throughout the South Coast Air Basin. Mr. Piazza participated as a member of the California Air Resources Board's (ARB) Risk Management Subcommittee and Risk Characterization Technical Group responsible for developing statewide assessment methodologies to assess the generation and associated impact of diesel emissions on sensitive receptor populations. Mr. Piazza was also a member of ARB's Community Health Modeling Working Group which was responsible for developing guidelines for the assessment and mitigation of air pollution impacts at the neighborhood scale. At the request of Ted Lieu, California Senator, 28th District, Mr. Piazza provided testimony to members of the Senate Select Committee on Air Quality relating to community impacts from aircraft and ground support operations at Santa Monica Airport.

The Piazza Response responds to each point made by Mr. Giroux and shows that each of Mr. Giroux's points is inaccurate or based upon faulty assumptions. Mr. Giroux wrongly relies on an irrelevant SCAQMD pilot classroom study of air filtration systems that involved outdated filtration systems that bear no resemblance to the filtration systems employed in the Project. Mr. Giroux erroneously criticized air filtration system efficacy upon gaseous pollutants when 95 percent of the relevant carcinogens come from particulate matter—which the filtration systems effectively eliminate. Mr. Giroux's claim that a 70-year exposure model must be used ignores substantial evidence from the U.S. EPA Exposures Factors Handbook that a 30-year model is more than sufficient when average time anyone resides at a given residence is 9 years. Furthermore, Final EIR Appendix C "Duration of Residence in the Rental Housing Market" corroborates this approach. Mr. Giroux incorrectly cites an OEHHA guidance that expressly excludes roadway emissions and instead only regards stationary sources. Mr. Giroux incorrectly states that the health risk assessment failed to address non-DPM exposures. Mr. Piazza ultimately concludes that all of **Mr. Giroux's "report was found to be inaccurate and without merit."**

The EIR Noise Analysis Is Accurate and Complies with CEQA

Once again Mr. Torgan incorrectly claims that impacts generated by the existing environment upon a proposed project are significant CEQA impacts. They are not. (*See Ballona Wetlands Land Trust and Baird, supra.*) And Mr. Torgan again complains that the threshold of significance used in the EIR "is not the only threshold." The CEQA

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 11

issue is not whether there may be other thresholds of significance, but whether the thresholds of significance used in the EIR are improper and reflect a standard and accepted methodology—even though other methodologies may exist. Mr. Torgan’s letter provides no substantial evidence that the noise thresholds used in the EIR are improper.

Mr. Torgan again relies on the dubious dual expertise of Hans Giroux—who purports to be an expert in both noise and air quality. As previously-stated, Mr. Giroux’s education is in meteorology and physics. His credential shows no particular training or expertise in noise and groundborne vibration. Mr. Giroux is not an acoustical engineer, or an engineer of any kind. His credential does not illuminate any specific areas of expertise in physics or meteorology. His credential is absent any authored publications. Consequently, nothing in Mr. Torgan’s letter or in Mr. Giroux’s report establishes him as an expert in the areas of noise and vibration. His report is, therefore, an unsupported opinion.

By contrast to Mr. Giroux’s inadequate credential, expert acoustical engineer Amir Yazdaniyaz of Acoustical Engineering Services has prepared a response to Mr. Giroux’s memorandum (Supplemental RTCs Appendix B), which shows Mr. Giroux’s memorandum to be inaccurate and unreliable. Mr. Yazdaniyaz holds degrees in mechanical and civil engineering and is a Registered Professional Engineer (P.E.), State of California, #M26982. He is an affiliate of the Acoustical Society of America and the Institute of Noise Control Engineering. His authored publications spanning more than 2 decades are too numerous to mention, but among them are the following:

- “Deep Dynamic Compaction Groundborne Vibration Generation”, Noise-Con, 2010;
- “Railroad Track Noise and Vibration Impact Study and Soundwall Design,” Transportation Research Board, 1993.

According to Mr. Yazdaniyaz, Mr. Giroux’s report does not include substantial evidence that the EIR noise and vibration impact analysis was inadequate. According to Mr. Yazdaniyaz, Mr. Giroux’s memorandum relies on incorrect thresholds. Also, Mr. Giroux’s claim that residential uses should not be established next to a freeway because of the noise generated by the freeway is not a CEQA issue at all because CEQA does not address impacts of the existing environment on the project. Mr. Giroux’s comment is really a land use compatibility issue. Mr. Giroux incorrectly states that the noise levels above 70 dB CNEL are “clearly unacceptable”, when the correct threshold is 75 dB CNEL. Mr. Giroux misapplies construction vibration impact thresholds for rubber-tired vehicles to freeway vehicles. Mr. Giroux *agrees* with the EIR analysis that construction impacts on the 777 Motor Inn may be significant, and complains about this impact, but provides no evidence that the analysis is faulty in any way. Mr. Giroux simply

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 12

overlooked the noise impact analysis of construction haul trucks in the EIR. Finally, Mr. Giroux misunderstands Mitigation Measure H-1—which contains both a specific height of the protective construction sound wall *and* a performance standard in terms of dB reduction. Mr. Giroux incorrectly overlooked the performance standard when he opined—without evidence or expertise—that the 8-foot wall should be 10 feet.

Although Mr. Giroux and Mr. Torgan complain that the existing freeway noise will be incompatible with exterior balconies proposed in the proposed project, exterior balconies are exempt from the City’s exterior noise standards. According to CalTrans Traffic Noise Analysis Protocol, private balconies are not considered to be sensitive uses. The City of Los Angeles Municipal Code does not regulate noise exposure levels at balconies, and therefore these areas are not considered a noise sensitive use under the Code. Typically, Caltrans’ primary consideration for traffic noise abatement is given to exterior areas where “frequent human use” occurs, an area where people are exposed to traffic noise for an extended period of time in a regular basis.² Private balconies are generally not considered as noise sensitive use with respect to exterior noise because of the infrequent use (i.e., people are not expected to be out on the balcony for an extended of time).³ The EIR appropriately did not apply the noise significance threshold to the project’s balconies. And as previously-stated, the impact of the existing environment on a proposed project or its residents is not a CEQA impact at all.

The Project Is Consistent with the Relevant Land Use Plans

The dubious land use consistency arguments put forward by Mr. Torgan and SORSE essentially state that any project seeking exceptions to the Specific Plan is inconsistent with the Specific Plan and should be denied. Yet, the Specific Plan expressly allows exceptions. So it cannot be that merely requesting an exception from the Specific Plan renders a project un-approvable. Admittedly, Specific Plan exceptions require findings supported by substantial evidence and approval of Specific Plan exceptions by the City involves the exercise of the City’s discretion. In this case, the Specific Plan exception findings are well supported by substantial evidence. Mr. Torgan and SORSE reject this evidence and merely argue that City should not approve any exceptions. But neither Mr. Torgan, nor SORSE, nor any other Project opponent have provided any evidence contradicting the evidence provided in support of the exceptions. Instead, they merely disagree with the applicant and argue for a policy of rejecting the proposed Project. The City’s findings in support of approvals are not invalidated by public disagreement. Rather, a city’s findings that a project is consistent with an applicable plan can be

² Caltrans Traffic Noise Analysis Protocol, May 2011.

³ County of Alameda Eden Area General Plan, 2005; City of La Mesa 2012 General Plan Update, 2012; City of Escondido General Plan, 2012; City of Pleasanton General Plan, 2005.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 13

reversed only if they are based on evidence from which no reasonable person could have reached the same conclusion. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 677; *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1244.)

Mr. Torgan’s land use arguments regarding land use plan consistency are really policy arguments more than they are CEQA arguments. CEQA only requires an analysis of those land use regulations, plans, and policies that are “adopted for the purpose of avoiding or mitigating an environmental effect.” (CEQA Guidelines App. G.X.B.) No project will be consistent with every policy and goal of every applicable land use plan; and it is not a significant environmental impact for a project to be inconsistent with some portion of relevant plans. Nor does some inconsistency between a project and other land use controls mandate a finding of significance. (*See* CEQA §21083(b); CEQA Guidelines § 15065(a).) An inconsistency with a policy is merely one factor to be considered in determining whether a particular project may cause a significant environmental effect. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.) The EIR provides a complete and thorough analysis of the relevant plans and identifies where the Project is inconsistent with particular goals and policies. (Draft EIR Section IV.G; Final EIR Section I.G; Response to Comments 7-3 through 7-7.)

The General Plan Framework Is Relevant

Mr. Torgan complains—but does not himself believe—that inclusion of the General Plan Framework is inapplicable to site-specific entitlements and should not be included in the EIR. As Mr. Torgan is fond of making incomplete and inaccurate references to unrelated Superior court cases,⁴ an accurate reference to one of Mr. Torgan’s previous cases reveals that he vigorously argued—though unsuccessfully—that the City General Plan Framework *did apply* to the site-specific Emerson College project. (*See East West Studios, LLC v. City of Los Angeles* (2011) LASC Case No. BS128294 [petition for writ of mandate denied].) In that case Mr. Torgan claimed that the City’s land use impact analysis was flawed because it did not address the General Plan Framework Element with regard to rezoning industrial-zoned land for commercial use. (*See* LASC Case No. BS12829, Petitioner’s Reply Brief, Sections II.A, II.B attached hereto as **Exhibit “D”**.)

The EIR does not treat the General Plan Framework Element as binding upon site-specific entitlement requests. Nor does the EIR include the Framework Element to the exclusion of directly applicable plans—such as the Specific Plan. Rather, the Framework Element is included in the EIR at a minimum for informational purposes to show

⁴ See discussion below of Mr. Torgan’s inaccurate and misleading references to the parking issues in Hanover Hollywood Gower case.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 14

consistency with the land use policy guidance it provides. Including this information does not invalidate the EIR's analysis.

Substantial Evidence Supports the Conclusion that the Project Is Consistent with the Community Plan

Mr. Torgan attempts to substitute his judgment for the City Planning Department and offers his own interpretation of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (the "**Community Plan**"), opining that the Project is not consistent with various goals and policies of the Community Plan. Mr. Torgan provides no evidence supporting his opinion other than his own interpretations.

The project is not inconsistent Community Plan Policies 1-1.2, 1-1.3, 1-1.4, and 1-1.6 because the Project site is designated Regional Commercial under the Community Plan and so development at the intensity contemplated by that designation cannot be inconsistent with the community plan. Moreover, the Project site does not abut any single family residential neighborhoods. The closest single family residential parcel is across Sepulveda Boulevard on the other side of the R3 zoned parcel immediately to the east of Sepulveda. The impacted streets intersect with a major class II highway (Sepulveda Blvd.). While the referenced residential neighborhoods may take access from Sepulveda Boulevard, redeveloping along that corridor to the level of intensity contemplated by the site's Regional Commercial designation is not inconsistent with these policies.

Mr. Torgan then restates his objection to height in order to opine that the Project is inconsistent with Community Plan Policy 1.3-1. As previously-stated, the EIR and administrative record show that the proposed Project design is itself presents a "varied and distinct residential character" with a stepped-back design locating its tallest elements in the back of a large Project site. Ample evidence shows the neighborhood, especially along Sepulveda Boulevard to be multi-family and commercial uses of varying heights. The Project height is consistent with the range of heights on other Regional Commercial parcels nearby.

Mr. Torgan's interpretation of Community Plan Policy 1.3-2 overlooks the directive expressly stated in the policy to "consider" various livability factors including "impacts on traffic levels when changes in residential densities are proposed." The policy expressly contemplates changes in residential densities and does not prohibit traffic impacts, but instead requires careful consideration of them—which is what the EIR has done. As part of that consideration, the EIR evaluated project alternatives that comply with the Specific Plan and showed that such alternatives would have greater traffic

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 15

impacts than the proposed Project. Although some unmitigated traffic impacts remain, most potential traffic impacts are mitigated to less-than-significant levels.

The Project Is Consistent with the Commercial Goals, Policies, Objectives of the Community Plan

Mr. Torgan reiterates his selective and purposefully narrow view of the surrounding area to opine that because the Project is taller than the shortest buildings in the area the Project is inconsistent with the commercial goals of the Community Plan. Mr. Torgan offers his opinion that the Project is not compatible, but offers no evidence other than his opinion.

Mr. Torgan opines that despite the EIR's conclusion that the Project is consistent with Policy 2-1.3, the "evidence shows the contrary." Yet, Mr. Torgan offers no evidence whatsoever. He offers only his own opinion of what he would decide if he were the City Planning Department. He merely restates his opinion that because the tallest portions of the Project are substantially taller than the two of the shortest buildings nearby (the 777 Motel and the Grand Apartments) then the Project must be incompatible with the surrounding area. What the evidence shows is that Mr. Torgan is taking a purposefully narrow and self-serving view of the surrounding area. By Mr. Torgan's approach, only a project that creates no traffic impacts whatsoever and is comparable in height to the shortest structures could be considered compatible. Mr. Torgan's approach is itself incompatible with Regional Commercial designation and 75-foot height limit applicable to the Project. A fully Specific Plan compliant regional commercial development of 1.5 FAR and within the 75 foot height limit would generate approximately 6,000 more daily traffic trips than the proposed Project and would be significantly taller than both the 777 Motel and the Grand Apartments. Consequently, Mr. Torgan's argument isn't really about plan consistency, or harmony with the 777 Motel. His real argument is that he and SORSE don't want a project that is consistent with the Specific Plan. They want a very small project that is lower in height and far less dense than would be allowed by the Community Plan or Specific Plan.

Policy 2-3.3 seeks that *commercial infill developments* "achieve harmony with the best of the existing environment." Mr. Torgan's frequent reference to the 777 Motel and the Grand Apartments may mean that he considers these establishments "the best" of the existing environment. Although these are worthy establishments that are given thorough consideration in the EIR and the findings, the Project is primarily residential, not a commercial in-fill development. The commercial portions of the Project are within the Specific Plan height limit; and Mr. Torgan offers no statement whatsoever that the commercial portion of the Project is not in harmony with the 777 Motel and Grand Apartments. Furthermore, as previously-stated, the surrounding environment is a mix of commercial and residential at varying heights, from tall office towers, the Sherman Oaks

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 16

Galleria immediately adjacent to the Project site, a Freeway interchange immediate adjacent to the Project site. The Project design reflects an average of height of commercial structures in the area. This, together with its stepped-back design achieves harmony with the existing environment.

To the extent that Mr. Torgan is claiming the project is not in harmony with the residential neighborhood to the east, these residential uses exist within a present environment characterized by proximity to large commercial uses such as Sherman Oaks Galleria.

The Project Is Consistent with the Specific Plan; Specific Plan Exceptions Are Expressly Allowed by the Specific Plan

Mr. Torgan and SORSE essentially oppose any exceptions to the Specific Plan and offer their opinions that the Specific Plan exceptions requested for the Project should not be granted. Mr. Torgan offers his personal interpretation that any project that involves any significant unmitigated traffic impacts should not be granted any Specific Plan exceptions. The thrust of the Torgan Letter is that if he were the City Planning Department, he would deny the request for Specific Plan exceptions. But Mr. Torgan fails to provide any evidence that the Specific Plan findings cannot be made. He offers only his opinion disagreeing with the substantial evidence offered in support of the Specific Plan exceptions and the analysis in the EIR. Both the EIR and the Project applications contain substantial evidence supporting the Specific Plan exception findings.

With regard to Specific Plan Purpose A, Mr. Torgan implies that any unmitigated traffic impact renders such a project incapable of assuring equilibrium between transportation infrastructure and land use development. ***It is not the Project's Specific Plan exceptions that cause unmitigated traffic impacts***—it is the existing conditions of traffic congestion. Substantial evidence shows that a Specific Plan-compliant mixed use project of 1.5 FAR with 277 residential units, a 45,000 square-foot grocery, and 6,000 square feet of neighborhood-serving retail impacts 10 of the 11 intersections impacted by the Project, and after mitigation would result in the same significant unmitigated impacts at the same 5 local intersections as the Project. (See Crain & Associates letter dated February 14, 2013 attached hereto as **Exhibit “E”**.) In order to reduce the proposed Project to a level that would eliminate all significant traffic impacts, the Project would need to be reduced by 86 percent to 70 residential units and 7,700 square feet of commercial—a reduction far below the permitted FAR and height limits in the Specific Plan. Consequently, substantially evidence establishes that it is not the Specific Plan exceptions that generate significant unmitigated traffic impacts.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 17

Furthermore, the Project does establish the desired equilibrium articulated in Purpose A. This Project is predominately a residential use generating significantly less traffic than a Regional Commercial retail project or office project that would also be consistent with Specific Plan. In order to illustrate the benefit of this proposal over other permitted uses in terms of traffic congestion, the project’s traffic consultant created the following daily trip comparison.

Use	Lot area and Floor area	Trips generated
Proposed Project	Lot area = 219,778 or 5.05 acres Floor Area of 52,000 square feet of retail (45,000 sf grocery store & 7,000 sf specialty retail) and 399 residential apt units	5,057 net daily trips, including 266 AM peak hour trips, and 480 PM peak hour trips.
Shopping Center	Lot area = 219,778 or 5.05 acres Floor area = 333,000 for an FAR of 1.5 to 1	11,205 net daily trips, including 409 A.M. peakhour trips and 876 P.M. peak-hour trips
Mixed Use as defined in the Specific Plan, which requires a minimum 33% of the SF be commercial	Lot area = 219,778 or 5.05 acres Floor Area = 116,000 square feet of retail (45,000 sf grocery store & 71,000 sf retail) and 216 residential apt units for an FAR of 1.5 to 1	6,045 net daily trips, including 203 AM peak hour trips and 601 PM peak hour trips

This comparison is not intended to minimize the significant traffic impacts of the proposed Project, but instead it demonstrates that the proposed uses of this site are consistent with the equilibrium sought in Purpose A. According to this analysis the proposed Project generates 5,057 trips per day which is substantially less than other development options permitted by the Specific Plan’s restrictive floor area ratio. A shopping center project with a FAR equal to 1.5:1 generates approximately 11,205 trips per day or twice that of the proposed project. Even a mixed-use project, consistent with the Specific Plan’s definition for a mixed use project which includes at least 33% commercial uses, generates approximately 1,000 more trips than the proposed Project while providing little more than half of the units provided by the Project.

With regard to Purpose B, again Mr. Torgan attempts to read into the Specific Plan a moratorium on any development that would create any significant unmitigated traffic impacts. Purpose B does not establish such a moratorium. As shown above, this Project

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 18

reflects an attempt to minimize the impacts on the local circulation system by proposing a use that has the least traffic impacts compared to other uses permitted on this site by the Specific Plan.

With regard to Purposes C and E, Mr. Torgan reiterates his own interpretations and opinions of what constitutes compatibility and harmony “where commercial areas are contiguous to residential areas.” The Project is site in proximity to but is not “contiguous” with residential uses. The Project is separated from the nearest residential uses by Sepulveda Boulevard. The contiguous uses to the Project site are commercial and freeway infrastructure. More importantly, the Project height along Sepulveda Boulevard across from multi-family residential uses is within the permitted 75-foot height limit. The Project only reaches to over 75 feet at depth of 125 feet from western edge of Sepulveda Boulevard. This stepped-back design reflects direct input from the community and is consistent with Purposes C and E. With the proposed setbacks, the taller buildings would be concentrated across the street from the Galleria Parking Garage and away from Sepulveda Boulevard.

Again with regard to Purpose L, Mr. Torgan reads into the Specific Plan a moratorium on development. He argues that any unmitigated traffic impact is substantial evidence that a project generating such an impact is not consistent with Purpose L’s goal of providing development limitations based on infrastructure capacity.” The Specific Plan does not include such a moratorium as Mr. Torgan suggests. Then Mr. Torgan attempts to deny this by saying “it is the exceptions sought for this project that result in the inconsistency with the stated purposes of the Specific Plan” (emphasis in original). But as already shown by substantial evidence, it is not the requested Specific Plan exceptions that cause the Project’s traffic impacts. As already demonstrated, Mr. Torgan and SORSE don’t want a project that is consistent with the Specific Plan—they want a significantly smaller project than would be allowed under the Specific Plan. The Project is consistent with Purpose L in that the Project reflects a limitation on commercial development that would be allowed under the Specific Plan and would generate far more traffic trips than the proposed Project. The Project is consistent with Purpose L by imposing mitigation measures to reduce most of the Project’s traffic impacts.

Mr. Torgan and SORSE complain that the Project describes itself as mixed use because the Project does not meet the Specific Definition of Mixed Use—which requires that at least 33 percent of the development floor area be commercial and would allow a height of 85 feet. The EIR and the Project applications clearly state that the Project does not meet the Specific Plan definition of mixed use, but make the comparison to demonstrate that the Specific Plan-compliant mixed use project would have a higher height limit and generate significantly more traffic trips than the proposed Project. The purpose of this comparison is to demonstrate that although the Project seeks some exceptions from the

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 19

Specific Plan, it also avoids by-right development that would itself involve greater impacts than a project that seeks Specific Plan exceptions.

Finally, Mr. Torgan exaggerates the point made in the EIR and by the applicant that the Project site is located a long distance from Ventura Boulevard and that the Specific Plan's purpose is primarily to regulate development along Ventura Boulevard. This statement is not offered to dismiss the applicability of the Specific Plan, but rather to show that site possesses uniquely characteristics compared to other properties in the Specific Plan area:

- The Project site is located between US101/I-405 Interchange, Parking Structure & Sepulveda Boulevard;
- The Project site is surrounded by 26-foot tall freeway sound wall;
- The Project site does not abut R1 residential uses or zone and the nearest residential (R3 or greater) over 100 feet away;
- The Project site is located 1,330 feet from Ventura Boulevard (most of Plan area within 350 feet of the Boulevard).

The EIR Traffic Analysis is Accurate and Complies with CEQA

Expert traffic analysis by Transportation Engineer Roy Nakamura at Crain & Associates has been prepared in response to the Torgan Letter and Arthur Kassan's report accompanying the Torgan Letter (the "**Crain Response**"). (Supplemental RTCs Appendix C.) Mr. Nakamura responds to each point in the Torgan Letter and Kassan's report and finds that each point is either inaccurate, based upon faulty data or assumptions, and otherwise fails to demonstrate that the EIR analysis is inadequate.

Specific responses are provided below.

No Substantial Evidence Supports Conjecture that Potential Traffic Congestion will Create Significant Impacts Regarding Camarillo Street Access via an Alley

Both Mr. Torgan and Mr. Kassan speculate that traffic congestion on Camarillo Street and Sepulveda Boulevard could block access to Camarillo street via an Alley that provides parking to an apartment complex. Mr. Torgan's and Mr. Kassan's mutual speculation is not consistent with traffic impact study methodology and mistakenly

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 20

attempt to transform the inevitable inconvenience of congested peak hour traffic conditions into a imagined safety hazard.

The Crain Response confirms that Mr. Kassan’s conclusions are speculative and beyond standard methodologies. The Los Angeles Department of Transportation (“**LADOT**”) methodologies for preparing traffic impact studies and the City CEQA Guidelines require studying critical intersections, not every driveway and access point along each thoroughfare in the study area. Furthermore, the Crain Response shows that motorists attempting to use these access points have other options during periods of street congestion. The Crain Response also demonstrates why Project residential guest access will not affect traffic flow on Camarillo Street.

Project Access and Internal Project Circulation Will Not Result in New or More Significant Traffic or Safety Impacts

The Draft EIR provided adequate information regarding Project driveways. Mr. Torgan and Kassan exaggerate their own confusion into mere speculation of significant impacts.

As clearly shown on Final EIR Figure II-1, the Project has the following driveway and internal circulation elements:

- A private, two-way, dual-purpose driveway/fire lane extending from Sepulveda Boulevard to Camarillo Street along the backside of the site (the “**Back Lane**”) with ingress and egress on both Camarillo Street and Sepulveda Boulevard—ingress from Sepulveda is restricted to right turn in and egress onto Sepulveda is restricted to right-turn out;
- 2 Retail driveways into and out of the parking structure: 1 from the Back Lane and 1 from Camarillo Street;
- 1 Resident driveway into and out of the subterranean levels of the parking structure from the Back Lane;
- 1 Residential guest driveway into and out of the parking structure from Camarillo Street;
- 1 Residential drop off and drive-thru on Camarillo Street involving an ingress curb-cut and egress curb-cut.

The commenter is seeking details that are normally addressed at building permit stage. CEQA analysis does not require construction-level drawings. Rather, accurate site plans and traffic impact analysis based on site plans is sufficient for CEQA. Mr. Torgan complains that the site plans do not contain construction-level details and then speculates that this conceals traffic impacts. The Crain Response demonstrates that Mr. Torgan’s

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 21

and Mr. Kassan's concerns about driveways and internal circulation are unwarranted and the potential impacts they foresee is mere speculation.

The Project Does Not Result in a Significant Impact to Parking

Although Mitigation Measure K.8 calls for removal on-street parking and Mitigation measure K.14 will result in parking restrictions on Ventura, no substantial evidence supports Mr. Torgan's speculation that these mitigation measures or the loss of some street parking will result in a significant impact. Furthermore neither the City's CEQA Thresholds nor CEQA itself treats the loss of street parking as an environmental impact. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 695-697.)

The City's CEQA Thresholds address a shortfall of *on-site* parking compared to applicable codes and policies as a potential environmental impact. The Project's on-site parking exceeds the LAMC parking requirements for multi-family residential development, meets the LAMC parking requirements for retail, and meets the un-codified Deputy Advisory Agency parking policy for condominiums.

At the February 19 hearing, Mr. Torgan misled the City staff by claiming a local court recently invalidated an EIR in the Hanover Hollywood & Gower case for a parking analysis similar to the Project's parking analysis. Mr. Torgan's statement was false and he knew it was false. In a subsequent letter, dated February 26, 2013, Mr. Torgan attempted to redeem himself by attaching the decision in that case and admitting "unlike the Hollywood-Gower project, IVT does purport to provide parking in compliance with the City Planning Department's parking policy for condominiums." The Hanover case bears no legal resemblance to this case and Mr. Torgan's reference to it and later retraction reveals that his statements are not credible and should be given no credence.

Mr. Torgan's speculative and vague concern that loss of street parking will result in an unspecified significant impact is baseless and unsupported by any evidence. To the contrary, as set forth in the Crain Response, the EIR did disclose that the removal of on-street parking in connection with the implementation of mitigation measures could have an effect on parking in the area, although this impact is not concluded to be significant. (See DEIR Section VI, p. VI-12). In light of other available on-street parking within walking distance and abundant off-street parking in the area, the on-street parking removal that would result from the project was not concluded to be a significant impact. Moreover, the commenter presents no evidence to support the claim that removal of these spaces would result in spillover parking into adjacent residential neighborhoods.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 22

Furthermore, the amount of on-street parking removal that would result from the Project's mitigation measures has decreased since the preparation of the Draft EIR. For example, the mitigation measure for the intersection of Camarillo Street and Sepulveda Boulevard proposed removal of approximately 14 parking spaces along Camarillo Street west of Sepulveda Boulevard, i.e., 11 spaces along the north side and three spaces along the south side. Currently, along the north side of Camarillo Street, adjacent to the Project site, parking is not allowed weekdays from 8:00 AM to 6:00 PM between Peach Avenue and the westerly terminus, and is currently prohibited between Peach Avenue and Sepulveda Boulevard. The City has also removed all parking along the south side of the street. It should also be noted that nearly all of the streets in the neighborhood east of Sepulveda Boulevard have parking restrictions of some sort, including no parking, two-hour limitations or residential permit parking only. Considering all of these factors, no substantial parking spillover into this neighborhood is expected to result from the implementation of the Camarillo Street/Sepulveda Boulevard mitigation measure.

Finally, although no mitigation measure is required to mitigate the less-than-significant impact of removing on-street parking to improve traffic flow, Mitigation measure K-15 establishes a fund to implement local parking and circulation improvements.

The EIR Adequately Addresses Potential Neighborhood Cut-Through Traffic

As set forth in the Crain Response to the Torgan Letter and Mr. Kassan's report, the traffic analysis did distribute project-related trips to neighborhood streets but the volume of trips did not meet LADOT's thresholds warranting further potential impact analysis. In response to this comment, however, Mr. Nakamura applied increased the expected percentage of trips that may use residential neighborhood streets and applied LADOT's average daily traffic volume methodology to evaluate potential impact. Mr. Nakamura's analysis showed that Mr. Kassan's and Mr. Torgan's assumptions are incorrect, and that neighborhood street impacts would be less than significant because the trips would be below the percent intrusion significance thresholds established by LADOT.

The EIR Does Not Undercount Traffic Impacts; Removing Trip Credits for 35 Dwelling Units Would Not Change the Analysis

Mr. Torgan complains that trip credits were taken for 35 residential units. He then speculates without any evidence that this trip credit results in substantially more severe or new traffic impacts. Mr. Torgan's concern ignores the clearly-defined date of the environmental baseline for this Project. As stated above, CEQA unequivocally establishes the environmental baseline of any EIR analysis as the date on which the Notice of Preparation is published or when the environmental analysis commenced.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 23

(CEQA Guidelines §15125(a).) The project NOP was published on November 12, 2004. This would normally be the date of the environmental baseline against which the Project impacts are measured. However, to account for a delay in commencing the environmental analysis, the traffic study was done in 2008 to reflect the then-existing conditions at the time environmental analysis commences. The 35 residential units were occupied as late as 2007. (See **Exhibit “F”** Rent Stabilization Notices to Withdraw.) The Project Traffic study was done in 2008 and LADOT’s policy is to allow trip credits for uses occupied within two years of Traffic Study. But regardless of LADOT’s policy, the 35 units were occupied as of the date the NOP and as of the date environmental review commenced. Therefore, treating the units as occupied is fully compliant with CEQA.

Furthermore, even if the trip credits were not taken, the Project traffic analysis and conclusions would not change.

Updating the Project Horizon Date to 2015 Does Not Change the Traffic Impact Analysis or Conclusions

The horizon date of the Project traffic study has been updated to 2015 (the “**2015 Analysis**”). (Supplemental RTCs Appendix D.)

The 2015 Analysis does not require updating the related projects list because the related projects list is an element of the environmental baseline. The 2008 related projects database in the traffic study and EIR was large and extensive, analyzing 51 related projects within an approximate 3.5-mile radius of the Project site. A radius of 1.5-2.0 miles is typically used in most traffic studies. As a result, the traffic study conservatively assumed higher traffic volumes from related projects. While it is expected that some of the related projects have not proceeded or have been downscaled due to the economic recession that began in 2008, the trips from all of these projects are still included in the analysis of future traffic volumes. In addition, a generous ambient traffic growth factor of two percent per year was used at the time of the original traffic study, accounting for potential projects not yet proposed at the time the related projects database was developed. In 2010, the traffic study was updated to reflect a revised buildout year for the project and, as part of that update, additional ambient growth again was added to the counted traffic volumes, consistent with LADOT-approved methodologies for traffic study updates. No projects were removed from the 2008 related projects list.

The 2015 Analysis updates the traffic analysis for the Final EIR Project comprised of 399 dwelling units, a grocery store of 45,000 square feet and 7,000 square feet of retail use. This updated analysis assumes two-year construction period. The updated traffic data in 2015 Analysis reached the same conclusions for the Project as in the Final EIR. In particular, the 2015 Analysis concludes the Project would result in the same significantly

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 24

impacted locations for the year 2015, without and with mitigation, as determined for the year 2013.

The Project Traffic Impacts Are Not Inconsistent with the Specific Plan

Once again, Mr. Torgan attempts to interpret the Specific Plan so broadly as to read into the Specific Plan a prohibition on development and approvals whenever a project has a significant traffic impact. The Specific Plan includes no such prohibition. Neither is a project deemed to have a significant impact simply because it is inconsistent with some of the policies and goals of an applicable plan. An inconsistency between a project and other land use controls does not in itself mandate a finding of significance. (*See* CEQA §21083(b); CEQA Guidelines § 15065(a).) An Inconsistency with a policy is merely one factor to be considered in determining whether a particular project may cause a significant environmental effect. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.) Furthermore, as previously-demonstrated, the Project's Specific Plan exceptions do not cause the Project's significant traffic impacts because substantial evidence demonstrates that Specific Plan-compliant mixed use project would cause the same significant traffic impacts as the proposed Project.

With regard to Specific Plan Goal 12, Mr. Torgan and Kassan restate their baseless speculation that Project traffic will cause unsafe conditions. These claims have been refuted in the Crain Response. The Project traffic impacts are not inconsistent with a "well-maintained, safe and efficient highway and street network" because despite Project significant impacts, the EIR prescribes mitigation measures and well planned traffic and circulation program. Goal 12 does not state that any significant traffic impact is immediately inconsistent with Goal 12.

The Project is consistent with Policy 13-1.4 because the Project is designed with multiple ingress and egress points that minimize disturbance to existing flow on the most congested street, i.e., Sepulveda Boulevard. None of the Project driveways are located on Sepulveda Boulevard. The Back Lane connection to Sepulveda is right-turn restricted in and out. Furthermore, the Crain response contains detailed analysis demonstrating that the driveway and circulation elements of the Project are proper and do not create unsafe conditions. Therefore, the Project driveway and circulation is consistent with Policy 13-1.4.

Policy 13.2-1 does not prohibit approval a zone change or any other permit for a project that may cause a significant unavoidable traffic impact. Mr. Torgan interprets Policy 13.2-1 to mean a draconian prohibition on any development with a significant traffic impact, but the policy does not say what Mr. Torgan wishes it said. Nor is his interpretation the correct one.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 25

Objective 13-2 and Policy 13.2-1 state in full:

Objective 13-2 To insure that the location, intensity and timing of developed transportation infrastructure utilizing the City's streets and highways standard

Policy 13.2-1 No increase in density and intensity shall be effectuated by zone change, variance, conditional use, parcel map, or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project.

Program: The decision-maker shall adopt a finding which addresses this factor as part of any decision.

Program: Require that new development projects incorporate TSM and/or TDM programs with Citywide Land Use Transportation Policy

The Project complies with Policy 13.2-1. The Project incorporates a TDM plan. The Final EIR included revisions of the TDM plan. At minimum, the TDM plan shall include following:

- Provide information regarding discounted bus passes to residential tenants at the time of lease execution.
- Designate a Transportation Coordinator that is part of the property management team on-site.
- Coordinate with area businesses to maximize leasing to their employees as central focus of marketing strategy.
- Provide preferential parking for carpools and vanpools for retail employees.
- Create and deliver personal trip plans (transit, carpool, vanpool, bicycle, walking) for each new resident and employee and provide updates upon request.
- Deliver transportation information to residents in project communications including website/page.
- Host semi-annual events to promote ridesharing and transit usage.
- Install Transportation Information Display(s) in common area(s).
- Wire residential units for high speed internet access.
- Unbundle the leasing of dwelling units from parking spaces.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 26

The “transportation system” referenced in the Policy 13.2-1 is the transportation system of the entire Community Plan area—not the local intersections within a specific development project study area. Objective 13-2 directs itself to insuring that developed transportation infrastructure within the Community Plan area meet the applicable street standards. Thus, Policy 13.2-1 is intended to prevent development ahead of improving such streets and highways to contemporary standards. The Policy is not a prohibition on approvals that may have significant traffic impacts at local intersections. The Project is consistent with this Objective and policy because, despite 5 unmitigated traffic impacts at local intersections, the Project implements important transportation infrastructure improvements such as ATSAC implementation, street widening, and new turn lanes. All of these efforts are consistent with insuring that street and highway standards are met and maintained.

Despite 5 unmitigated traffic impacts at local intersections, the Project implements important transportation infrastructure improvements and mitigation such as ATSAC implementation, street widening, and new turn lanes. The project also provides \$300,000 in direct local funding to parking, transportation, and circulation improvements in the immediate area of the proposed Project. All of these efforts are consistent with insuring that street and highway standards are met and maintained. The proposed Project is required to improve impacted streets to Standard Street Dimensions prior to occupancy.

The Project site Community Plan land use designation is Regional Commercial. This designation already assumes an increase density and intensity associated with Regional Commercial development. Although the Project seeks a zone change to bring the site-zoning into consistency with Community Plan, the proposed Project is not increasing the intensity planned for by the Community Plan by virtue of the site’s Regional Commercial designation.

Finally, with regard to Goal 15, Mr. Torgan restates his previously flawed and fallacious claim regarding the perceived impact of removing some street parking to improve traffic flow. He also fails to quote the entirety of Goal 15.

The entire text of Goal 15 is:

A sufficient system of well designed and convenient on-street parking and off-street parking facilities throughout the plan area.

The entire text of Objective 15-1 is:

To provide parking in appropriate locations in accord with Citywide standards and community needs.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 27

Mr. Torgan conveniently omits these portions about off-street parking. Neither Goal 15 nor its corresponding Objective is all about on-street parking. The Project is completely consistent with Goal 15 and Objective 15-1 because it provides on-site off-street parking that exceeds the LAMC off-street parking requirements for multi-family housing, meets the LAMC off-street parking requirements commercial uses, and meets the un-codified Deputy Advisory Agency policy for condominium off-street parking. Furthermore, Community Plan Goal 15 expressly addresses itself “throughout the plan area.” Removing approximately 20 street parking spaces on public streets to improve traffic flow does not undermine “a sufficient system of well-designed and convenient on-street parking.”

Substantial Evidence Supports the EIR’s Analysis of Fire Protection Impacts

Mr. Torgan’s reference to general topic articles from a year ago regarding misleading data on LAFD response times is not evidence that the EIR analysis of fire protection impacts is inaccurate. As previously-stated, general topic articles are not substantial evidence of project impacts under CEQA. Furthermore, Mr. Torgan then speculates that if updated response times were used, then the impact would be significant.

According to the Supplemental RTCs, Draft EIR analysis is based on a number of factors including the distance between the Project site and nearby fire stations, the availability of emergency access during Project construction and operations, the adequacy of existing fire facilities to serve the Project area, fire flow requirements, as well as response times. The conclusion of the analysis would remain unchanged even with updated emergency response time data as the assessment of the adequacy of existing fire facilities is based on Fire Station 88 being located within 0.4 mile of the Project site (compared to LAFD’s recommended response distance of 1.5 miles), the limited number of additional calls for service generated by the Project, and LAFD’s review of the Project’s site plans before construction of any portion of the Project.

The EIR Studied a Reasonable Range of Alternatives

Mr. Torgan first cites some of the general CEQA law applicable to alternatives analyses, but omits important additional standards. For example, Mr. Torgan does not mention that an EIR need not consider alternatives that would change the fundamental nature of the project. (*Al Larson Boat Shop, Inc. v. Board of Harbor Comm.* (1993) 18 Cal.App.4th 729, 745.) An EIR need not evaluate alternatives that cannot achieve the fundamental goals and purposes of the proposed project. (*In re Bay-Delta Programmatic EIR Coord. Proceedings* (2008) 43 Cal.4th 1143, 1157.) “CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR.” (*Citizens of Goleta*

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 28

Valley v. Bd. of Supervisors (1990) 52 Cal.3d 553, 566; See also *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 919.) To be legally sufficient, the consideration of project alternatives in an EIR must permit informed agency decision-making and informed public participation. The analysis of alternatives is evaluated against a rule of reason. (*Goleta, supra*, 52 Cal.3d at 565; Guidelines §15126.6, subs. (a), (f).) An agency’s discretion to choose alternatives for study should be upheld unless they are “manifestly unreasonable.” (*Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151.)

Alternatives are suitable for study in an EIR if they meet the following thresholds: (1) substantially reduce or avoid the project’s significant environmental impacts; (2) attain most of the basic project objectives; (3) are potentially feasible; and (4) are reasonable and realistic. (Guidelines § 15126.6, subs. (a), (c).) Candidate alternatives that do not satisfy these requirements may be excluded from further analysis. (*Jones v The Regents of The Univ. of California* (2010) 183 Cal.App.4th 818, 825.) Based upon all of these factors, the range of alternatives analyzed in the EIR is reasonable.

The Alternatives Analysis Uses Correct Information

Mr. Torgan accuses the EIR of being misleading because the alternatives correctly state that the Project site is currently subject to multiple zones that are not consistent with the current General Plan land use designation of Regional Commercial. He again accuses the EIR of being misleading by clearly stating that other than the No Project Alternative (which assumes that the existing mix of noncompliant zoning does not change) other alternatives will assume that alternative development projects would include a zone change to C2—which complies with existing General plan land use designation. Mr. Torgan may disagree with this approach, but it is not misleading nor is it unreasonable. What would be unreasonable would be to assume that a site of this size would be developed into any reasonably foreseeable project without changing the hodge-podge patchwork of non-compliant zoning.

The EIR Analysis of the Residential-Only Alternative is Correct and Complies with CEQA

Mr. Torgan’s criticism of Alternative C—the Residential Only Alternative—is unfounded. He addresses his comments to Aesthetic and Land Use impacts, but the Project does not create significant unmitigated aesthetic and land use impacts. As Mr. Torgan knows, the purpose of the alternatives analysis is to consider alternatives that could substantially reduce or avoid the *significant* impacts of the proposed project. Although Mr. Torgan thinks the Project does create significant aesthetic and land use impacts, as has been shown in this memorandum and the attachments hereto, Mr. Torgan

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 29

is incorrect about land use and aesthetic impacts. Mr. Torgan confuses the request for Specific Plan exceptions with a significant land use impact. It is not the purpose of a CEQA alternatives analysis to eliminate the applicant's requests for discretionary approvals.

A Reduced Density Alternative of the Proposed Project Is Not Required Because It Would Not Substantially Reduce Significant Impacts

Mr. Torgan mistakenly claims that a mixed-use reduced-density alternative is required. A lead agency may eliminate from consideration a reduced-density alternative when no substantial evidence in the record suggests that the alternative would substantially reduce a project's significant environmental impacts. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 929.)

With regard to this Project, substantial evidence unequivocally demonstrates that a specific-plan compliant mixed-use alternative would not substantially reduce the Project's significant impacts. As shown in the Crain Response, a mixed-use alternative that is within the 1.5:1 Floor Area Ratio permitted for the site under the Specific Plan would not substantially reduce significant Project impacts. This alternative consists of 277 multiple-family dwelling units, 45,000 square feet for a grocery store and 7,000 square feet of retail use within a 1.5:1 FAR. This reduced mixed-use alternative would generate 4,237 net trips per day, including 204 AM and 405 PM peak-hour trips. Prior to mitigation, this alternative would result in significant impacts at 10 of the 11 study intersections that would be significantly impacted by the Final EIR Project of 399 dwelling units, 45,000 square-foot grocery store and 7,000 square feet of retail use. With mitigation, this alternative would result in significant, unavoidable impacts at the same five intersections that would be subject to significant, unavoidable impacts under the Final EIR Project.

Substantial Evidence Supports the Requisite Specific Plan Exception Findings

The applicant's representatives submitted substantial evidence supporting each and every Specific Plan exception finding necessary to approve the requested exceptions. The EIR does not contain all the evidence necessary to make these finding because Specific Plan exception findings are part of the discretionary approval process and while the findings relate to some extent to CEQA impacts, the findings themselves and much of the evidence supporting them is appropriately included in the Project applications, not the EIR.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 30

Mr. Torgan and SORSE simply oppose granting such exceptions, but their opposition is merely their policy opinion. It is not evidence that findings cannot or should not be made.

Mr. Torgan expresses his opinion that because the Project generates some significant unavoidable traffic impacts at 5 intersections that Finding (e) cannot be made. Mr. Torgan is merely proposing his own interpretation of the Specific Plan. Nowhere does the Specific Plan prohibit granting a Specific Plan exception simply because the proposed project generates a significant unavoidable traffic impact. Furthermore, as already demonstrated above, substantial evidence shows that it is not the Specific Plan exceptions that cause the traffic impacts. To the contrary, Specific Plan compliant alternatives also cause the same traffic impacts—including Specific Plan compliant mixed-use alternative.

With regard to Finding (e), Mr. Torgan merely expresses his policy opinion that the Project is not consistent with the principles, intent and goals of the Specific Plan. However, as shown in the proposed findings and the EIR, the Project is consistent with most of the policies and goals of the Specific Plan. Substantial evidence shows that because this Project proposes uses that minimize the inevitable traffic impacts of any reasonable Specific Plan compliant alternative on this site and because this Project includes significant transportation-related mitigation and benefits to the Specific Plan area, the Project is consistent with the first purpose of the Specific Plan: to “assure that an equilibrium is maintained between the transportation infrastructure and the land use development.” Assuming this project would be developed with the types of commercial uses permitted in a Regional Commercial land use designation, it is appropriate to limit the amount of square footage as a way to address traffic congestion in the Plan’s area. This Project, however, is predominately a residential use generating significantly less traffic than a Regional Commercial retail project.

Mr. Torgan’s calculations with regard to the need for housing are contrary to the prevailing data provided by the Southern California Association of Government’s (SCAG) 2008 Regional Transportation Plan and SCAG’s 2012 Regional Transportation Plan/Sustainable Communities Strategy (2012 RTP/SCS). As shown in the Supplemental RTCs, the 2012 RTP/SCS incorporates the overall RHNA target for the SCAG region and provides a land use pattern that shows where new housing growth can be accommodated in the future. The land use pattern accommodates approximately 644,000 additional households in the SCAG region by 2020 and a total of 1.5 million additional households by 2035. Additionally, based on the shift in demographics and household demand, the 2012 RTP/SCS provides that a significant increase in small-lot single-family and multi-family housing would occur in infill locations near transit infrastructure. (Supplemental RTCs 1-34.)

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 31

Substantial Evidence Supports the Tract Map Findings

There appeared to be some confusion at the February 19 hearing regarding the Vesting Tentative Tract Map (“VTTM”). The confusion seems to arise from the inherent imprecision of representing a three-dimensional division of land and airspace on a two-dimensional drawing. Property rights exist in three dimensions: all the space below the surface, the surface, and all the space (or “air space”) above the surface. Thus, a piece of property is not flat, it is a three-dimensional box. The VTTM for this Project divides this three-dimensional box into smaller boxes—or “lots”—called air space lots. These air space lots, once divided become separate and distinct property that can be separately own, sold, or financed. This allows the Project to separately finance portions of the Project. For example, because the commercial portion of the Project will be separately divided into its own air space lot, that portion of property can be separately financed and the loan can be secured by only the commercial portion of the property—without encumbering the other portions. For this reason, the applicant has requested a VTTM and has created a separate air space lot for the residential portion of the Project, so that it can be separately financed without encumbering other portions of the Project.

The request for the VTTM makes the City’s un-codified residential condominium parking policy applicable to the Project. Consequently, despite the applicant’s intention to develop this Project as apartments, the Project is parked and designed to meet condominium standards.

The applicant’s application and the EIR include substantial evidence supporting each of the necessary findings to approve the VTTM. Mr. Torgan reiterates his previous opinions that the Project is not consistent with the General Plan and on that basis claims the VTTM findings cannot be made. Again, Mr. Torgan’s policy opinions regarding how he would interpret the City’s General Plan and applicable Community Plan and Specific Plan is not evidence that the VTTM findings cannot be made. Mr. Torgan’s opinions and personal interpretations are merely evidence that if he were the City Planning Department he would not adopt the findings. As previously shown, however, Mr. Torgan’s opinions and interpretations are unreasonable and substantial evidence shows that the Project is consistent with the General Plan.

Similarly, Mr. Torgan offers his opinion that the VTTM findings cannot be made and cites his previously-refuted parking, circulation, and public health arguments to support his opinion. Substantial evidence in this memorandum and the attachments hereto demonstrate that each every claim made in the Torgan Letter and the exhibits to the Torgan Letter are inaccurate, speculative, or based on false or mistaken facts.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 32

The EIR's Analysis of Library Service Impacts is Accurate and Complies with CEQA

The Supplemental RTCs provide a complete response to Mr. Torgan's conjecture regarding library services impacts. (Supplemental RTCs 1-36.)

Response to Comment No. 11-38 of the Final EIR, the Project's demand for library services would be reduced from that analyzed in the Draft EIR with the project's proposed over 20% reduction in residential units (i.e., number of proposed residential units reduced from 500 to 399 residential units). In addition, as stated in Response to Comment No. 25, the baseline used to conduct the project's environmental analysis is correct and meets all CEQA requirements. Further, even with consideration of the changes in the operational conditions of the Sherman Oaks Branch Library that are cited in the comment, the EIR's conclusion that the project would have a nominal demand on library services and that the project's cumulative impacts would not be cumulatively considerable would be unchanged.

RESPONSE TO JEFFERY KALBAN

Mr. Kalban's Request for a Class A Office Space Alternative Is Infeasible

In his February 7, 2013 electronic correspondence, Mr. Kalban suggests that the site should be developed with Class A office. His suggestion reflects his ignorance regarding Class A office market in the Specific Plan area.

As shown in the substantial evidence accompanying the applicant's Specific Plan exception findings, the Sherman Oaks Section of the Specific Plan and its surrounding area has over 6.5 million square feet of existing commercial office space within a ½ mile radius of the Project site—most of these office buildings are located along Ventura Boulevard. According to a Second Quarter 2012 Colliers International Report, the office vacancy rate in the San Fernando Valley remains above 20 percent—the second highest office vacancy rate in Los Angeles County. Only the South Bay has a higher office vacancy rate than the San Fernando Valley at 21.6 percent.⁵ With regard to San Fernando Valley's office market, the report concludes that a “decrease in leasing activity has the potential to create a negative absorption environment for the second half of 2012.” Consequently, a Class A office alternative is economically infeasible in this

⁵ Colliers International Q2 2012 Los Angeles Basin Market Report, http://www.colliers.com/~media/Files/United%20States/MARKETS/GreaterLA/Market%20Reports/2012_Q2_BASIN_Office_LosAngeles.pdf

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 33

environment because the surrounding area is already over-saturated with office space and is suffering very high vacancy rates.

RESPONSE TO SOHA LETTER

The comments submitted jointly by the Sherman Oaks Homeowner's Association and Homeowners of Encino on February 19, 2013 in the SOHA Letter do not identify any facts or issues that are separate or distinct from the issues raised in the Torgan Letter. For the most part, the SOHA letter provides general comments and objections to the Project and its requested approvals. The SOHA letter reiterates many of the points SOHA made in Comment No. 11 to the Draft EIR. Response No. 11 in Final EIR provides a complete response Comment No 11.

The Supplemental RTCs also respond to the SOHA Letter.

The Project Impact Analysis and Mitigation Program Complies with CEQA

Section III of the SOHA Letter makes general statements that the impact analysis is inadequate, the cumulative impacts analysis is inadequate, and the mitigation measures are inadequate. But this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

The SOHA Letter misunderstands the role of mitigation in CEQA. Contrary to the assertion made, CEQA imposes no independent grant of authority to impose mitigation on a project—a lead agency may only exercise the powers already provided by other legal authority independent of CEQA. (Pub. Res. Code §21004; *Sierra Club v. Cal. Coastal Comm'n* (2005) 35 Cal.4th 839.) A lead agency is not given unfettered discretion in prescribing mitigation measures. Mitigation measures may only be prescribed to address potentially significant impacts and must be appropriately tailored to the impact. (CEQA Guidelines §§15041(a), 15126.4(a)(4).) A lead agency cannot impose or mandate a mitigation measure unless the measure has a nexus with a significant environmental impact.

Mitigation measures must be enforceable, and there is no evidence in the SOHA Letter that mitigation measures will not be enforced. Contrary to the assertion made, a lead agency may prescribe as mitigation compliance with regulations that are intended to mitigate environmental impacts.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 34

The EIR Fully Addresses Reasonably Foreseeable Potential Grading and Seismic Impacts

Section IV of the SOHA Letter makes general statements suggesting that insufficient information is provided regarding Project grading and implies that the EIR inadequately addresses geologic and seismic hazards. Except for an unspecific claim that Mitigation measure D-1 is inadequate, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

Mitigation Measure D-1 requires compliance with soil stability measures prescribed in an existing geotechnical report. The SOHA Letter provides no evidence that this report or its required measures is inadequate.

The EIR Fully Addresses Reasonably Foreseeable Air Quality Impacts

Section V of the SOHA Letter complains that the EIR did not fully mitigate air quality impacts. A project is not required to mitigate every impact, and this Project does not mitigate every air quality impact. The EIR, however imposes every feasible mitigation measure to reduce most air quality impacts below significant levels and substantially reduce the significant air quality impact—though not below significance thresholds.

The EIR Fully Addresses Reasonably Foreseeable Water Impacts

Section VI of the SOHA Letter makes general statements suggesting that insufficient information is provided regarding Project water and implies that the EIR inadequately addresses water consumption and saving. Except for unspecific claims that Mitigation Measures F-1 through F-6 are inadequate, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

The SPHA letter speculates without any evidentiary basis that the Project might have water consumption impacts from an unidentified aquifer. The EIR fully evaluated water consumption and found the impacts to be less than significant. The analysis of water demand associated with operation of the project is based on a formal Water Supply Assessment approved by the Los Angeles Department of Water and Power and includes numerous water conservation features. Furthermore, the Project will meet LEED Silver certification which will result in significant water conservation and other energy-saving features.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 35

The EIR Fully Addresses Reasonably Foreseeable Plant and Animal Impacts

Section VII of the SOHA Letter makes general statements suggesting that insufficient information is provided regarding Project water and implies that the EIR inadequately addresses water consumption and saving. Except for unspecific claims that Mitigation Measures C-1 and C-2 are inadequate, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

The EIR Fully Addresses Reasonably Foreseeable Noise Impacts

Section VIII of the SOHA Letter makes general statements suggesting that that the EIR inadequately addresses noise. Except for unspecific claims that Mitigation Measures H-1 through H-6 inadequate, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

Substantial responses to other concerns regarding noise impacts have been provided within the Supplemental RTCs and elsewhere in this memorandum.

The EIR Fully Addresses Reasonably Foreseeable Light & Glare Impacts

Section IX of the SOHA Letter makes general statements suggesting that the EIR inadequately addresses light and glare impacts. Except for unspecific claims that nearby residents will be subject to light and glare, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

The EIR Fully Addresses Changes in Population

Section X of the SOHA Letter makes general statements suggesting that that the EIR inadequately addresses changes in population. Except for unspecific claims that changes in population will occur if the Project is approved, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

Substantial responses to other concerns regarding population and housing have been provided within the Supplemental RTCs and elsewhere in this memorandum.

Air Traffic Impacts Are Not Reasonably Foreseeable

Section XI of the SOHA Letter speculates that air traffic impacts may occur and suggests that notifications may be required to the FAA. The SOHO Letter misunderstands the applicable regulations. The FAA requires that Form 7460-1, Notice of Proposed Construction or Alteration, be filed with the FAA regional office prior to construction for

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 36

buildings that are 200 feet or greater in height from the grading terrain. Based on the maximum 100-foot height of proposed buildings, this Notice is not required for the Project. All necessary air traffic regulations will be followed, but the comment provides no specific examples or concerns that can be addressed with specific responses. A heliport is not proposed as part of the Project.

The EIR Fully Addresses Traffic Impacts

Section XII of the SOHA Letter makes general statements suggesting that that the EIR inadequately addresses traffic and circulation impacts. Except for unspecific claims that Mitigation Measures K-1 through K-16 are inadequate, this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

Substantial responses to other concerns regarding traffic impacts have been provided within the Supplemental RTCs and elsewhere in this memorandum.

The Project is not a phased-implementation project. Because the Project is built atop a podium, and is an integrated Project, construction of the Project will continue until the entire Project is complete.

The EIR Fully Addresses Public Service Impacts

Section XIII of the SOHA Letter speculates that energy and utility impacts may be significant and makes unspecific claims that Mitigation Measures L-1 through L-5 are inadequate. The Supplemental RTCs provide a complete response to this comment. In addition, the SOHA Letter fails to take into account that the Project will be LEED Silver certified, which assures a significant reduction in waste streams and energy consumption.

The EIR Fully Addresses Energy and Utility Impacts

Section XIV of the SOHA Letter speculates that public services impacts may be significant and expresses an opinion that the Project will be a “drain on public services.” Except for unspecific claims about crime and evacuation procedures and similarly generalized concerns this section of the letter provides no specific examples or concerns that can be addressed with specific responses.

The EIR Fully Addresses Aesthetic Impacts

Section XV of the SOHA Letter speculates that aesthetic impacts will be significant and expresses an opinion that mitigation measures are required. The SOHA Letter merely disagrees with the EIR analysis but provides no specific information or evidence showing

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 37

the EIR analysis to be inadequate. Concerns and claims regarding aesthetic impacts are fully addressed in detail in the Supplemental RTCs and elsewhere in this memorandum.

The EIR Fully Addresses Growth Inducing Impacts

Section XVII of the SOHA Letter speculates that growth inducing impacts will be significant and expresses an opinion that mitigation measures are required. The SOHA Letter merely disagrees with the EIR analysis but provides no specific information or evidence showing the EIR analysis to be inadequate. Concerns and claims regarding growth inducing impacts are fully addressed in detail in the Supplemental RTCs and elsewhere in this memorandum.

The Additional Proposed Mitigation Are Not Required

As previously-stated above, the lead agency cannot impose mitigation unless the mitigation measure is tailored to address a reasonably foreseeable significant impact. The SOHA Letter provides no evidentiary basis to impose any of the mitigations it suggests. With regard to proposed mitigation measures 1, 2, 5, 7 and 8, the project is already required to implement mitigation measures that address parking, access, construction management personnel, traffic flows, deliveries, and queuing during construction. The Supplemental RTCs provide responses to proposed mitigation measures 3, 4, 6, 9, 10, and 11.

The EIR Fully Addresses the No Project Alternative

Section XVIII of the SOHA Letter attempts to set forth the applicable law regarding the lead agency's duties to consider a No Project Alternative. The No Project Alternative is fully evaluated in the EIR and substantial evidence exists to support a finding by the lead agency that the No Project Alternative is infeasible because it would not meet any of the Project objectives.

Requirements for Public Notice

Section XIX of the SOHA Letter suggests that the EIR require the applicant to establish a notice list within 5,000 feet of the Project and hold quarterly meetings. A 5,000-foot radius for notice is unheard of in modern municipal governance and no evidence supports the need for such a requirement. Existing law prescribes the requisite notices and hearings for governing a project in the City of Los Angeles and the State of California. Although the applicant has demonstrated an extraordinary effort and willingness to meet

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 38

with neighbors, and will continue to do so, the SOHA Letter suggestions are extreme and unwarranted.

Substantial Evidence Supports A Statement of Overriding Considerations

Section XX of the SOHA Letter suggests that the lead agency impose additional alterations and take no discretionary action to approve the Project. The comment merely articulates its opposition to the Project and advocates for denying the Project—and such advocacy is the right of every community stakeholder. However, the comment provides no evidence that feasible mitigations exist that would substantially reduce or avoid significant impacts but which have not been incorporated into the Project. The comment provides no evidence that the extraordinary public benefits of the Project outweigh the significant impacts.

Although stated elsewhere in the record, the public benefits of this Project are worth repeating:

- Development of a 13,000 square-foot publicly-available plaza that will activate this segment of Sepulveda Boulevard compared to existing conditions; and
- Revitalization of a large under-utilized and vacant site into a coherent development and mix of uses; and
- Installation and maintenance for the life of the project of landscaping improvements within the median along Sepulveda Boulevard between Moorpark Street and Camarillo Street; and
- Use of the Project's two community rooms by local community-based organizations; and
- Pedestrian, streetscape and transit enhancements, such as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales to promote consistency with the Sherman Oaks Streetscape and Design Plan and foster a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage; and
- According to the August 2012 "Economic Impact Analysis prepared by the Los Angeles County Economic Development Corporation (the "EIA"), construction of the proposed project will generate in the following economic benefits;
 - Approximately \$255 million in total economic output in Los Angeles County;
 - Support 1,470 annual jobs with labor income of \$86.5 million; and
 - At least \$19.1 million of total state and local taxes.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 39

- According to the EIA, operation of the proposed project will generate the following economic benefits:
 - Resident spending will generate \$11.4 million in total economic output and support 115 annual jobs in Los Angeles County with labor income of \$4.7 million;
 - Total ongoing state and local taxes generated due to spending by new residents of Il Villaggio Toscano is estimated to be \$1.28 million; and
 - Incremental property taxes due to the reassessed value of the property are expected to generate an additional \$1.6 million per year.

In addition, the Project will accomplish the following objectives:

1. Development Objectives

- Build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing a vibrant urban-living development within the vicinity of an existing regional shopping center.
- Create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses.
- Provide new residential units to help meet the market demand for housing in southern California and, in particular, in the San Fernando Valley.
- Develop an energy-efficient and environmentally conscious project.
- Provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood.
- Bring convenient neighborhood-serving commercial uses within walking distance of numerous apartments and single-family residences in the surrounding neighborhood.
- Provide sufficient parking to meet the parking needs of the Project's residents, guests and visitors, employees, maintenance personnel, and delivery vehicles.

2. Design Objectives

- Create a mid-rise development that complements and improves the visual character of the area through appropriate scale and high quality architectural design and detail.
- Design the interiors and exteriors of the proposed project to promote quality living spaces that effectively connect with the surrounding urban environment.
- Incorporate landscape features in a manner that provides character and texture in an urban environment, enhances the visual character of the development, and facilitates a sense of separation and privacy for project residents.

Nicholas Hendricks

Jose Carlos

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB; VTT – 61216; ENV-2004-6000-EIR

March 8, 2013

Page 40

- Enhance pedestrian activity and neighborhood commercial street life in the project area.
- Provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that present an attractive retail face along street frontages.

3. Economic Objectives

- Bring the site to a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands.
- Revitalize an existing underutilized site.
- Create a viable and successful mixed-use project.
- Provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.
- Maintain and enhance the economic vitality of the region by providing job opportunities associated with the construction of the proposed project.

EXHIBIT A

1 APPLICATION FOR INSPECTION **JOB # 15-001367 Yellow Tag** **DEPT. OF BUILDING AND SAFETY** **OF NEW BUILDING AND FOR CERTIFICATE OF OCCUPANCY**

INSTRUCTIONS: 1. Applicant to Complete Numbered Items Only. 2. Plot Plan Required on Back of Original.

1. LOT	BLOCK	TRACT	COUNCIL DISTRICT NO	DIST. MAP
port		1000	5	160145
LEGAL DESCR.	412			
2. PURPOSE OF BUILDING				ZONE
(25) Apartment				PA-2 (24-16)
3. JOB ADDRESS				FIRE DIST.
4735 N. Scoulevada Blvd.				
4. BETWEEN CROSS STREETS AND				LOT TYPE
CAMARILLO Moorpark				INTL
5. OWNER'S NAME				LOT SIZE
Lycan Group 816/505-7800				incorp. legal
6. OWNER'S ADDRESS				irregular
15303 Ventura Blvd. #1000, Sherman Oaks 91403				
7. ENGINEER				ALLEY
Jitu Mahajan BUS. LIC. NO. ACTIVE STATE LIC. NO. PHONE				30'
C 18780 345-6636				BLDG. LINE
8. ARCHITECT OR DESIGNER				15' front
Limestone-Stiehl BUS. LIC. NO. ACTIVE STATE LIC. NO. PHONE				AFFIDAVIT
2130 S. Sawtelle #310, LA 90025				ZASS-0101
9. ARCHITECT OR ENGINEER'S ADDRESS				ZA 8887
10. CONTRACTOR				ord. 112.839
Lycan Development BUS. LIC. NO. ACTIVE STATE LIC. NO. PHONE				
499169499193 (818) 605-7800				
11. SIZE OF NEW BLDG.				PC REQ'D
WIDTH	LENGTH	STORIES	HEIGHT	NO. OF EXISTING BUILDINGS ON LOT AND USE
92'	425'	4	60'	2 MOTELS
12. MATERIAL OF CONSTRUCTION				FLOOR
EXT. WALLS: NO. STUCCO ROOF: BUILT-UP FLOOR: WD.				YES
13. JOB ADDRESS				DISTRICT OFFICE
4735 N. Scoulevada				VENTURA DIVISION
14. VALUATION TO INCLUDE ALL FIXED EQUIPMENT REQUIRED TO OPERATE AND USE PROPOSED BUILDING				SEISMIC STUDY ZONE
\$ 16,000,000				

PURPOSE OF BUILDING			STORIES	HEIGHT	ZONED BY
Appt.			4	60	J. Hensky
TYPE	GROUP	FLOOR AREA	PLANS CHECKED		FILE WITH
VIT	BL/RI	218,619	APPLICANT APPROVED		PLAN/PERM
DWELL UNITS	MAX. OCC.	TOTAL	INSPECTION ACTIVITY		INSPECTOR
136	-		GEN.	MAJ. S.	CONS.
GUEST ROOMS	PARKING REQ'D	PARKING PROVIDED	30484.74 B-PC		BAS-D-1-0000
-	434	STD. 262 COMP 192	609.69 OSS		
30,484.74	P.P.I.	CONT. HOOP	31094.43CHTD		
S.P.C.	P.M.	MASONRY.	39000.00 SOFT		
35,864.40	E.I.	Claims for refund of fees paid on permits must be filed 1 Within one year from date of payment of fee, or 2 Within one year from date of expiration of extension for building or grading permits granted by the Dept. of B & S. SECTIONS 22.12 & 22.13 LAMC.	99000.00 SOFT		
609.69	O.S.S.		73161.00 SOFT		
609.69	S.O.S.S.		1120.00 E.I.		
FEES 971,166	C.O.	SPRINKLERS FULLY SPRINKLED	1043.69 OSS		
DIST OFFICE	P.C. NO.	ENERGY	33200.00 FTRE		
VN	37907	YES (ENV.)	73197.00		
37,907	F.M.		73197.00		
37,907			87906 3 08/17 344789.09 CHTD		

DECLARATIONS AND CERTIFICATIONS

LICENSED CONTRACTORS DECLARATION

15. I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Date: 1/21 Lic. Class: B Lic. No: 499193 Contractor's Signature: [Signature]

OWNER-BUILDER DECLARATION

16. I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):

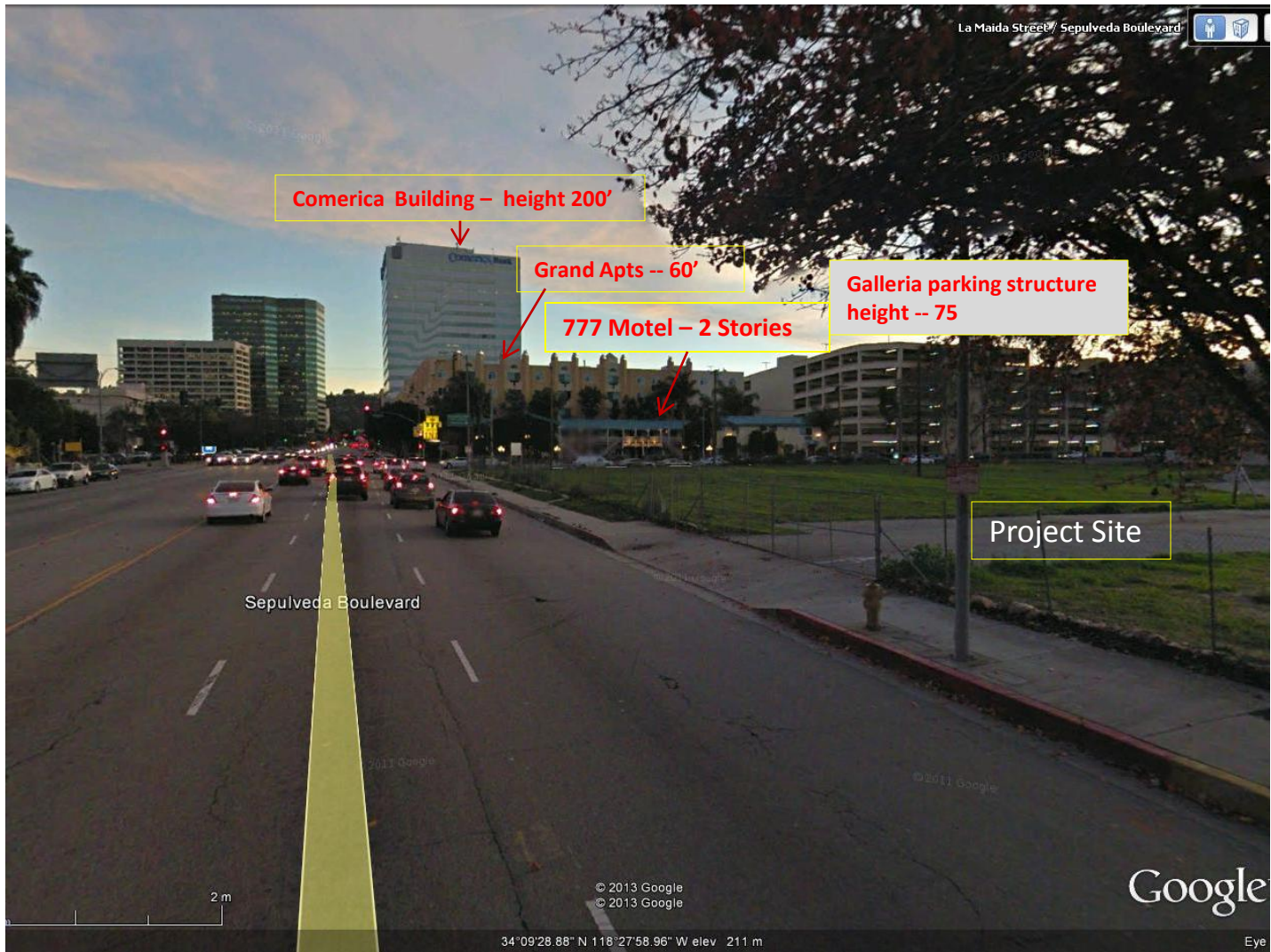
I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure

EXHIBIT B

Google Earth Street Views



View 1: Southbound Sepulveda Under 101 Freeway Interchange



View 2: Southbound Sepulveda, South of La Maida Street



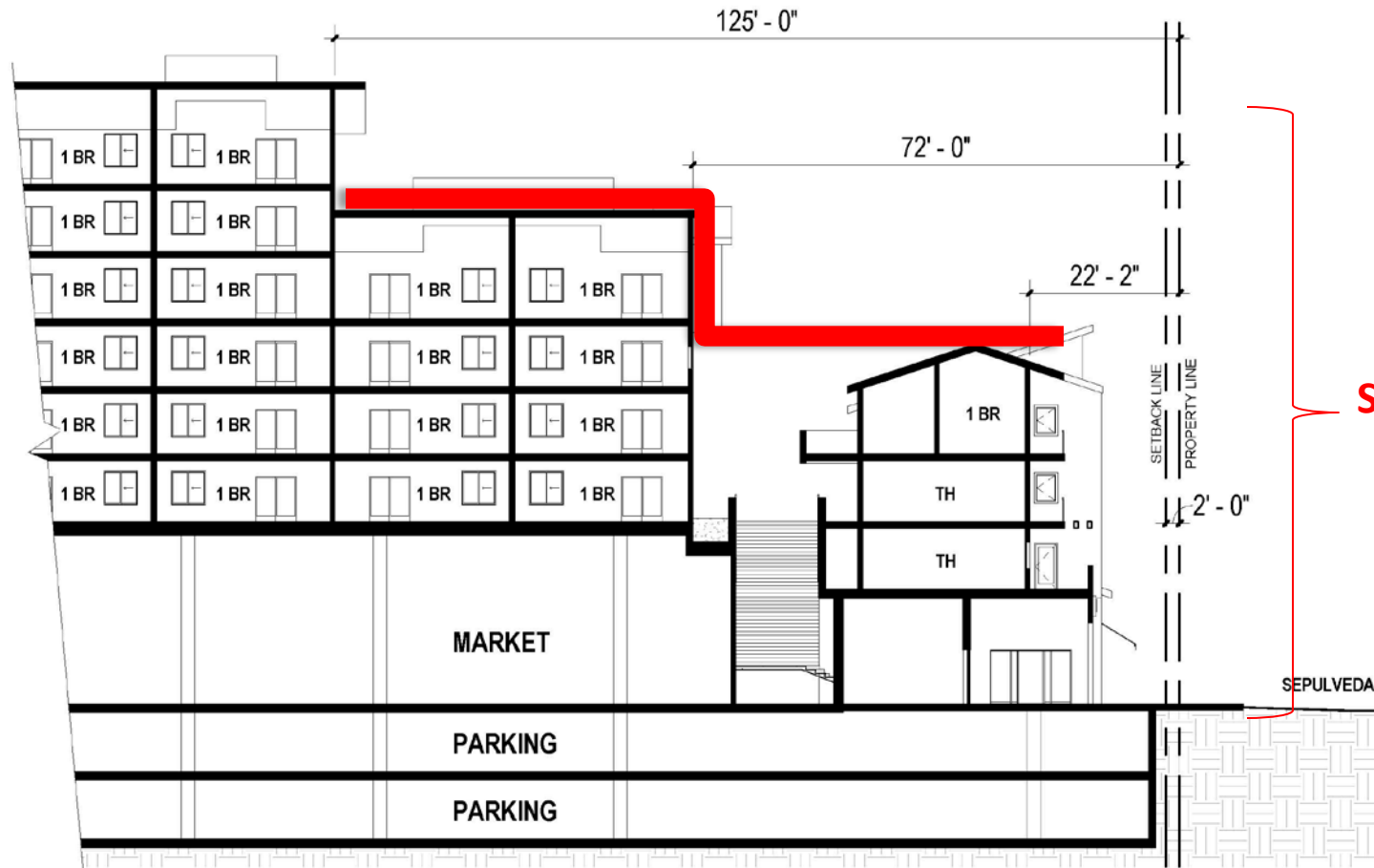
View 3: Westbound Camarillo Street approaching Sepulveda Blvd.

EXHIBIT C

Stepped-Back Height



il villaggio
Toscano



**2/3 Within
Specific Plan
Height
Limit**

**Stepped-Back Design
Away from Sepulveda Boulevard**

EXHIBIT D

1 **THE SILVERSTEIN LAW FIRM, APC**
ROBERT P. SILVERSTEIN (Bar No. 185105)
2 BRADLY S. TORGAN (Bar No. 183146)
215 North Marengo Avenue, 3rd Floor
3 Pasadena, CA 91101-1504
Telephone: (626) 449-4200
4 Facsimile: (626) 449-4205
Robert@robertsilverstein.com

5 Attorneys for Petitioner
6 EASTWEST STUDIOS, LLC

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 EASTWEST STUDIOS, LLC, a Delaware
12 limited liability company doing business in
California,

13 Petitioner,

14 vs.

15 CITY OF LOS ANGELES, THE CITY
16 COUNCIL OF THE CITY OF LOS
ANGELES, and DOES 1 through 20,
17 inclusive,

18 Respondents

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20
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22 EMERSON COLLEGE, a Massachusetts
23 corporation doing business in California,
and ROES 1 through 20, inclusive,

24 Real Party In Interest
25
26
27
28

Case No. BS128294

**PETITIONER'S REPLY
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION FOR WRIT OF
MANDATE**

[Filed concurrently with Petitioner's
Objections to Respondents' and Real
Party In Interest's Request for Judicial
Notice and Petitioner's Notice of
Lodging of Joint Appendix]

Date: July 12, 2011
Time: 9:30 a.m.
Dept.: 86

[Hon. Ann I. Jones]

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION AND SUMMARY OF ARGUMENT..... 1

II. THROUGH ITS OMISSIONS, THE CITY FAILED TO PROCEED IN A
MANNER REQUIRED BY LAW. 1

 A. The Hollywood Community Plan And General Plan Framework
 Element Contain Explicit Industrial Land Use Policies Which The EIR
 Fails to Disclose, Consider Or Analyze. 2

 B. The EIR Omitted Discussion Of The Industrial Land Use Policy,
 Making The City’s Treatment Of This Land Use Impact Deficient. 3

 C. The City’s Argument About Zoning Consistency Is Misleading..... 5

III. THE CITY AND EMERSON CONFUSE THRESHOLDS OF SIGNFICANCE
WITH ANALYSIS AS TO WHETHER A THRESHOLD AS BEEN
EXCEEDED. 5

IV. THE EIR IMPROPERLY RELIES ON UNADOPTED DOCUMENTS..... 6

V. EASTWEST PROPERLY RAISED CUMULATIVE LAND USE
IMPACTS. 6

VI. GENERAL PLAN FRAMEWORK POLICIES, INCLUDING POLICY 3.14.6,
ARE NECESSARY TO FINDINGS REQUIRED BY CITY CHARTER SECTION
556. 8

VII. THE EIR’S ANALYSIS OF ALTERNATIVES IS IMPROPER..... 10

 A. The Analysis Of Alternative Sites Is Fatally Flawed. 10

 B. The Reduced Density Alternative Omits Relevant and Necessary
 Analysis. 10

VIII. THE EIR FAILED REGARDING WASTEWATER AND SEWER ANALYSIS. 12

IX. CONCLUSION..... 13

TABLE OF AUTHORITIES

CASES

1
2
3
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5
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 (2004) 124 Cal.App.4th 1184.....3, 8
7
8 Berkeley Keep Jets over the Bay v. Board of Port Commr’s
 (2001) 91 Cal.App.4th 1344.....13
9
10 Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263.....8
11
12 Citizens to Preserve the Ojai v. County of Ventura
 (1985) 176 Cal.App.3d 4218
13
14 Communities for a Better Environment v. City of Richmond
 (2010) 184 Cal.App.4th 70.....5
15
16 Concerned Citizens of Calaveras County v. Board of Supervisors
 (1985) 166 Cal.App.3d 90.....4
17
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 (1999) 76 Cal.App.4th 9316, 7
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 (2005) 131 Cal.App.4th 777.....9
21
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 (1988) 47 Cal.3d 376.....10
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 (2007) 157 Cal.App.4th 1437.....10
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1
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28

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CEQA Guidelines § 15126.6(a).....10
CEQA Guidelines § 15126.6(c).....10, 12
CEQA Guidelines § 151513, 4, 9
CEQA Guidelines § 15355(b).....8

1 **I. INTRODUCTION AND SUMMARY OF ARGUMENT.**

2 Omissions. The City’s EIR and Charter Section 556 General Plan consistency findings are
3 marred by omissions as central as those in the first word of this paragraph. As a result, the City
4 has failed to proceed in a manner required by law, rendering both the EIR and General Plan
5 consistency findings legally inadequate.

6 Contrary to the arguments in the City and Emerson’s opposition brief, EastWest does not
7 assert that the Project must be consistent with every jot and tittle in the General Plan, or that the
8 CEQA consistency analysis and Section 556 findings rise or fall on analysis of a single policy.
9 EastWest does argue, however, that the City omitted crucial data, disclosure and analysis from the
10 EIR and from the required Section 556 findings related to land use impacts caused by the Project.
11 That, in turn, precluded informed decisionmaking and violated CEQA.

12 The City similarly omitted relevant data and analysis regarding alternatives and
13 wastewater impacts, leaving decisionmakers and the public without substantial evidence upon
14 which to base an informed decision.

15 As discussed below, the Emerson Project EIR and City Charter Section 556 findings are
16 legally inadequate, and must be invalidated.

17 **II. THROUGH ITS OMISSIONS, THE CITY FAILED TO PROCEED IN A**
18 **MANNER REQUIRED BY LAW.**

19 The Project requires a change in land use designation from an industrial classification to a
20 commercial classification. (1 AR 1.) That change creates an inconsistency within the Hollywood
21 Community Plan between the land use classification and industrial land use policy. (7 AR 2880
22 [HCP policy]; 1 AR 446-447 [EIR silence on HCP policy]; 9 AR 3581.) It also creates an
23 inconsistency with the industrial land use policy in the City’s General Plan Framework Element.
24 (1AR 112-114; 1 AR 421, 446.)

25 These inconsistencies create a significant impact with respect to land use and planning.
26 That impact was identified in the Notice of Preparation. (2 AR 716.) The EIR correctly notes
27 that “a project may have a significant environmental impact if it were to . . . conflict with any
28 applicable land use plan, policy, or regulation of an agency with jurisdiction over the project,” or

1 if “the proposal is inconsistent with the General Plan or adopted environmental goals or policies
2 contained in other applicable plans.” (1 AR 434, 435) This includes the Hollywood Community
3 Plan, which implements the City’s General Plan in the Hollywood area. (1 AR 446.)

4 However, in finding the Project consistent with the General Plan, the City failed to
5 proceed in a manner required by law because it omitted disclosure and analysis of those industrial
6 land use policies and the impacts of violating those policies.

7 **A. The Hollywood Community Plan And General Plan Framework Element**
8 **Contain Explicit Industrial Land Use Policies Which The EIR Fails to**
9 **Disclose, Consider Or Analyze.**

10 Prior to the Project approvals, the subject property was industrially-designated land. (1
11 AR 246.) The industrial land use policy in the Hollywood Community Plan shows a vital
12 concern against conversion of industrially-designated land to non-industrial use:

13 “The [Hollywood Community] Plan designates
14 approximately 335 acres of land for industrial uses. A large
15 proportion should be encouraged **to be occupied by the types of**
16 **industry which are indigenous to Hollywood** motion picture and
17 television production, radio studios, sound and recording studios,
18 film processing studios, and motion picture equipment
19 manufacturing and distribution

20 “To **preserve this valuable land resource from the**
21 **intrusion of other uses**, and to ensure its development with high
22 quality industrial uses in keeping with the urban residential
23 character of the community, the Plan proposes classifying industrial
24 land in restricted zoning categories, such as the MR zones,
25 whenever possible.” (7 AR 2880; emphasis added.)

26 General Plan Framework Element 3.14.6 (1 AR 113-114) demonstrates a similar concern.
27 Yet no disclosure or analysis of these policies exists in the land use or cumulative impacts
28 sections of the EIR (1 AR 463-464, 446-447; 4 AR 1879), or in the City’s findings. (1AR 50-52,
55-56.) Nowhere in the many string cites listed in the City and Emerson’s combined opposition
brief¹ are the industrial land use policies in the Hollywood Community Plan or General Plan

¹ The parties’ April 6, 2011 stipulation and the Court’s order thereon provide that if
the City and Emerson filed two 15-page briefs, i.e., 30 pages, EastWest would have 20 pages to
reply. Using that same ratio allows for a 13-page reply brief to the City and Emerson’s 20-page

1 Framework Element identified, analyzed or made part of the analysis.

2 **B. The EIR Omitted Discussion Of The Industrial Land Use Policy, Making The**
3 **City’s Treatment Of This Land Use Impact Deficient.**

4 By omitting fundamental information about the industrial land use policies in the
5 Hollywood Community Plan and General Plan Framework Element, and the impacts of violating
6 those, the City failed to proceed in the manner required by law. “Failure to comply with the
7 information disclosure requirements constitutes a prejudicial abuse of discretion when the
8 omission of relevant information has precluded informed decisionmaking and informed public
9 participation, regardless of whether a different outcome would have resulted if the public agency
10 had complied with the disclosure requirements.” Bakersfield Citizens for Local Control v. City
11 of Bakersfield (2004) 124 Cal.App.4th 1184, 1198. See also Sierra Club v. State Board of
12 Forestry (1994) 7 Cal.4th 1215, 1235-1236 (omission of information about four habitat-dependant
13 species on a project site is a prejudicial abuse of discretion).

14 As noted in EastWest’s opening brief, under the circumstances of a complete failure –
15 as occurred in the City’s EIR – to include relevant information, the Court applies a *de novo*
16 standard of review, not the substantial evidence standard of review. Sierra Club v. State Board of
17 Forestry, supra, 7 Cal.4th at 1236-1237; Association of Irrigated Residents v. County of Madera
18 (2003) 107 Cal.App.4th 1383, 1392. However, even under the substantial evidence test asserted
19 by the City and Emerson, the EIR still fails as a proper informational document.

20 With respect to impacts on land use and planning, the City isolated those policies with
21 which the Project purports to be consistent, acting as if major conflicting policies did not exist.
22 “Whistling past the graveyard” is not a CEQA-approved methodology. It violates the clear
23 mandate that an EIR must evince “a good faith effort at full disclosure.” Assn. of Irrigated
24 Residents, supra, 107 Cal.App.4th at 1390 (emphasis added); Guidelines § 15151.

25 By omitting the Project’s conflict with the industrial land use policies in the Hollywood
26 Community Plan (7 AR 2880 [HCP policy], 1 AR 446-447; 4 AR 1879 [EIR silence on HCP
27
28 combined opposition. The City and Emerson have agreed in writing to EastWest having a 13-
page reply brief.

1 policy] and the General Plan Framework Element Policy (1 AR 112-114 [General Plan
2 Framework policy], 1 AR 421, 446 [EIR silence on General Plan Framework policy]), the City’s
3 EIR fails to provide decisionmakers and the public with necessary information, and falls far short
4 of the required “good faith effort at full disclosure.” Assn. of Irrigated Residents, supra;
5 Guidelines § 15151.

6 The Court in Napa Citizens for Honest Government v. Napa County Bd. of Supervisors
7 (2001) 91 Cal.App.4th 342, specifically rejected the City’s approach regarding land use
8 consistency determinations: “We are of the opinion that the consistency doctrine requires more
9 than that the Updated Specific Plan recite goals and policies that are consistent with those set
10 forth in the County’s General Plan.” Id. at 379.

11 Relying on Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166
12 Cal.App.3d 90, 100-103, Napa Citizens found “the essential holding of the court in Concerned
13 Citizens was that an inconsistency was created if the implementation of one provision [of the
14 County’s general plan] will frustrate a policy stated in a second provision and there is no
15 affirmative commitment to mitigate that adverse effect.” Napa Citizens, supra, 91 Cal.App.4th at
16 380. Here, there is “no affirmative commitment to mitigate that adverse effect” of the conflict
17 between the Project’s general plan amendment/rezoning and the industrial land use policy of the
18 Hollywood Community Plan. That is because there was no disclosure or study of that conflict
19 and impact. Accordingly, there could be no “commitment to mitigate” the adverse effect when
20 that adverse effect was never disclosed to the decisionmakers and public in the first place.

21 “A project is consistent with the general plan ‘if, **considering all its aspects**, it will
22 further the objectives and policies of the general plan and not obstruct their attainment.” Napa
23 Citizens, supra, 91 Cal.App.4th at 378, quoting FUTURE v. Board of Supervisors (1998) 62
24 Cal.App.4th 1332, 1336 (emphasis added). The predicate is “consideration [of] all its aspects,”
25 i.e., all aspects of the Hollywood Community Plan, including the industrial land use policy
26 applicable to the Project site.

27 A legally adequate land use planning consistency analysis must, at a minimum, identify
28 and analyze the core, relevant policies. The industrial land use policy is the elephant in the room,

1 but the City and Emerson failed to confront and analyze it. “If a final environmental impact
2 report (EIR) does not “adequately apprise all interested parties of the true scope of the project for
3 intelligent weighing of the environmental consequences of the project,” informed decisionmaking
4 cannot occur under CEQA and the final EIR is inadequate as a matter of law. [Citations.]”

5 Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 82–83.

6 That is the case here.

7 **C. The City’s Argument About Zoning Consistency Is Misleading.**

8 The City and Emerson discuss the need to harmonize the land use designation and the
9 zoning. This is a red herring. Consistency between the Hollywood Community Plan land use
10 designation and zoning is not the issue. The issue here is internal consistency – or rather lack
11 thereof – between the Hollywood Community Plan land use designation and other relevant
12 policies of the Hollywood Community Plan and the General Plan, together with what the Project
13 represents with regard to those policies and designation.

14 As the General Plan itself notes, “Government Code Section 63000.5, a general plan must
15 be integrated and internally consistent, both among the elements and within each element.” (12
16 AR 4968.) The City’s failure to disclose, analyze and mitigate the impacts from the Project’s
17 conflict with the industrial land use policy are not solved by attempting to divert the Court to a
18 separate issue.

19 **III. THE CITY AND EMERSON CONFUSE THRESHOLDS OF SIGNIFICANCE**
20 **WITH ANALYSIS AS TO WHETHER A THRESHOLD HAS BEEN EXCEEDED.**

21 Contrary to the City and Emerson’s claim, EastWest does not suggest a new threshold of
22 significance. The thresholds are identified in the EIR. (1 AR 434-435.) EastWest identified
23 language in the General Plan Framework Element by which to determine whether the Project
24 exceeded the threshold and created a potentially significant impact. (1 AR 113-114.)

25 The City and Emerson cite Muzzy Ranch v. Solano County Airport Land Use Comm.
26 (2007) 41 Cal.4th 372, for the proposition that it is not necessary to determine whether the
27 conversion of industrially-designated land meets the baseline assumptions provided in the
28 General Plan. Reliance on Muzzy Ranch is misplaced. In Muzzy Ranch, the Travis Air Force

1 Base Land Use Compatibility Plan was found to incorporate relevant existing general plan and
2 zoning law restrictions on residential density, and hence, the plan had no impact beyond those
3 previously analyzed that would require new analysis. *Id.* at 389. Here by contrast, the Project
4 does precisely what was not done in Muzzy Ranch, i.e., change a restriction in the General Plan to
5 allow a use and density that was not previously allowed.

6 **IV. THE EIR IMPROPERLY RELIES ON UNADOPTED DOCUMENTS.**

7 Instead of identifying adopted industrial land use policies in the Hollywood Community
8 Plan and General Plan Framework Element, the EIR turns to two documents, identified as the
9 March 2006 Industrial Land Survey and the 2007 Industrial Land Report, which combined are
10 referred to as the Industrial Land Use Policy (“ILUP”) (1 AR 422-424), and which the EIR
11 acknowledges are **not** City-adopted policies or regulations. (4 AR 1879.)

12 The EIR dismissed consistency issues by asserting that none of the three ILUP typologies
13 apply. (1 AR 424, 4 AR 1879). One of those typologies is “Transition District: Areas where the
14 viability of industrial use has been compromised and where transition to other uses should be
15 continued.” (1 AR 424). However, the Project site is not in a Transition District. *Id.* Therefore,
16 since it is not in an area where the viability of industrial use has been compromised and where
17 transition to other uses should be continued, the ILUP can actually serve as evidence that the
18 Project site is viable for industrial use and that the land use classification should not be changed –
19 at least not without proper analysis under the policies that have actually been adopted by the City.

20 In any event, the City and Emerson’s reliance on the ILUP is a non-sequitur and improper,
21 since the ILUP is unadopted. See, e.g., County of Amador v. El Dorado County Water Agency
22 (1999) 76 Cal.App.4th 931, 951 (“an EIR predicated on a draft general plan is fundamentally
23 flawed and cannot pass CEQA muster”). See also concurrently filed Objections to City and
24 Emerson’s Request for Judicial Notice.

25 **V. EASTWEST PROPERLY RAISED CUMULATIVE LAND USE IMPACTS.**

26 The City and Emerson’s assertion that EastWest never raised the issue of cumulative land
27 use and planning impacts prior to its opening brief is incorrect. As EastWest noted in its
28 December 2009 objection letter:

1 “The EIR must address the loss of industrially zoned land
2 on the site, in the Hollywood area and in the City in general. The
3 City, and the region in general, have been losing industrially zoned
4 land resulting in the migration of industrial uses out of the area. In
5 the Hollywood area, industrial uses are essential to support the
6 entertainment industry. The proposed Project would result in the
7 loss of industrially designated land and the opportunity for
8 industrial uses on the site. In addition, the Project would set a
9 precedent for similar changes in land use designation. This is an
10 undesirable effect with a potentially significant **cumulatively
11 significant effect.**” (9 AR 3581; emphasis added.)

12 EastWest and another studio also testified about the deleterious effect of the Project and
13 other nearby projects on studio operations. (6 AR 2481-2484, 2494-2496.)² This testimony
14 created questions about the damage to the ongoing viability of industrial uses when industrially-
15 designated lands cumulatively convert to non-industrial. This is the exact focus of the industrial
16 land use policy of the Hollywood Community Plan.

17 EastWest’s explicit objections (9 AR 3581) were more than sufficient notice to the City
18 and Emerson that cumulative land use and planning impacts could be pleaded. Pub. Res. Code §
19 21177(a). This, combined with a pleading allegation that the City failed to disclose or analyze
20 land use impacts and failed to address EastWest’s comments on land use and planning (Petition,
21 ¶¶ 29-30) are sufficient notice of cumulative land use and planning impacts. Code. Civ. Proc. §
22 452 (“In the construction of a pleading, for the purpose of determining its effect, its allegations
23 must be liberally construed, with a view to substantial justice between the parties”).

24 Each of the City and Emerson’s citations that purport to address cumulative impacts from
25 the loss of industrial land in the Hollywood Community Plan area only turn to the ILUP. (See,
26 e.g., 4 AR 1879.) The EIR describes the conclusions of the survey as follows: “light industrial
27 uses, specifically, the current entertainment-related uses, did not appear to be incompatible with
28 the residential uses located in the vicinity.” Id. Again, even if the unadopted ILUP were relevant
(County of Amador v. El Dorado, supra, 76 Cal.App.4th at 951), this only addresses an existing
baseline. This is not the same as an analysis of cumulative impacts, i.e., the impact resulting from
the cumulative loss of this industrially-designated land when added to other closely related past,

² Recording studios are industrial uses. (7 AR 2880.)

1 present, and reasonably foreseeable probable future projects that may also result in the loss of
2 industrially-designated land or industrial uses. See Guidelines § 15355(b).

3 The City’s findings also make clear that the ILUP was viewed only in the context of the
4 Project site, not in terms of cumulative impacts. The failure to properly consider the cumulative
5 impacts of the loss of industrially-designated land in Hollywood is a separate ground to invalidate
6 the EIR and Project approvals. (1 AR 94.) See, e.g., Bakersfield Citizens for Local Control v.
7 City of Bakersfield (2004) 124 Cal.App.4th 1184, 1217 (“Proper cumulative impacts analysis is
8 absolutely critical to meaningful environmental review”); Bozung v. Local Agency Formation
9 Com. (1975) 13 Cal.3d 263, 283-284 (without proper consideration of cumulative impacts, this
10 critical issue may be “submerged,” with potentially “disastrous consequences” to the
11 environment). See also Citizens to Preserve the Ojai v. County of Ventura (1985) 176
12 Cal.App.3d 421, 431 (“A cumulative impact analysis which understates information concerning
13 the severity and significance of cumulative impacts impedes meaningful public discussion and
14 skews the decisionmaker’s perspective . . .”).

15 **VI. GENERAL PLAN FRAMEWORK POLICIES, INCLUDING POLICY 3.14.6, ARE**
16 **NECESSARY TO FINDINGS REQUIRED BY CITY CHARTER SECTION 556.**

17 The City and Emerson take the curious position that the City’s General Plan Framework
18 Element is inapplicable to findings regarding General Plan consistency. They do so by citing
19 language in the Framework Element that the Framework Element provides “guidance for the
20 comprehensive update of community plans” (Opp. Brief, p. 19:20, citing 12 AR 4966) in order to
21 assert that Framework Element Policy 3.14.6 should be ignored. The City and Emerson,
22 however, omit a more complete citation.

23 The Framework Element in describing Chapter 3 notes that “this chapter provides
24 guidance for the comprehensive update of community plans that collectively comprise the Land
25 Use Element and related implementation measures.” (12 AR 4967; [emphasis added].) This
26 would include an amendment to the Land Use Element itself, which is what amending the land
27 use classification map (one of the Project entitlements) of the Hollywood Community Plan does.
28

1 The City and Emerson also cite language from the Framework Element that “Community
2 Plans will be more specific and will be the major documents to be looked to for consistency with
3 the general plan for land use entitlements.” (Opp. Brief, p. 19:15-16, citing 12 AR 4966.) While
4 community plans may be the major documents, that does not mean they are the only documents to
5 be looked to. General Plan Framework Element Policy 3.14.6 must thus be analyzed both for
6 CEQA and for findings under City Charter Section 556 in determining land use plan consistency.

7 Here, too, the City failed. Nowhere is the policy mentioned. Nowhere is it analyzed. The
8 City and Emerson have picked the policies they like, and pretended that the unfavorable ones do
9 not exist. This is not permissible, and again fails to comply with the required “good faith effort at
10 full disclosure.” Guidelines § 15151.

11 For the City and Emerson to assert that the Framework Element is not sufficiently detailed
12 to apply to requests for entitlements on individual parcels (Opp. Brief, p. 19:14-15) is to engage
13 in “semantic sleight of hand” (Endangered Habitat League v. County of Orange (2005) 131
14 Cal.App.4th 777, 784) by discarding the analytical approach they consistently took during the
15 administrative process to now argue that EastWest cannot make use of the same analytical
16 approach. Emerson explicitly touted alleged consistency of the Project with Chapter 3 of the
17 General Plan Framework Element in Emerson’s submittals to the City. (10 AR 4155-4161.)

18 Building upon this cracked foundation, they now seek to disavow the position taken by the
19 City, which made Charter Section 556 findings with explicit reference to selective policies of
20 Chapter 3 of the General Plan Framework Element. (1 AR 50-53).

21 They have even cited these findings elsewhere in their opposition in support of their
22 argument, creating an internal inconsistency within their opposition. The City and Emerson
23 cannot have it both ways. Either the City did not identify and make findings based on all relevant
24 items in the General Plan Framework, or the City and Emerson now tacitly admit that all Section
25 556 consistency findings which the City purported to make based on the Framework Element are
26 invalid. The City and Emerson’s position is misleading to the public and prejudicial to the
27 process. The Project approvals should be invalidated on this additional ground.

28

1 **VII. THE EIR'S ANALYSIS OF ALTERNATIVES IS IMPROPER.**

2 **A. The Analysis Of Alternative Sites Is Fatally Flawed.**

3 The City and Emerson claim the EIR set forth analysis to show no alternative site exists
4 that meets Project objectives, conforms to Emerson's budgetary constraints, and avoids or lessens
5 Project impacts. A review of citations in the opposition brief shows no such analysis.³

6 There is not even a cursory analysis of budgetary issues, nor is there any indicia of
7 analysis as to whether an alternative site would have lessened Project impacts. There is a
8 conclusory statement that a Hollywood site better serves site criteria than sites in Downtown,
9 North Hollywood or Culver City (1 AR 595), but this is perplexing because the EIR notes that
10 most of the Project's student internships are not in central Hollywood, but in "the Burbank area,
11 Hollywood/West Los Angeles and Santa Monica." (14 AR 5854.) Cryptic references are also
12 included that Emerson could not come to terms with four developers "for various reasons" (1 AR
13 595), and that another Hollywood site would allegedly be too hard to rezone. (1 AR 595-596.)

14 "Our Supreme Court has described the alternatives and mitigation sections as 'the core' of
15 an EIR." LAUSD v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1029. CEQA requires
16 disclosure and analysis of a "reasonable range of alternatives." Guidelines § 15126.6(a). That
17 did not occur here. Moreover, while a lead agency is only required to briefly explain why
18 alternatives were rejected as infeasible (Guidelines § 15126.6(c)), a treatment this cursory fails to
19 meet the requirements of CEQA. Laurel Heights Improvement Assn. v. Regents of the Univ. of
20 California (1988) 47 Cal.3d 376, 403-404; Save Round Valley Alliance v. County of Inyo (2007)
21 157 Cal.App.4th 1437, 1459-1463. Accordingly, on this additional ground, the EIR and Project
22 approvals should be invalidated.

23 **B. The Reduced Density Alternative Omits Relevant and Necessary Analysis.**

24 The City and Emerson dismiss the Reduced Density Alternative as both infeasible and less
25 desirable than the Project. (1 AR 64.) However, they have done nothing more than set up a
26 "straw man" alternative. Use of this straw man argument, designed from the outset to fail, does

27 ³ Contrary to the City and Emerson's assertions, EastWest was not the only party to
28 comment on alternatives or alternative sites. (6 AR 2561.) However, even if EastWest were the
only objector on this ground, it is not clear why that should matter.

1 not meet the requirements of proper alternatives analysis under CEQA. Sierra Club v. Contra
2 Costa County (1992) 10 Cal.App.4th 1212, 1217-1220.

3 It also fails to meet CEQA requirements because its conclusion of infeasibility is based on
4 missing data and incomplete analysis, leaving the conclusion without substantial evidence to
5 support it. The assertion that the Reduced Density Alternative does not meet project objectives
6 relates to the same argument for each objective, i.e., that Vehicle Miles Traveled (“VMT”) would
7 increase under the Reduced Density Alternative. (Opp. Brief, pp. 17:8-20, 18:2-12 [VMT tied to
8 at least four Project Objectives].) However, the EIR analysis only accounts for additional travel
9 between the residences of some interns in Burbank and the Hollywood site. While the City and
10 Emerson imply that all the internships are in close proximity to the Project site, Emerson’s
11 promotional materials tout the location of internships in Burbank, closer to the current Emerson
12 facility. (12 AR 5291.)

13 The EIR Traffic Study notes that most of the internships are not in central Hollywood, but
14 in “the Burbank area, Hollywood/West Los Angeles and Santa Monica.” (14 AR 5854.) Without
15 analysis of internship locations relative to alternative sites that may actually be closer to the bulk
16 of internship locations, no substantial evidence exists to support the claim that the Vehicle Miles
17 Traveled would increase under the Reduced Density Alternative. The result of this failure is a
18 lack of substantial evidence to support the claim that Project objectives are not met.

19 The City and Emerson also claim that the Reduced Density Alternative is financially
20 infeasible, but offer no evidence. They assert that “[i]t does not require an in-depth financial
21 analysis to conclude that it is economically infeasible for a non-profit” to build and operate the
22 Reduced Density Alternative instead of the Project. This assertion has no support. (Opp. Brief,
23 p. 17:22-24.) While in-depth economic analysis may not be required, some analysis is required if
24 a party is to claim financial infeasibility. See, e.g., Uphold Our Heritage v. Town of Woodside
25 (2007) 147 Cal.App.4th 587, 598-599 (cost of structural rehabilitation was insufficient evidence
26 upon which to determine infeasibility because no cost of new construction for comparison
27 purposes was provided); see also Assn. of Irrigated Residents, supra, 107 Cal.App.4th at 1401
28 (lender’s letter stating it would not finance alternative sufficient to show economic infeasibility).

1 The City and Emerson claim that the Reduced Density Alternative would not diminish
2 construction-related noise and vibration impacts. This is contradicted by the EIR, which
3 acknowledges six months less construction under the Reduced Density Alternative. (1 AR 597;
4 also compare 1 AR 241 [approved Project at 24 months] to 1 AR 597 [Reduced Density
5 Alternative at 18 months].)

6 A six-month-shorter construction duration “significantly lessens” (Guidelines §
7 15126.6(c)) impacts, meaning that the Reduced Density Alternative would cause less noise and
8 vibration impacts – particularly important for the surrounding recording studios. (9 AR 3573-
9 3581; 5 AR 2203, 6 AR 2577 [EastWest’s historic, cultural and iconic stature, including its
10 eligibility for listing on the National and California Historic Registers, and including video
11 presentation incorporated by reference through link found at 9 AR 3580]; 5 AR 2181 [sensitivity
12 of recording studios generally to noise and vibration], 6 AR 2483-2484 [vulnerability of another
13 nearby recording studio].)

14 The EIR improperly sought to dismiss the significant lessening of impacts by stating that
15 the Reduced Density Alternative “would not be effective in eliminating the project’s
16 construction-related significant and unavoidable noise and vibration impacts.” (1 AR 597;
17 emphasis added.) However, that is not the correct standard. Per Guidelines Section 15126.6(c), a
18 range of reasonable alternatives should be selected that “avoid or substantially lessen one or more
19 of the significant effects.” Guidelines § 15126.6(c); emphasis added. By using only the
20 “elimination” or “avoidance” (1 AR 597) aspect of Section 15126.6(c), the City omits
21 consideration of the other criterion by which to analyze the alternative, i.e., to “substantially
22 lessen” the impacts.

23 An EIR is required to “ensure that all responsible alternatives to proposed projects are
24 thoroughly assessed by the responsible official.” Wildlife Alive v. Chickering (1976) 18 Cal.3d.
25 190, 197. The EIR utterly failed on the critical alternatives subject.

26 **VIII. THE EIR FAILED REGARDING WASTEWATER AND SEWER ANALYSIS.**

27 As EastWest’s expert noted, sewer splits are evidence of potentially significant
28 wastewater impacts. Gauging of sewer lines is necessary to confirm or reject what sewer splits

1 indicate. (12 AR 4974-4975.) The City and Emerson claim that the City gauged the relevant
2 sewer lines. (Opp. Brief, p. 12:20-22.) However, the EIR shows that several lines that should
3 have been gauged were not. (1 AR 484, 4 AR 1822.)

4 In purporting to respond to EastWest’s expert, Emerson’s gauging information omitted
5 several sewer lines identified in the EIR where no gauging was provided – including Gordon
6 Street – which both the Project and EastWest share. (See discrepancies 1 AR 484 [Table IV.I-3]
7 vs. 13 AR 5620 [Table 1].) The City and Emerson give no explanation for these omissions. The
8 EIR thus contains insufficient evidence to support a conclusion of no significant impact.

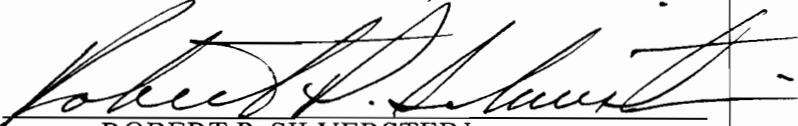
9 The gauging to address the evidence of a potentially significant wastewater impact was
10 never performed or provided. (1 AR 484.) Comments from experts “may not simply be ignored.
11 *There must be good faith, reasonable analysis in response.*” Berkeley Keep Jets over the Bay v.
12 Board of Port Commr’s (2001) 91 Cal.App.4th 1344, 1367 (emphasis in original). A reasonable
13 analysis in response, and the data to support it, are lacking as to wastewater and sewer impacts.

14 **IX. CONCLUSION.**

15 Petitioner EastWest respectfully urges that its petition for writ of mandate be granted, and
16 that the EIR and Project approvals be invalidated.

17
18 Dated: June 30, 2011

THE SILVERSTEIN LAW FIRM, APC

19
20 By: 

ROBERT P. SILVERSTEIN
BRADLY S. TORGAN

Attorneys for Petitioner EASTWEST STUDIOS, LLC

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28

1 **PROOF OF SERVICE**

2 I, ESTHER KORNFELD, declare:

3 I am a resident of the state of California and over the age of eighteen years,
4 and not a party to the within action; my business address is The Silverstein Law Firm, 215
5 North Marengo Ave, Third Floor, Pasadena, California 91101-1504. On June 30, 2011, I
6 served the within document(s):

7 **PETITIONER'S REPLY MEMORANDUM OF POINTS AND
8 AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF
9 MANDATE**

- 10 by placing the document(s) listed above in a sealed Overnight Express
11 envelope and affixing a pre-paid air bill, and causing the envelope to be
12 delivered to a Overnight Express agent for delivery as set forth below.
- 13 Based on a court order and agreement of the parties, by transmitting the
14 document(s) listed above via e-mail to the person(s) named below at the
15 respective e-mail addresses and receiving confirmed transmission reports
16 indicating that the document(s) were successfully transmitted.

13	CASE NAME: EASTWEST STUDIOS, LLC. V. CITY OF LOS ANGELES, 14 ET AL.
15	CASE No.: BS128294

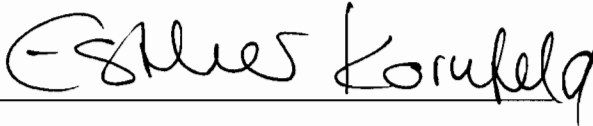
16 Carmen A. Trutanich, City Attorney
17 Terry Kaufmann Macias, Deputy City
18 Attorney
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23 Los Angeles, CA 90012
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26 Angeles and The City Council of the City
27 of Los Angeles*

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E-mail: rj@agd-landuse.com

*Attorneys for Real Party in Interest
Emerson College*

23 I declare under penalty of perjury under the laws of the State of California
24 that the above is true and correct.

25 Executed on June 30, 2011, at Pasadena, California.

26 

27 ESTHER KORNFELD

EXHIBIT E



February 14, 2013

Mr. Paul Krueger
M. David Paul & Associates
100 Wilshire Boulevard, Suite 1600
Santa Monica, CA 90401

RE: Il Villaggio Toscano - Mixed-Use Project Within Permitted 1.5 FAR

Dear Paul,

As described in the Final EIR, the proposed project consisting of 399 multiple-family dwelling units, 45,000 square feet for a grocery store and 7,000 square feet of retail use would result in significant traffic impacts at 11 study intersections, prior to mitigation. After mitigation, significant, unavoidable impacts would remain at five intersections.

At your request, we have analyzed the intersection impacts of a reduced project comprised of 277 multiple-family dwelling units, 45,000 square feet for a grocery store and 7,000 square feet of retail use, which would be within the 1.5:1 Floor Area Ratio permitted for the site under the Ventura-Cahuenga Boulevard Corridor Specific Plan. Prior to mitigation, this reduced project would result in significant traffic impacts at 10 of the 11 study intersections that would be significantly impacted by the proposed project. With mitigation, this reduced project would result in significant, unavoidable impacts at the same five intersections that would be subject to significant, unavoidable impacts under the proposed project.

Please contact me if you have any questions.

Sincerely,

Roy Nakamura
Senior Transportation Engineer

RN:n
C20812

300 Corporate Pointe
Suite 470
Culver City, CA 90230
310 473 6508 (main)
310 444 9771 (fax)

www.crainandassociates.com

EXHIBIT F



City of Los Angeles Housing Department

Antonio R. Villaraigosa, Mayor
Mercedes Márquez, General Manager

RENT STABILIZATION PROGRAM

RESERVED FOR LAHD USE
RECEIVED & FILED

JAN 12 2007

Landlord Declarations
Los Angeles Housing Department

APN: 2264 002 017 C.D.: 2 # 14478

NOTICE TO LANDLORD: Pursuant to California Government Code §7060.4, the information provided on page 3 of this form shall be treated as confidential by the Department for the purposes of the Information Practices Act of 1977 (Civil Code §1798 et seq.).

DO NOT SERVE TENANTS WITH A COPY OF THIS NOTICE.

NOTICE OF INTENT TO WITHDRAW UNITS FROM RENTAL HOUSING USE

Property Address:	<u>STREET ADDRESS</u> 4815 Sepulveda Boulevard	<u>CITY</u> Sherman Oaks	<u>ZIP CODE</u> 91403
Legal Description:	<u>TRACT NUMBER 1000</u>		
<i>I certify that all accommodations in the structure(s) or building(s) covered by this Notice are being withdrawn from rent or lease. A landlord seeking to evict tenants in order to demolish or permanently remove a unit from rental housing use may not withdraw from rent or lease less than all of the accommodations in a structure or building (LAMC §161.09A.10).</i>			
			Landlord Initial below:

Landlord Declaration

I declare that I am the owner of the real property described above, and I hereby notify the City of Los Angeles of my intent to withdraw the rental units indicated on this form from rental housing use. Pursuant to LAMC Sec. 151.23, I certify that actions have been initiated as required by law to terminate any existing tenancies. I further declare, under penalty of perjury under the laws of the State of California, that the information provided on this form and all attached pages is true, correct, and complete. (All owners must sign; attach additional pages if necessary.)

OWNER 1 (See Attachment "A") Signature: Date: 1/8/07 Printed Name: M. David Paul, General Partner Address: 233 Wilshire Blvd. Suite 990 City, State, Zip Code: Santa Monica, CA 90404	OWNER 2 (IF APPLICABLE) Signature: _____ Date: _____ Printed Name: _____ Address: _____ City, State, Zip Code: _____	OWNER 3 (IF APPLICABLE) Signature: _____ Date: _____ Printed Name: _____ Address: _____ City, State, Zip Code: _____
--	--	--

Notice of Tenant Relocation Assistance Requirements

If any current tenant at a given rental unit is 62 years of age or older, is disabled as defined in Title 42 U.S.C. §423, is handicapped as defined in CA Health & Safety Code §50072, or is residing with one or more minor children who are legally dependent on that tenant (as determined for federal income tax purposes), that tenant household is entitled to relocation assistance in accordance with the level set forth for Qualified Tenants in Los Angeles Municipal Code (LAMC) §151.09G. If no current tenant meets any of the above listed requirements, the tenant household is entitled to relocation assistance at the level set forth for all other eligible tenants in LAMC §151.09G.

THE FOLLOWING RELOCATION ASSISTANCE REQUIREMENTS SHALL APPLY:

From	Through	With a Qualified Tenant	Without a Qualified Tenant
July 1, 2006	June 30, 2007	\$8,550	\$3,450
July 1, 2007	June 30, 2008	\$8,950	\$3,600

If the rental unit is currently occupied by two or more tenants, each tenant shall be paid a pro-rata share. In accordance with LAMC §151.09G 2, the landlord shall pay relocation assistance amount owed to the tenant, either directly or via an escrow account in the tenant's name, within fifteen (15) days of service of a written notice of termination.

EXCEPTIONS TO TENANT RELOCATION ASSISTANCE REQUIREMENT:

A landlord is not required to pay relocation assistance under any of the following circumstances:

- a. The tenant received actual written notice prior to entering into a written or oral tenancy agreement, that an application to subdivide the property for condominium, stock cooperative or community apartment purposes was on file with the City or had already been approved, whichever the case may be, and that the existing building would be demolished or relocated in connection with the proposed new subdivision;
- b. The tenant received actual written notice prior to entering into a written or oral agreement to become a tenant, that an application to convert the building to a condominium, stock cooperative or community apartment project was on file with the City or had already been approved, whichever the case may be; or
- c. The landlord seeks in good faith to recover possession of the rental unit in order to comply with a governmental agency's order to vacate the building housing the rental unit due to hazardous conditions caused by a natural disaster.

Request for Information on Future Use

The landlord's provision of information on the intended future use of this property is voluntary. A landlord is not required to provide the information requested in this section, and failure to provide the information requested in this section is not a defense in an unlawful detainer action.

Following the withdrawal of rental units, the building(s) or structure(s) covered by this Notice of Intent will be:

<input checked="" type="checkbox"/> Demolished:	If so, what will be the future use?	<input type="checkbox"/> New multi-family housing	<input checked="" type="checkbox"/> Condo or co-op units
		<input type="checkbox"/> Single-family dwelling	<input type="checkbox"/> Commercial use
<input type="checkbox"/> Converted to:	<input type="checkbox"/> Condominiums	<input type="checkbox"/> Co-op ownership units	<input type="checkbox"/> Non-residential use
<input type="checkbox"/> Used for:	<input type="checkbox"/> Non-rental Housing	<input type="checkbox"/> Storage/Home Office	<input type="checkbox"/> Other _____
		<input type="checkbox"/> Undecided at present	<input type="checkbox"/> Other _____

CONFIDENTIAL INFORMATION

The total number of rental units in the building(s) or structure(s) covered by this Notice is: 9

Provide the indicated information for all rental units in the building(s) or structure(s) covered by this Notice. Copy and attach additional pages if necessary. Please include and identify all vacant units.

Unit Number	Unit Address or Location	Tenant Name for this Rental Unit	Date of Withdrawal	Current Rent	Date of Last Rental Lease
1	#17	Ray Woodard aka Roy Woodard; Eloise Woodard	5 / 14 / 07	\$853.84	7 / 1 / 06
2	#18	Abelino Flores; Moura Flores	5 / 14 / 07	\$824.00	3 / 1 / 06
3	#19	Phillip Cole	5 / 14 / 07	\$566.80	7 / 1 / 06
4	#20	Alirio R. Carrillo; Esmeralda J. Flores	5 / 14 / 07	\$539.76	7 / 1 / 06
5	#21	Bobbie Walton aka Bobby Walton	5 / 14 / 07	\$670.80	7 / 1 / 06
6	#22	Teresita Correa	5 / 14 / 07	\$832.00	7 / 1 / 06
7	#23	Oswaldo Ramirez Espinoza aka Oswaldo Ramirez Espinoza;	5 / 14 / 07	\$794.56	7 / 1 / 06
8	(same)	Cielo Ramirez Lopez	___ / ___ / ___		___ / ___ / ___
9	#24	Scott Phillips aka Scotty Phillips	5 / 14 / 07	\$911.04	7 / 1 / 06
10			___ / ___ / ___		___ / ___ / ___
11			___ / ___ / ___		___ / ___ / ___
12			___ / ___ / ___		___ / ___ / ___
13			___ / ___ / ___		___ / ___ / ___
14			___ / ___ / ___		___ / ___ / ___
15			___ / ___ / ___		___ / ___ / ___
16			___ / ___ / ___		___ / ___ / ___
17			___ / ___ / ___		___ / ___ / ___
18			___ / ___ / ___		___ / ___ / ___



City of Los Angeles Housing Department
 Attention: R. Villaragosa, Mayor
 Mercedes Marquez, General Manager

RESERVED FOR LAND USE
RECEIVED & FILED

JAN 12 2007

RENT STABILIZATION PROGRAM

Landlord Declarations
 Los Angeles Housing Department

NOTICE TO LANDLORD: Pursuant to California Government Code §7060.4, the information provided on page 3 of this form shall be treated as confidential by the Department for the purposes of the Information Practices Act of 1977 (Civil Code §1798.51 et seq).
DO NOT SERVE TENANTS WITH A COPY OF THIS NOTICE

2264002.019 C.D. # 2 14980

NOTICE OF INTENT TO WITHDRAW UNITS FROM RENTAL HOUSING USE

Property Address:	STREET ADDRESS	City	Zip Code
	4805 Sepulveda Boulevard	Sherman Oaks	91403

TRACT NUMBER 1000

Legal Description:

I declare that all accommodations in the structure(s) or building(s) covered by this Notice are being withdrawn from rental use. Landlord Initial Below:

Landlord Declaration

I declare that I am the owner of the real property described above and I hereby notify the City of Los Angeles of my intent to withdraw the rental units indicated on this form from rental housing use. Pursuant to LAMC Sec. 15.23, I declare that actions have been pursued as required by law to terminate any existing tenancies. I further declare, under penalty of perjury and on the laws of the State of California, that the information provided on this form and all attached pages is true, correct and complete. (All owners must sign; attach additional pages if necessary.)

OWNER 1 (See Attachment A)
 Signature:
 Date: 1/8/07
 Printed Name: M. David Paul, General Partner
 Address: 233 Wilshire Blvd, Suite 990
 City, State, Zip Code: Santa Monica, CA 90404

OWNER 2 (IF APPLICABLE)
 Signature: _____
 Date: _____
 Printed Name: _____
 Address: _____
 City, State, Zip Code: _____

OWNER 3 (IF APPLICABLE)
 Signature: _____
 Date: _____
 Printed Name: _____
 Address: _____
 City, State, Zip Code: _____

Notice of Tenant Relocation Assistance Requirements

If any current tenant at a given rental unit is 62 years age or older, is disabled as defined in Title 42 U.S.C. §423, is handicapped as defined in CA Health & Safety Code §50072, or is residing with one or more minor children who are legally dependent on that tenant (as determined for federal income tax purposes), that tenant household is entitled to relocation assistance in accordance with the level set forth for Qualified Tenants in Los Angeles Municipal Code (LAMC) §151.09G. If no current tenant meets any of the above listed requirements, the tenant household is entitled to relocation assistance at the level set forth for all other eligible tenants in LAMC §151.09G.

THE FOLLOWING RELOCATION ASSISTANCE REQUIREMENTS SHALL APPLY:

From	Through	With a qualified tenant	With a qualified tenant
July 1, 2006	June 30, 2007	\$8,650	\$3,450
July 1, 2007	June 30, 2008	\$8,650	\$3,600

If the rental unit is currently occupied by two or more tenants, each tenant shall be paid a pro rata share. In accordance with LAMC §151.09G.2, the landlord shall pay relocation assistance amount owed to the tenant, either directly or via an escrow account in the tenant's name, within fifteen (15) days of service of a written notice of termination.

EXCEPTIONS TO TENANT RELOCATION ASSISTANCE REQUIREMENT:

A landlord is not required to pay relocation assistance under any of the following circumstances:

- a. The tenant received actual written notice prior to entering into a written or oral tenancy agreement that an application to subdivide the property for condominium, stock cooperative or community apartment purposes was on file with the City or had already been approved, whichever the case may be, and that the existing building would be demolished or relocated in connection with the proposed new subdivision.
- b. The tenant received actual written notice prior to entering into a written or oral agreement to become a tenant, that an application to convert the building to a condominium, stock cooperative or community apartment project was on file with the City or had already been approved, whichever the case may be, or
- c. The landlord seeks in good faith to recover possession of the rental unit in order to comply with a governmental agency's order to vacate the building housing the rental unit due to hazardous conditions caused by a natural disaster.

Request for Information on Future Use

The landlord's provision of information on the intended future use of his property is voluntary. A landlord is not required to provide the information requested in this section, and failure to provide the information requested in this section is not a defense in an unlawful detainer action.

Following the withdrawal of rental units, the building(s) or structure(s) covered by this Notice of Intent will be:

<input checked="" type="checkbox"/> Demolished:	If so, what will be the future use?	<input type="checkbox"/> New multi-family housing	<input checked="" type="checkbox"/> Condo or co-op units
		<input type="checkbox"/> Single-family dwelling	<input type="checkbox"/> Commercial use
		<input type="checkbox"/> Undecided at present	<input type="checkbox"/> Other _____
<input type="checkbox"/> Converted to:	<input type="checkbox"/> Condominiums	<input type="checkbox"/> Co-op ownership units	<input type="checkbox"/> Non-residential use
<input type="checkbox"/> Used for:	<input type="checkbox"/> Non-rental Housing	<input type="checkbox"/> Storage/Home Office	<input type="checkbox"/> Other _____

CONFIDENTIAL INFORMATION

The total number of rental units in the building(s) or structure(s) covered by this Notice is: 8

Provide the indicated information for all rental units in the building(s) or structure(s) covered by this Notice. Copy and attach additional pages if necessary. Please include and identify all vacant units.

Unit Address or Location	Tenant Name(s) for each Rental Unit	Date of Occupancy	Current Rent	Date of Last Rent Increase
1 #1	Frank Harshman	5 /14 /07	\$659.36	7 /4 /06
2 #2	Jim Scott	5 /14 /07	\$566.00	9 /1 /00
3 #3	Rosaura Torres	5 /14 /07	\$539.76	7 /4 /06
4 #4	Vacant	5 /14 /07	N/A	N/A / /
5 #5	Denisa Kloz; Richard Kloz	5 /14 /07	\$824.00	3 /1 /06
6 #6	Alan M. Cohen	5 /14 /07	\$684.50	7 /1 /06
7 #7	Herbert Solano; Anne Bautista	5 /14 /07	\$988.00	7 /1 /06
8 #8	Jeff T. Steele; Ed John Gilbert aka Edward Gilbert	5 /14 /07	\$811.20	7 /1 /06
9		___/___/___		___/___/___
10		___/___/___		___/___/___
11		___/___/___		___/___/___
12		___/___/___		___/___/___
13		___/___/___		___/___/___
14		___/___/___		___/___/___
15		___/___/___		___/___/___
16		___/___/___		___/___/___
17		___/___/___		___/___/___
18		___/___/___		___/___/___



City of Los Angeles Housing Department
 Antonio R. Villaralgaosa, Mayor
 Mercedes Márquez, General Manager
RENT STABILIZATION PROGRAM

RECEIVED & FILED RESERVED FOR LAHD USE

JAN 12 2007

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 DO NOT SERVE TENANTS WITH A COPY OF THIS NOTICE.

Landlord Declarations
 Los Angeles Housing Department:

APN: 2264 002 017 CD: 2 # 14478

NOTICE OF INTENT TO WITHDRAW UNITS FROM RENTAL HOUSING USE

Property Address:	<u>STREET ADDRESS</u> 4815 Sepulveda Boulevard	<u>CITY</u> Sherman Oaks	<u>ZIP CODE</u> 91403
Legal Description:	<u>TRACT NUMBER 1000</u>		

I certify that all accommodations in the structure(s) or building(s) covered by this Notice are being withdrawn from rent or lease. A landlord seeking to evict tenants in order to demolish or permanently remove a unit from rental housing use may not withdraw from rent or lease less than all of the accommodations in a structure or building (LAMC §151.09A.10).

Landlord Initial below:

[Handwritten Signature]

Landlord Declaration

I declare that I am the owner of the real property described above, and I hereby notify the City of Los Angeles of my intent to withdraw the rental units indicated on this form from rental housing use. Pursuant to LAMC Sec. 151.23, I certify that actions have been initiated as required by law to terminate any existing tenancies. I further declare, under penalty of perjury under the laws of the State of California, that the information provided on this form and all attached pages is true, correct, and complete. (All owners must sign, attach additional pages if necessary.)

OWNER 1 (See Attachment "A")

Signature: *[Handwritten Signature]*

Date: 1/8/07

Printed Name: M. David Paul,
General Partner

Address: 233 Wilshire Blvd.
Suite 990

City, State, Zip Code:
Santa Monica, CA 90404

OWNER 2 (IF APPLICABLE)

Signature: _____

Date: _____

Printed Name: _____

Address: _____

City, State, Zip Code: _____

OWNER 3 (IF APPLICABLE)

Signature: _____

Date: _____

Printed Name: _____

Address: _____

City, State, Zip Code: _____

Notice of Tenant Relocation Assistance Requirements

If any current tenant at a given rental unit is 62 years age or older, is disabled as defined in Title 42 U.S.C. §423, is handicapped as defined in CA Health & Safety Code §50072, or is residing with one or more minor children who are legally dependent on that tenant (as determined for federal income tax purposes), that tenant household is entitled to relocation assistance in accordance with the level set forth for Qualified Tenants in Los Angeles Municipal Code (LAMC) §151.09G. If no current tenant meets any of the above listed requirements, the tenant household is entitled to relocation assistance at the level set forth for all other eligible tenants in LAMC §151.09G.

THE FOLLOWING RELOCATION ASSISTANCE REQUIREMENTS SHALL APPLY:

From	Through	With a Qualified Tenant	Without a Qualified Tenant
July 1, 2006	June 30, 2007	\$8,680	\$8,450
July 1, 2007	June 30, 2008	\$8,950	\$8,600

If the rental unit is currently occupied by two or more tenants, each tenant shall be paid a prorata share. In accordance with LAMC §151.09G 2, the landlord shall pay relocation assistance amount owed to the tenant, either directly or via an escrow account in the tenant's name, within fifteen (15) days of service of a written notice of termination.

EXCEPTIONS TO TENANT RELOCATION ASSISTANCE REQUIREMENT:

A landlord is not required to pay relocation assistance under any of the following circumstances:

- a. The tenant received actual written notice, prior to entering into a written or oral tenancy agreement, that an application to subdivide the property for condominium, stock cooperative or community apartment purposes was on file with the City or had already been approved, whichever the case may be, and that the existing building would be demolished or relocated in connection with the proposed new subdivision;
- b. The tenant received actual written notice, prior to entering into a written or oral agreement to become a tenant, that an application to convert the building to a condominium, stock cooperative or community apartment project was on file with the City or had already been approved, whichever the case may be; or
- c. The landlord seeks in good faith to recover possession of the rental unit in order to comply with a governmental agency's order to vacate the building housing the rental unit due to hazardous conditions caused by a natural disaster.

Request for Information on Future Use

The landlord's provision of information on the intended future use of this property is voluntary. A landlord is not required to provide the information requested in this section, and failure to provide the information requested in this section is not a defense in an unlawful detainer action.

Following the withdrawal of rental unit(s), the building(s) or structure(s) covered by this Notice of Intent will be:

<input checked="" type="checkbox"/> Demolished: <i>If so, what will be the future use?</i>	<input type="checkbox"/> New multi-family housing	<input checked="" type="checkbox"/> Condo or co-op units
	<input type="checkbox"/> Single-family dwelling	<input type="checkbox"/> Commercial use
	<input type="checkbox"/> Undecided at present	<input type="checkbox"/> Other _____
<input type="checkbox"/> Converted to:	<input type="checkbox"/> Condominiums	<input type="checkbox"/> Co-op ownership units
<input type="checkbox"/> Used for:	<input type="checkbox"/> Non-rental Housing	<input type="checkbox"/> Storage/Home Office
		<input type="checkbox"/> Non-residential use
		<input type="checkbox"/> Other _____

CONFIDENTIAL INFORMATION

The total number of rental units in the building(s) or structure(s) covered by this Notice is: 9

Provide the indicated information for all rental units in the building(s) or structure(s) covered by this Notice. Copy and attach additional pages if necessary. Please include and identify all vacant units.

Unit Number or Location	Tenant Name(s) or Rental Unit	Start Date	Current Rent	Expiration Date
1 #17	Ray Woodard aka Roy Woodard; Eloise Woodard	5 / 14 / 07	\$853.84	7 / 1 / 06
2 #18	Abelino Flores; Moura Flores	5 / 14 / 07	\$824.00	3 / 1 / 06
3 #19	Phillip Cole	5 / 14 / 07	\$566.80	7 / 1 / 06
4 #20	Alirio R. Carrillo; Esmeralda J. Flores	5 / 14 / 07	\$539.76	7 / 1 / 06
5 #21	Bobbie Walton aka Bobby Walton	5 / 14 / 07	\$670.80	7 / 1 / 06
6 #22	Teresita Correa	5 / 14 / 07	\$832.00	7 / 1 / 06
7 #23	Oswaldo Ramirez Espinoza aka Oswaldo Ramirez Espinoza;	5 / 14 / 07	\$794.56	7 / 1 / 06
8 (same)	Cielo Ramirez Lopez	___ / ___ / ___		___ / ___ / ___
9 #24	Scott Phillips aka Scotty Phillips	5 / 14 / 07	\$911.04	7 / 1 / 06
10		___ / ___ / ___		___ / ___ / ___
11		___ / ___ / ___		___ / ___ / ___
12		___ / ___ / ___		___ / ___ / ___
13		___ / ___ / ___		___ / ___ / ___
14		___ / ___ / ___		___ / ___ / ___
15		___ / ___ / ___		___ / ___ / ___
16		___ / ___ / ___		___ / ___ / ___
17		___ / ___ / ___		___ / ___ / ___
18		___ / ___ / ___		___ / ___ / ___

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, STATEMENT OF
OVERRIDING CONSIDERATIONS AND
MITIGATION MONITORING AND REPORTING PROGRAM**

**IL VILLAGGIO TOSCANO MIXED-USE PROJECT
4827 Sepulveda Boulevard
Los Angeles, California**

**ENV-2004-6000-EIR
SCH No. 2004111068**

CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB / Vesting Tentative Tract No. 61216

CERTIFICATION OF EIR

The Department of City Planning, acting as Lead Agency, determined that an Environmental Impact Report (“EIR”), in accordance with State California Environmental Quality Act (“CEQA”) Guidelines Section 15081, would be the appropriate level of review under CEQA for the proposed project.

The Department of City Planning issued Environmental Impact Report No. ENV-2004-6000-EIR (State Clearinghouse No. 2004111068)—consisting of the Draft EIR dated December 2010 and appendices attached thereto, as well as the Final EIR dated January 2013 and appendices attached thereto.

The project described below has been completed in compliance with CEQA, Public Resources Code Section 21000 et seq. in connection with the following approvals granted to M. David Paul & Associates (the “Applicant”). This Final EIR is being certified in connection with all discretionary or ministerial approvals and permits required to implement the Il Villaggio Toscano Mixed Use Project (interchangeably, the “Project” or the “proposed project”).

Proposed Project

Project Environmental Setting – Baseline

The environmental impact analysis is conducted against a baseline of existing conditions, i.e., the environmental setting. The baseline conditions are set as of the date the City published the Notice of Preparation (“NOP”) for the proposed project on November 12, 2004. The Environmental Setting is fully described in Section III of the Draft EIR.

The project site is located in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan area, a highly urbanized regional area in the City of Los Angeles. With the exception of a single-family residence located at 4804 Peach Avenue, the project site is currently vacant and graded. The project site was previously graded as part of the removal of a four-story earthquake-damaged office building on the northeast portion of the site, 24 multi-family residential units in three two-story buildings on the southeast portion of the site, and 10 single-family detached residential units on the western portion of the site. Existing landscaping on-site consists of four non-native mature trees. An approximately 26-foot high masonry sound wall serves as a barrier between the project site and the I-405 and US-101 freeway interchange.

The project site is located in a highly urbanized area along Sepulveda Boulevard, a major north/south arterial that serves the community of Sherman Oaks. Surrounding land uses consist

of predominantly low- to medium-rise commercial and residential buildings with a few high-rise buildings located nearby along Sepulveda Boulevard. Specifically, the six-level parking structure for the Sherman Oaks Galleria, a major retail and office complex, and a two-story motel (777 Motor Inn) are located immediately to the south of the site across Camarillo Street. Additionally, a four-story multi-family residential complex (referred to as the Grand Apartments) is located south of the motel (adjacent to the Sherman Oaks Galleria) along Sepulveda Boulevard, and a 16-story commercial office building is located further to the south. Multi- and single-family residential uses ranging from one to three stories are located to the east of the site across Sepulveda Boulevard with single-family residential uses located further east. The I-405 and US-101 interchange borders the site to the west and north.

There are two zoning designations on the properties to the south of the site across Camarillo Street. The property to the southwest is zoned [Q] C2-2 and is developed with the Sherman Oaks Galleria parking structure. The property to the southeast is zoned R4-2L and is developed with the 777 Motor Inn on the southwest corner of Camarillo Street and Sepulveda Boulevard. The property to the south of the motel is developed with the Grand Apartments sitting atop an at-grade parking garage. The properties to the east across Sepulveda are zoned R3-1 and are developed with three-story apartment buildings. The properties abutting the site to the west and north are zoned PF-1XL and are developed with the northbound 405 San Diego Freeway connector to the eastbound 101 Ventura Freeway.

The Los Angeles County Metropolitan Transportation Authority and Los Angeles Department of Transportation (“LADOT”) operate several bus routes that serve the project area. Five bus routes have stops within reasonable walking distance (approximately one-half mile or less) of the project site. There are three Rapid Bus stops within 1,500 feet of the project site providing access to numerous jobs centers, including the Van Nuys Government Center, Warner Center, Westwood Village/UCLA and Universal City, as well as access to the Orange and Red transit lines. The project site is within walking distance to approximately 6.5 million square feet of commercial office and entertainment uses.

Based on SCAG forecasts from the 2008 Regional Transportation Plan, in 2008, the Community Plan area had an estimated population of approximately 86,509 residents, 41,856 housing units, and 47,123 employment positions.

Regional access to the project vicinity is provided by the San Diego Freeway (I-405) and the Ventura Freeway (US-101). The San Diego Freeway is a north-south oriented freeway located adjacent to the west of the project site. The Ventura Freeway is the primary east-west freeway in the project area and is located adjacent to the north of the project site.

The project site is well served by a grid of arterial streets, including Sepulveda Boulevard, Ventura Boulevard, Van Nuys Boulevard, Burbank Boulevard, Beverly Glen Boulevard, Valley Vista Boulevard, La Maida Street, and Camarillo Street. Access to the project site is currently provided by Sepulveda Boulevard and Camarillo Street. Internal site access is provided by Peach Avenue and La Maida Street, which transect the project site.

Although sidewalks exist on both sides of Sepulveda Boulevard and Camarillo Street, pedestrian activity around the project site is minimal. No designated bicycle lanes are located on any of the streets adjacent to the project site.

For purposes of identifying other projects within the environmental setting that may contribute to cumulative environmental impacts, fifty one (51) small to large projects were identified within the vicinity of the project site. These projects are described in Table III-1 on page III-13 and are located on the map presented in Figure III-1 on page III-16 of the Draft EIR. The list of related projects was compiled from a number of sources, including LADOT’s related projects database.

Project Characteristics

The proposed project studied in the Draft EIR included the development of a maximum of 500 multi-family residential units and approximately 55,000 square feet of neighborhood-serving commercial uses. The combined floor area for the residential and neighborhood-serving commercial uses for the proposed project totaled approximately 708,659 square feet, with a floor area ratio (FAR) of 3.3:1.

The residential buildings would be arranged around a main central courtyard, with multiple-themed gardens (e.g., a maze garden, herb garden, orchard garden, poplar garden), on the plaza level. The courtyards and gardens would be articulated at the ground level by stairs leading up to the plaza level (i.e., podium) above. Other recreational amenities associated with the residential uses would include a large pool facility, spa, gym, community rooms, a bocce court, and lobbies. In addition, residential units would include private balconies. In total, approximately 106,013 square feet of common and private open space would be provided on-site.

The proposed project's neighborhood-serving commercial uses would be located on the ground level, fronting Sepulveda Boulevard and Camarillo Street. It is anticipated that a neighborhood specialty grocery store, which would comprise up to approximately 45,000 of the 55,000 square feet of the neighborhood-serving commercial space, would serve as the Project's anchor tenant. The commercial storefronts and adjacent street frontages would be landscaped and enhanced with amenities (i.e., paving, seating, decorative light posts) to create a pedestrian-friendly urban setting. Additionally, a small piazzetta (i.e., small, Italian-style plaza) would be located on the ground level on Sepulveda Boulevard.

The proposed project, as evaluated in the Draft EIR, included a total parking supply of approximately 1,470 parking spaces, consisting of an estimated 1,000 parking spaces for project residents, 250 parking spaces for residential guests, and 220 parking spaces for retail visitors. Parking would be provided within a parking structure that would include two subterranean levels, one ground level, and one mezzanine level. Primary access to the parking structure would be provided via a new private two-way roadway along the back side of the site, (i.e., along the northern/western frontage) extending from Sepulveda Boulevard to Camarillo Street. This private roadway would provide two driveway access points to the parking structure along its length and would also serve as emergency access to the back of the site. In addition, a two-way retail-only driveway, a porte-cochere type driveway for residential drop-off/pick-up, and two two-way residential-only driveways on Camarillo Street are proposed.

The proposed project would be designed to achieve a silver rating under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED[®]) green building program. To achieve the LEED[®] silver rating, sustainability measures that address transportation, water efficiency, and energy efficiency would be incorporated as part of the Project.

Project construction would require approximately 165,000 cubic yards of grading and soil export. Construction would require approximately 20 to 23 months to complete.

In response to public comments received regarding the Draft EIR, the proposed project was revised. The revised project identified and evaluated in the Final EIR involves reducing the number of residential units from 500 units to 399 units, expanding the publicly accessible plaza from 2,300 square feet to 13,000 square feet along the Sepulveda Boulevard frontage, and reducing the proposed project's 55,000 square feet of neighborhood-serving retail by 3,000 square feet to 52,000 square feet of retail. Furthermore, the building heights along Sepulveda Boulevard have been reduced based on distance from the Sepulveda Boulevard property line. Additional changes in response to public comments include an 18-inch setback on Camarillo

Street and along portions of Sepulveda Boulevard, the inclusion of a pedestrian entrance to the retail uses from the ground level parking along Camarillo Street, the inclusion of an open air colonnade along Sepulveda Boulevard, and the inclusion of landscaped gardens that extend from the interior residential levels to Sepulveda Boulevard. Expanding the size of the publicly accessible ground level plaza up to approximately 13,000 square feet along the Sepulveda Boulevard frontage would exceed the maximum permitted front yard setback of 10 feet along this portion of the Sepulveda Boulevard frontage. The publicly-available plaza is proposed to include tables, chairs, benches, and planters with native landscaped vegetation.

With the proposed reduction in residential units and neighborhood-serving commercial uses, the proposed project's parking supply would be reduced from approximately 1,470 parking spaces to approximately 1,206 parking spaces, including 798 parking spaces for project residents, 200 parking spaces for residential guests, and 208 parking spaces for retail visitors. Also in connection with the reduction in the number of residential units, the amount of open space within the project site for residents would be reduced from approximately 106,013 square feet to approximately 93,500 square feet.

Based on the modifications to the Project proposed by the Applicant, several of the requested Specific Plan exceptions set forth in the Draft EIR have been revised or are no longer applicable. Specifically, with the proposed reduction in residential units and commercial uses, the Applicant has reduced the proposed project's floor area ratio of 3.3:1 to 2.75:1. Accordingly, the Applicant's request for exception from Specific Plan Section 6.B.4 has been revised to reflect the proposed project's reduction in floor area ratio from 3.3:1 to 2.75:1. With this modification, the combined floor area for the proposed project's residential and neighborhood-serving commercial uses would be reduced from approximately 708,659 square feet to approximately 582,359 square feet. In addition, with the inclusion of an 18-inch setback on Camarillo Street and along portions of Sepulveda Boulevard, the request for exception from Specific Plan Section 7.A.2.a is no longer required. However, in order to accommodate an expanded publicly accessible ground level plaza along Sepulveda Boulevard, the Applicant is requesting an exception from Specific Plan Section 7.A.2.a to exceed the front yard setback along a portion of the Sepulveda Boulevard frontage. Furthermore, the request for exception from Specific Plan Section 7.B.1 has been revised to reduce the lot coverage of 83 percent at grade to 78.5 percent at grade. Finally, with the revision to fully enclose the parking structure along Camarillo Street, the request for exception from Specific Plan Section 7.D.2.b would be eliminated. These proposed changes to the Project would reduce the overall environmental impacts of the proposed project compared to the Project studied in the Draft EIR.

Project Approvals

The Applicant requests approval of the following discretionary actions (collectively, the "Project Approvals"):

- 1) Pursuant to **Los Angeles Municipal Code (L.A.M.C.) Section 12.32 F and Q**, the Applicant requests a Vesting Zone and Height District change from (Q)CR-1L, (Q)P-1L, R3-1L and R1-1L to the C2 zone and to Height District 2D.
- 2) Pursuant to **L.A.M.C. Section 11.5.7.F**, the Applicant requests the following Exceptions from the Ventura-Cahuenga Boulevard Corridor Specific Plan sections:
 - a) **Section 6.B.4**, which restricts the floor area of a project to 1.5 to 1. The Applicant is requesting a floor area ratio of up to 2.75 to 1.
 - b) **Section 7.A.2.a**, which prohibits front yard setbacks in excess of 10 feet. The Applicant is requesting to exceed the front yard setback by 59 feet for 137 lineal feet of the project's

approximate 461 lineal foot Sepulveda Boulevard frontage to accommodate portions of an approximately 13,000 square foot public plaza, which is approximately 69 feet deep and approximately 137 feet wide.

- d) **Section 7.B.1**, which restricts the maximum lot coverage to 75%. The Applicant is requesting maximum lot coverage of 78.5% at grade.
 - f) **Section 7.E.1.b.4**, which limits the building heights in this sub-area to 75 feet. The Applicant is requesting a maximum building height of 100 feet over approximately 32% of the site.
- 3) Pursuant to **L.A.M.C. Section 11.5.7 C**, the Applicant requests approval of the project for compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan with the exceptions identified above.
 - 4) Pursuant to **L.A.M.C. Section 12.24 W 1**, the Applicant requests permission to sell a full line of alcoholic beverages for off-site consumption in conjunction with a retail grocery store.
 - 5) Pursuant to **L.A.M.C. Section 17.01**, the Applicant requests approval of Vesting Tentative Tract Map (Tract No. 061216) to merge the land into a single ground lot, with 9 airspace lots.
 - a) The subdivision will create one ground lot and 9 airspace lots which will include the following uses:
 - i) Lot 1: contains the ground lot, fire lane and common access courtyard located proximate to Sepulveda Boulevard;
 - ii) Lots 2 - 6: contain the commercial uses fronting Sepulveda (except for the grocery store);
 - iii) Lot 7: contains the floor area within the grocery store;
 - iv) Lot 8: contains the commercial and guest parking;
 - v) Lot 9: contains the residential parking spaces, the loading dock and various vertical penetrations throughout the building; and
 - vi) Lot 10: contains the residential units and lobby;
 - b) The Applicant requests permission to vacate La Maida Street and Peach Avenue.
 - c) The Applicant requests approval of a Haul Route.
 - d) The Applicant is requesting that Sepulveda be defined as the front yard and the remaining two yards be defined as side yards.
 - 6) Pursuant to **L.A.M.C. Section 16.05**, the Applicant requests that the decision-maker make the Site Plan Review findings.
 - 7) Pursuant to various sections of the L.A.M.C., the Applicant will request approvals and permits from the Building and Safety Department (and other municipal agencies) for project construction actions including, but not limited to the following: demolition, excavation, shoring, grading, foundation, building, and tenant improvements.
 - 8) Pursuant to Section 21082.1(c) of the Public Resources code, Certification of the Environmental Impact Report and the adoption findings and Statement of Overriding Considerations.

CEQA Process

The City circulated a Notice of Preparation (“NOP”) for the proposed project on November 12, 2004, for a 30-day comment period. In addition, a public scoping meeting was held on November 30, 2004, to receive written and verbal comments on the scope and content of the Draft EIR. The Initial Study, NOP, and comment letters received during the NOP comment period are included in Appendix A of the Draft EIR.

The Project traffic study was done in 2008 and included a comprehensive related projects list. The 2008 related projects database in the traffic study and EIR was large and extensive, analyzing 51 related projects within an approximate 3.5-mile radius of the Project site. A radius of 1.5-2.0 miles is typically used in most traffic studies. As a result, the traffic study conservatively assumed higher traffic volumes from related projects. While it is expected that some of the related projects have not proceeded or have been downscaled due to the economic recession that began in 2008, the trips from all of these projects are still included in the analysis of future traffic volumes. In addition, a generous ambient traffic growth factor of two percent per year was used at the time of the original traffic study, accounting for potential projects not yet proposed at the time the related projects database was developed. In 2010, the traffic study was updated to reflect a revised buildout year for the project and, as part of that update, additional ambient growth again was added to the counted traffic volumes, consistent with LADOT-approved methodologies for traffic study updates. No projects were removed from the 2008 related projects list.

Based on public comments in response to the NOP, the Initial Study and a review of environmental issues by the City, the Draft EIR analyzed the following environmental impact areas:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population, Housing, and Employment
- Public Services - Police Protection
- Public Services - Fire Protection
- Public Services - Public Schools

- Public Services - Parks and Recreation
- Public Services - Libraries
- Transportation and Circulation
- Utilities - Water Supply
- Utilities - Wastewater
- Utilities - Solid Waste

The Draft EIR was circulated from December 16, 2010, to February 7, 2011. In addition, in response to requests from the public, the comment period was extended to March 7, 2011. Thus, the public review period exceeded the 45-day public comment period required by CEQA.

Following the Draft EIR public comment period, the Final EIR was prepared that addresses the environmental effects associated with implementation of the proposed project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). The Final EIR was also made available for review on the City's website. Electronic copies of the Final EIR were also made available at four libraries and the City of Los Angeles Department of Planning. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the project site as well as individuals that attended the scoping meeting and provided comments during the NOP comment period.

A duly noticed public hearing on the project was held by the City's Deputy Advisory Agency and a Hearing Officer on February 19, 2013. Both written and oral comments were received in conjunction with the February 19 hearing. Final EIR Supplemental Responses to February 2013 Comments ("**Supplemental Responses to Comments**") were prepared by Matrix Environmental with technical reports attached. The Supplemental Responses to Comments include an update of traffic impacts to 2015 as well as technical reports responding to air quality, noise, and traffic concerns.

The Final EIR consists of the Project Environmental Assessment Form, the Initial Study, the Draft EIR and appendices attached thereto, and the Final EIR and appendices and errata attached thereto, and Supplemental Responses to Comments and appendices attached thereto. The Administrative Record shall consist of the Final EIR, the Project Approvals applications, the Project Approvals determinations, the record of any public hearings or proceedings, and all public statements and comments whether written or oral submitted at public hearings, including any administrative appeals. The Administrative Record shall not consist of any draft or screencheck versions of the Draft or Final EIR, or of any internal correspondences within the City Planning Department or any other agency of the City that are part of the City's internal deliberative process. The Administrative Record shall not consist of any privileged attorney-client communication or work product by and between the City Attorney and any employees or officials of the City.

Required CEQA Findings

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (the "Guidelines") require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three possible findings for each of the

significant impacts.

- The first possible finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)); and
- The second possible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (Guidelines Section 15091(a)(2)); and
- The third possible finding is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or project alternatives identified in the final EIR.” (Guidelines, Section 15091(a)(3)).

The Department of City Planning served as the Lead Agency under CEQA with respect to the proposed project and based on all the foregoing information, where applicable the City decision-maker must find that:

1. Pursuant to Public Resources Code Section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment as identified in the Final EIR; and
2. Pursuant to State CEQA Guidelines Section 15091(a)(1), that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; and
3. The Final EIR has been completed in compliance with CEQA and is adequate under CEQA for approval of the actions necessary to implement the project and all other City permits, entitlements, and discretionary approvals for the project; and
4. Project alternatives that substantially reduce or avoid the project’s significant environmental impacts are rejected as infeasible.

The City hereby finds that each and all of the Findings and Determinations contained in this document are based upon competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the Final EIR. The Findings and Determination constitute the independent Findings and Determinations of the City in all respects and are fully and completely supported by substantial evidence. All of the language included in this document constitutes Findings by the City, whether or not any particular sentence or clause includes a statement to that effect. All summaries of information and the Findings to follow are based on the Final EIR, the Project (and every component thereof), and/or other evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular Finding is not based in part on that fact. The summaries of information below are only summaries. Cross-references to the Draft and Final EIR and other evidence in the record have been made where helpful, and reference should be made directly to the Final EIR, and other evidence in the record for more precise information regarding the facts on which any summary is based. In addition, unless noted or stated otherwise, the rationale for the Findings is that set forth in the Final EIR (including the responses to comments), or elsewhere in the administrative record.

Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA

Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided.

The City hereby adopts each of the above-referenced environmental findings as follows:

A. Impacts Found to be Less than Significant (No Significant Impacts Would Occur and No Mitigation Required)

The following impact areas were concluded by the EIR to be less than significant prior to mitigation, and based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that, based on substantial evidence, the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed:

1. Aesthetics

Aesthetics/Visual Quality

–Short-Term Construction

During construction of the proposed Project, the project site's visual appearance would be altered due to site preparation activities and the construction of project buildings. However, temporary fencing would be placed along the periphery of the project site to screen views of the construction activity from the ground level. Project construction activities may require the removal of several mature street trees bordering the site along Sepulveda Boulevard and Camarillo Street, thereby temporarily reducing the visual quality of these streets adjacent to the project site. However, removal of trees is necessary to implement the project's proposed landscaping plan, which would replace all street trees and would incorporate street frontage improvements, such as decorative paving on the sidewalks and the planting of new trees, shrubs, and turf. In this respect, the aesthetic impacts to trees during construction must be considered in the context of the Project's overall landscaping plan. Since the loss of street trees would be part of the Project landscape plan and removed trees would ultimately be replaced, the removal of street trees during construction would not result in a significant impact.

Visible construction activities would also include truck traffic to and from the site. However, the impact of construction trucking would not significantly impact the visual quality of the area, since major roadways are intended to accommodate a range of vehicle types, including trucks incidental to construction and deliveries. Furthermore, construction-related visual impacts would only occur on a short-term basis. The Project would not substantially alter, degrade or eliminate the existing visual character of the area. Thus, construction-related visual quality impacts would be less than significant

–Operation

The existing structure on the project site is an aging residence, which does not possess notable aesthetic features nor contribute to a high visual quality of the surrounding area. Implementation of the proposed project would remove and replace the existing on-site residence with a series of

new buildings and associated landscape improvements. Although the Project would develop new buildings up to 100 feet in height, the proposed building heights would not present a sharp contrast with surrounding developments, particularly given the diversity of building heights in the area. Surrounding development consists predominantly of low- to mid-rise buildings with high-rise structures present along Sepulveda Boulevard and throughout the Ventura Boulevard commercial corridor. With such variations in building heights in the surrounding locale, the Project's building heights would visually blend into the urban environment. The proposed Project would be only marginally taller than the adjacent parking and residential structures to the immediate south, and substantially shorter than the office tower further to the south. Furthermore, although the Project would be taller than the one to three story residential and commercial uses to the east, Project building heights would generally be buffered by the six lanes of Sepulveda Boulevard. Lastly, the elevated I-405 and US-101 interchange, would buffer the Project's building heights from off-site land uses located to the west and north. Overall, the Project would contribute to the diversity of building heights and would not detract from the existing valued aesthetic quality of the project area. Thus, project implementation would alter the existing visual character of the project site from an underutilized property with blighting influences (i.e., graffiti) to a new, contemporary development providing a cohesive mix of residential and neighborhood-serving commercial uses.

The residential buildings would be arranged around a main central courtyard, with gardens, on the plaza level, creating new open space areas and passive recreational uses for the enjoyment of project residents. The courtyards and gardens would be articulated at the ground level by an outdoor piazzetta and stairs leading up to the plaza level (i.e., podium) above. A colonnade along Sepulveda Boulevard would be included to enhance the architectural façade.

Overall, the Project would not alter, degrade, or eliminate the existing valued visual character of the area. Specifically, the Project would not remove or alter existing features or elements that substantially contribute to the area's valued visual character nor convert a large area of visible natural open space. Furthermore, the Project would not introduce inappropriate contrast between the proposed project elements and existing features that embody the surrounding area's valued aesthetic image. Therefore, the Project would not substantially detract from the existing style or image of the Sherman Oaks community. Project impacts on visual quality would be less than significant.

Views

The Project site currently does not contain any scenic resources. Views of the Project site consist of a primarily vacant and graded site with one aging single family residence. Due to the site's relatively flat topography, its adjacency to the elevated I-405 and US-101 interchange, and the presence of existing low- to mid-rise buildings along Sepulveda Boulevard and Camarillo Street, the project site does not offer any valued views or occupy a substantial portion of any scenic viewshed. Additionally, most long-range views in the surrounding project area are obstructed or at least partially obstructed by existing development and/or the surrounding freeway infrastructure. Views are thus, limited to the immediate urban built environment. Therefore, development of the Project with buildings up to 100 feet in height would not result in the obstruction of valued views on-site or off-site since such views are not currently available.

The Project would not have a substantial effect on a scenic vista or alter views from a designated scenic highway, and would not substantially obstruct an existing view of a prominent, valued visual resource. Therefore, project impacts to views would be less than significant.

Light and Glare

Due to the heavily urbanized character of the area, particularly along the active commercial

corridor of Sepulveda Boulevard, the surrounding area currently exhibits medium to high ambient nighttime lighting levels. The proposed project would introduce new illumination sources including interior and exterior lighting for wayfinding, security, parking, signage, architectural highlighting, and landscaping purposes. Lighting introduced along the eastern façade of the proposed buildings on Sepulveda Boulevard would be designed to minimize light spillover to residences located across Sepulveda Boulevard through the use of shielding, cut-off fixtures, or similar measures. In addition, all exterior project lighting would comply with applicable regulations contained within the LAMC and the Sherman Oaks Streetscape Plan and Design Guidelines. Furthermore, given the degree of ambient lighting that currently exists in the project area, the Project's proposed lighting levels would not substantially increase the existing ambient nighttime light levels.

Glare is currently generated by existing buildings, vehicle windows, and other reflective surfaces in the area. The façades of the buildings would include plaster siding and would not contain highly reflective materials. Windows consisting of low-reflectivity glass would be utilized to minimize off-site glare. As vehicular parking on the site would be enclosed within a parking facility, automobile-related glare impacts to any off-site sensitive uses would not occur. Thus, any potential glare effects would be insignificant.

Overall, the proposed project would not create a new source of substantial light or glare that would adversely affect adjacent light-sensitive areas or a new source of glare that would substantially affect day or nighttime views in the area. Therefore, project impacts associated with light and glare would be less than significant.

Shading

The nearest shadow sensitive receptors to the project site are the residential uses located to the east of the project site across Sepulveda Boulevard. Worst-case scenario shade/shadow simulations for the winter solstice, spring equinox, summer solstice, and fall equinox indicate that the greatest off-site shading would occur during the winter solstice. However, project shading on sensitive uses during the winter would not occur for more than the significance threshold of three hours between the time frame of 9:00 a.m. and 3:00 p.m. During the spring equinox and summer solstice, respectively, shading on the residential uses to the east would be very limited. During the fall equinox, noticeable shading would be experienced by the first row of residential properties to the east between the hours of 2:00 p.m. and 5:00 p.m. However, the Project's shading impacts on shadow sensitive uses during the fall would not occur for more than the significance threshold of four hours between the timeframe of 9:00 a.m. and 5:00 p.m. In summary, based on the shading simulations for the four seasons which are provided in Figures IV.A-11 through IV.A-14 in Section IV.A, Aesthetics, the project would result in less than significant shading impacts.

Consistency with Applicable Policies

The design of the Project would be consistent with the Community Plan and the Sherman Oaks Streetscape Plan and Design Guidelines. With regard to consistency with the Specific Plan, the Project would require Specific Plan exceptions enumerated above. The Specific Plan includes express provisions for granting exceptions to the Specific Plan. Therefore, seeking exceptions to the Specific Plan would not be inconsistent with the Specific Plan. Additionally, granting of the Specific Plan exceptions would be consistent with the Specific Plan's procedural requirements. Merely requesting Specific Plan exceptions does not render every inconsistency with the Specific Plan a potentially significant aesthetic impact because prior to granting the requested exceptions, the City considers compatibility and aesthetics with the required findings, and such findings include substantial evidence that the inconsistencies do not result in material adverse effects. The aforementioned Specific Plan exception findings are incorporated herein by reference.

Project aesthetic impacts relative to consistency with applicable regulations or plans would be less than significant.

Cumulative Impacts

The cumulative analysis of aesthetics, views, light and glare, and shading considered 51 related projects. Similar to the proposed project, the related projects consist of infill development projects located in already urbanized areas. Of the related projects, the closest related project is Related Project No. 23, a mixed-use residential and commercial project located at 15212–15222 Ventura Boulevard located approximately 0.30 mile to the southeast of the project site. This related project would also be subject to the design standards and regulations of the Community Plan, Specific Plan, and Sherman Oaks Streetscape Plan and Design Guidelines. Therefore, it is not reasonably foreseeable that this related project would remove or alter aesthetic elements that contribute to the valued character of the surrounding area or would contrast with the existing visual environment. Development of the other related projects would not cause cumulative aesthetic impacts as these related projects are not visible from the project area due to either distance and/or existing intervening development.

With regard to views, only Related Project No. 23 is located within the same viewshed as the Project (i.e., along Sepulveda Boulevard) so as to contribute to cumulative impacts on views. However, valued views in the project area are not currently available due to existing intervening development. Therefore, development of Related Project No. 23 and the proposed project would not result in a significant impact on valued views.

Development of the proposed project as well as the other related projects would cumulatively introduce new or expanded sources of artificial light. As the project area is located in a highly urbanized area, the additional artificial light sources introduced by the related projects and the proposed project would not significantly alter the existing medium-high to high lighting environment. Due to the distance of the related projects from the Project, the lighting and glare of the Project and these other related projects would not exceed the established thresholds of significance. As such, cumulative light and glare impacts are concluded to be less than significant.

None of the identified 51 related projects are located adjacent to the project site or within close proximity to the project site such that shading on the same sensitive uses would occur. Therefore, no cumulative shade/shadow impacts would occur relative to shadow sensitive uses.

2. Agricultural Resources

The Project site is located in an urbanized setting. No agricultural uses or related operations are present within the site or surrounding area. Therefore, the proposed project would not result in impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and no further evaluation of this issue was necessary in the Draft EIR.

The Project site is zoned [Q]CR-1L (Limited Commercial), R3-1L (Multiple Dwelling), R1-1L (One-Family), and [Q]P-1L (Automobile Parking). No agricultural zoning is present on-site and in the surrounding area, and no nearby lands are enrolled under the Williamson Act. Therefore, no conflict exists with regard to agricultural zoning or Williamson Act contracts. No impact would occur, and no evaluation of this issue was necessary in the Draft EIR.

Since there are no agricultural uses or related operations on or near the Project site, the proposed project would not involve the conversion of farmland to other uses, either directly or indirectly. Therefore, no impacts to agricultural land or uses would occur, and no further evaluation of this issue was necessary in the draft EIR.

3. Air Quality

Final EIR Section II.B.IV.B adds an in-depth survey of studies and literature regarding the potential health impacts of air pollutants, as well as public welfare and ecological effects of various air pollutants. This additional information does not change the proposed project air quality impact conclusions set forth in the Draft EIR, but amplifies the background information regarding those impacts.

Construction – Toxic Air Contaminants; Cumulative Impacts

The greatest potential for toxic air contaminants (TAC) emissions during construction would be related to diesel particulate emissions associated with heavy equipment operations for grading and excavation activities. The proposed project would not result in a long-term (i.e., 70 years) substantial source of TAC emissions. In addition, there would be no residual emissions after construction and corresponding individual cancer risk. As such, project-related toxic emission impacts during construction would be less than significant.

Similar to the proposed project, the greatest potential for TAC emissions at each related project would involve diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. Given that the proposed project contribution to cancer risk from construction activities would be less than significant and is a localized impact, related projects that have not already been built would not result in a long-term (i.e., 70 years) substantial source of TAC emissions with no residual emissions after construction and corresponding individual cancer risk. Thus, TAC emissions from the related projects are anticipated to be less than significant individually and cumulatively.

Construction – Odors; Cumulative Impacts

Potential sources that may emit odors during construction activities include the use of architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, no construction activities or materials are proposed which would create objectionable odors. Therefore, no construction-related odor impacts would occur and no mitigation measures would be required.

Also similar to the proposed project, potential sources that may emit odors during construction activities at each related project would include the use of architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, it is anticipated that construction activities or materials used in the construction of the related projects would not create objectionable odors. Thus, odor impacts from the related projects are anticipated to be less than significant unto themselves, as well as cumulatively in conjunction with the proposed Project.

Operation – Cumulative Toxic Air Contaminant Impacts

With respect to TAC emissions, the proposed project or any of the identified related projects (which are largely residential, restaurant, retail/commercial, and institutional developments), would not represent a substantial source of TAC emissions. Uses typically associated with TAC emissions include large-scale industrial, manufacturing, and transportation hub facilities. Based on recommended screening level siting distances for TAC sources, as set forth in the California Air Resources Board's Land Use Guidelines, the proposed project and related projects would not result in a cumulative impact requiring further evaluation. However, the proposed project and each of the related projects would likely generate minimal TAC emissions related to the use of consumer products, landscape maintenance activities, among other things.

Pursuant to California Assembly Bill 1807, which directs the CARB to identify substances such

as TAC and adopt airborne toxic control measures (ATCMs) to control such substances, the SCAQMD has adopted numerous rules (primarily in Regulation XIV) that specifically address TAC emissions. These SCAQMD rules have resulted in and will continue to result in substantial Basin-wide TAC emissions reductions. As such, cumulative TAC emissions during long-term operations would be less than significant. In addition, the proposed project would not result in any sources of TACs that have.

Operation – Localized Operation Impacts

Project-generated traffic volumes are forecasted to have a negligible effect on the projected 1-hour and 8-hour CO concentrations at the intersections studied. Since a significant impact would not occur at the intersections operating at the highest V/C ratio, no significant impacts would occur at any other analyzed roadway intersection as a result of project-generated traffic volumes. Thus, the proposed project would not cause any new or exacerbate any existing CO hotspots, and, as a result, impacts related to localized mobile-source CO emissions would be less than significant.

A freeway CO analysis was completed to ascertain potential impacts to the project site from the US-101/I-405 interchange. Sensitive receptors on the project site would be exposed to 1-hour and 8-hour CO levels of 7.4 and 7.0 ppm respectively. These levels are below the 1-hour and 8-hour CO standards and, therefore, the US-101 and the I-405 would not cause local CO emissions to exceed the prescribed threshold at the project site.

The proposed project may include the installation and operation of diesel-fired generators for emergency power generation. Compliance with SCAQMD Rules and Regulations regarding stationary-source combustion equipment would ensure that contributions to localized PM₁₀ concentrations remain below the 2.5 µg/m³ significance threshold. Compliance with existing applicable laws or regulations that regulate conduct for the purpose of reducing environmental impacts may be assumed in CEQA analysis, and compliance with such laws or regulation need not be set forth as mitigation. Therefore, any potential impacts would be less than significant.

Operation – Toxic Air Contaminants On-Site Sources

The primary sources of potential air toxics associated with proposed project operations include diesel PM₁₀ from delivery trucks (e.g., truck traffic on local streets and on-site truck idling) and emergency backup generators. Potential localized air toxic impacts from on-site sources of diesel particulate emissions would be minimal since the proposed uses are not typically associated with heavy-duty trucks trips to the site. However, in the event that a small number of trucks access the project site, they would be required to limit idling to 5 minutes while on-site. Based on the limited activity of the toxic air contaminant sources, the proposed project would not warrant the need for a health risk assessment associated with on-site activities, and, in this regard, potential air toxic impacts would be less than significant.

Typical sources of acutely and chronically hazardous toxic air contaminants include industrial manufacturing processes, automotive repair facilities, and dry cleaning facilities. The proposed project would not include any of these potential sources, although minimal emissions may result from the use of consumer products. As such, the proposed project would not release substantial amounts of toxic contaminants, and no significant impacts on human health would occur. Based on the limited activity of the toxic air contaminant sources, the proposed project does not warrant the need for a health risk assessment, and potential air toxic impacts would be less than significant.

Operation – Odors; Cumulative Impacts

The proposed project does not include any uses identified by the SCAQMD as being associated with odors. Thus, potential odor impacts would be less than significant.

Neither the proposed project nor any of the related projects (which are primarily general office, residential, retail, and restaurant uses) have a high potential to generate odor impacts.¹ Furthermore, any related project that may have a potential to generate objectionable odors would be required by SCAQMD Rule 402 (Nuisance) to implement Best Available Control Technology to limit potential objectionable odor impacts to a less than significant level. Thus, potential odor impacts from related projects are anticipated to be less than significant individually and cumulatively.

Operation – Global Climate Change; Cumulative Impacts

The proposed project contains design features that would reduce the Project emissions profile and would represent improvements above what can be considered “business as usual.” The proposed project would be designed to achieve a silver rating under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED®) green building program. To achieve the LEED® silver rating, sustainability measures that address transportation, water efficiency, and energy efficiency would be incorporated as part of the project. In addition, the very nature of the Project, urban infill located in a transit rich area, further improves the project’s GHG reducing potential. The Project would be consistent with the goals set forth in AB32, as well as in CARB’s scoping plan. The project’s GHG emissions reductions compared to the BAU scenario constitute an equivalent or larger break from “business-as-usual” than has been determined by CARB to be necessary to meet Assembly Bill 32’s goals. Therefore, the proposed project will not have a significant impact on the global climate change due to its greenhouse gas emissions.

The proposed project, by implementing project features and GHG reducing measures, results in a net decrease in GHG emissions when compared with business as usual. In addition, the City of Los Angeles is also taking direct action to reduce emissions from all utility users and improve transportation citywide. Therefore, due to the incremental amount of GHG emissions estimated for this project, the fact that estimated operational emissions are likely overstated, the lack of any evidence for concluding that the Project’s GHG emissions could cause any measurable increase in global GHG emissions necessary to force global climate change, and the fact that the Project incorporates design features to reduce potential GHG emissions that are consistent with the goals of AB 32, the CAT Report strategies, and the City of Los Angeles’ strategies, the Project is not considered to have a significant impact with respect to global climate change on a cumulative basis.

SCAQMD Handbook Policy Analysis

While development of the proposed project would result in short-term regional impacts, Project development would not have a long-term impact on the region’s ability to meet state and federal air quality standards. The proposed project would comply with SCAQMD Rule 403 and would implement all feasible mitigation measures for control of NO_x, PM₁₀ and PM_{2.5}. Also, the project would be consistent with the goals and policies of the Air Quality Management Plan (AQMP) for control of fugitive dust. The Project’s long-term influence would also be consistent with the goals and policies of the AQMP and is, therefore, considered consistent with the SCAQMD’s AQMP.

City of Los Angeles Policies

¹ According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding.

The proposed project would be consistent with City of Los Angeles air quality policies, as it implements the air quality goals and policies set forth in the City's General Plan. Development of the proposed project at the proposed site location offers the opportunity to provide residential uses within a highly urbanized regional employment center and adjacent to a regional shopping center. The Project would support the reduction of air emissions via its use of existing infrastructure, proximity to existing regional and local transit facilities, the provision of pedestrian-scale street frontages, and location near existing commercial uses that would meet many of the needs of the project's future residents.

Overall, no significant impacts would occur as a result of project development with respect to compatibility with applicable air quality policies as set forth in the City's General Plan Air Quality Element.

4. Biological Impacts

Cumulative Impacts

The majority of the 51 related projects are located at a sufficient distance from the project site so as to not cause potential cumulative impacts to raptors in the area. However, three related projects are located within a half mile of the project site. The urbanized nature and sizes of these sites, along with their lack of seclusion, would prevent raptor hunting and breeding. Therefore, current and future use of these sites by raptors is unlikely. In addition, all of the related projects would be required to comply with the Migratory Bird Treaty Act, as well as the City ordinances for protected trees and street trees. As a result, cumulative impacts to biological resources would be less than significant.

5. Cultural Resources

Attachment B Section V of the November 2004 Initial Study provided substantial evidence showing that potentially significant impacts to cultural resources were not reasonably foreseeable as result of the proposed project. As part of this Initial Study, the properties within the Project site have been formally assessed for historical significance for the purposes of CEQA compliance. A records search was conducted by the South Central Coastal Information Center (SCCIC) at California State University, Fullerton to identify previously recorded prehistoric and historic resources in and around the project site. This search included a review of the National Register of Historic Places (National Register) and its annual updates, the California Historical Resources Inventory database maintained by the California Office of Historic Preservation (OHP), and the City of Los Angeles Historic-Cultural Monuments register. The records search indicated that there are currently no previously identified federal or state level designated or eligible prehistoric or historic resources within or near the project site. There is, however, one City of Los Angeles Historic-Cultural Monument located outside of the project site, but within 0.5 mile of it. This resource is identified as the "Tower of Wooden Pallets" (monument number 184). This historic resource is far enough away from the proposed project site as to not be directly or indirectly impacted by the Project's implementation.

A review of survey data collected and evaluated indicates that no prehistoric or historic archaeological sites have been identified within the local area and that no unique or important prehistoric or historic archaeological resources have been encountered within the project vicinity. The project site is located within an urbanized area and has been subject to extensive disruption over the years; thus, any surficial archaeological resources, which may have existed at one time, have likely been previously disturbed.

The project site is located within an urbanized area that has been previously developed with various uses. Within the project area, any traditional burial sources, which include

archaeological sites, burial sites, ceremonial areas, gathering areas, or any other natural area important to a culture for religious, burial, or heritage reasons, would likely be associated with the Native American group known as the Fernandeno, a branch of the Gabrielino. No known traditional burial sites or other type of cemetery usage has been identified within the project site or nearby vicinity. Nonetheless, any discovery of human remains or related resources would be treated in accordance with federal, state, and local regulations and guidelines for disclosure, recovery, relocation, and preservation, as appropriate, including CEQA Guidelines Section 15064.5(e). Therefore, no impacts are expected, and no further evaluation of potential impacts associated with the discovery of human remains is necessary.

6. Geology/Soils

Soil Conditions

Project construction would require approximately 165,000 cubic yards of grading and soil export. Erosion and sedimentation from exposed soils could occur during construction. However, project construction activities would be conducted in compliance with erosion control measures, including grading and dust control measures, imposed by the City pursuant to grading permit regulations. In addition, the project would be required to have an erosion control plan approved by the City of Los Angeles Department of Building and Safety, as well as a Storm Water Pollution Plan (SWPPP) pursuant to the National Pollutant Discharge Elimination System (NPDES) permit requirements. As part of the SWPPP, Best Management Practices (BMPs) would be implemented during construction to reduce soil erosion and pollutant levels to the maximum extent possible. As such, construction of the project would not constitute a geologic hazard to other properties by accelerating instability from erosion or accelerating the natural processes of wind and water erosion and sedimentation that would result in sediment runoff or deposition that would not be contained or controlled on-site. Therefore, construction-related impacts associated with erosion and sedimentation would be less than significant.

Soil erosion and sedimentation effects during operation would be less as compared with existing conditions. In addition, Standard Urban Stormwater Mitigation Plan (SUSMP) provisions that would include site-specific BMPs would be implemented throughout the operational life of the project, which would assist in reducing on-site erosion. As such, operation of the project would not constitute a geologic hazard to other properties by accelerating instability from erosion or accelerating the natural processes of wind and water erosion and sedimentation that would result in sediment runoff or deposition that would not be contained or controlled on-site. Therefore, operational impacts associated with erosion and sedimentation would be less than significant.

With regard to landform alteration, the project site is located in an urbanized area and is currently graded. As no distinct or prominent geologic or topographic features would be destroyed, permanently covered, or materially and adversely modified as a result of the project, impacts related to landform alteration would be less than significant.

Seismic Hazard – Liquefaction

The proposed project is located within a state-designated and city-designated liquefaction zone. However, liquefaction tests indicate that soil beneath the project site would not be prone to liquefaction during a 10 percent earthquake (e.g. earthquake with a 475-year return period). Furthermore, the project would comply with state and local building and safety codes, including the CBC and the Los Angeles Building Code. In addition, the Project would comply with the safety guidelines set forth in CGS *Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California* and the project design recommendations set forth in the geotechnical report. The LADBS indicated that due to the improbability of liquefaction on the project site, no mitigation is necessary pursuant to the Seismic Hazard Mapping Act. Therefore,

the Project would not cause or accelerate geologic hazards which would result in substantial damage to structures or infrastructure or expose people to substantial risk of injury and geologic hazard impacts related to liquefaction would be less than significant.

Seismic Hazard – Inundation by Seiches and Dam Failures

The Project site lies within the inundation hazard areas of the Encino Reservoir and the Sepulveda Dam, which are managed by the Los Angeles Department of Water and Power. It is possible that overtopping of the reservoir and/or dam could occur with a worst-case scenario, leading to dam failure. Seismic activity could also lead to failure of either of these water containment structures. However, the California Division of Safety of Dams regulates the siting, design, construction, and periodic review of all dams in the State. Mitigation of potential seiche hazards has also been implemented by the Los Angeles Department of Water and Power through regulation of the level of water in its storage facilities and the provision of walls of extra height to contain seiches and prevent overflow or inundation. Further, the Sepulveda Dam has automatically controlled spillway gates that rise and lower to control the dam from overtopping. Automatic release of water from the dam is discharged to the Los Angeles River. In addition, the I-405 and US-101 Freeways serve as physical barriers between the Encino Reservoir, the Sepulveda Dam, and the project site. Therefore, the project would not cause or accelerate geologic hazards which would result in substantial damage to structures or infrastructure or expose people to substantial risk of injury due to inundation by a dam or a seiche. Impacts related to these issues would be less than significant.

Cumulative Impacts

Impacts associated with geologic and soil issues are typically confined to a project site or within a very localized area and do not affect off-site areas associated with the related projects or ambient growth. Cumulative development in the area would, however, increase the overall potential for exposure to seismic hazards by potentially increasing the number of people exposed to seismic hazards. Nevertheless, all related projects would be subject to established guidelines and regulations pertaining to seismic hazards. As such, adherence to applicable building regulations and standard engineering practices would ensure that cumulative impacts would be less than significant.

7. Hazards and Hazardous Materials

Release of Hazardous Materials

Construction of the proposed project would involve the temporary use of potentially hazardous materials, including paints, adhesives, surface coatings, cleaning agents, fuels, and oils. However, all potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. Additionally, any emissions from the use of such materials would be minimal and localized to the project site.

With regard to potentially hazardous conditions on the site, the project site is not listed on any of the local, state, or federal databases concerning hazardous materials. Furthermore, no evidence of hazardous environmental conditions was observed on the site. As such, the potential to uncover contaminated soils or groundwater beneath the site during project construction (particularly during grading and excavation activities) is considered low. Since construction of the Project would comply with applicable regulations and would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous

materials or exposure to health hazards in excess of regulatory standards, impacts associated with the potential release of hazardous substances during construction of the proposed project would be less than significant.

Operation of the Project would involve the limited use of potentially hazardous materials typical of those used in residential and commercial developments, including cleaning agents, paints, pesticides and other materials for landscaping. All potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' specifications and handled in compliance with applicable standards and regulations. Thus, any risks associated with these potentially hazardous materials would be reduced to a less than significant level through compliance with these standards and regulations. Therefore, as the Project would comply with applicable regulations and would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, impacts associated with the use of hazardous substances during operation of the proposed project would be less than significant.

Asbestos Containing Materials

Demolition of the one remaining building on the Project site would have the potential to release asbestos fibers into the atmosphere if they are not properly stabilized or removed prior to demolition activities. The removal of ACMs is regulated by SCAQMD Rule 1403 and, therefore, ACMs would be removed (if present) by a certified asbestos containment contractor in accordance with applicable regulations prior to demolition. Therefore, as the Project would comply with applicable regulations and would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, the risk of exposure to ACMs would be less than significant.

Lead-Based Paint

Results of qualitative lead screening did not indicate the presence of lead-based paint within the existing residence on the site. Therefore, the potential for construction workers to be exposed to lead during demolition of the existing residence is considered low. As the proposed project would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, potential impacts associated with the presence of lead would be less than significant.

Underground Storage Tanks

No evidence of underground storage tanks (USTs) was observed on the site and no records have been found which indicate the potential existence of USTs. As the proposed project would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, potential impacts associated with USTs would be less than significant.

Oil and Gas

There are no oil or gas wells or the drilling of oil and gas wells on the project site. In addition, the project site is not located on an oil, gas, or geothermal field or within a city-designated methane zone or methane buffer zone. As the Project would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose

persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, no impacts associated with oil and gas would occur.

Groundwater

Excavation activities for the Project would not encounter groundwater and the project site is not listed on the local, state, or federal databases concerning hazardous materials. As such, the potential to uncover contaminated groundwater beneath the project site particularly during grading and excavation activities is considered low. As the proposed project would not expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards from groundwater contamination, potential impacts associated with contaminated groundwater would be less than significant.

Cumulative Impacts

Impacts associated with hazards and hazardous materials are typically site-specific and do not cumulatively affect off-site areas. Furthermore, all related projects would be required to comply with local, state, and federal regulations pertaining to hazards and hazardous materials. Therefore, with adherence to such regulations, the cumulative development of the proposed project and related projects would not result in cumulatively significant impacts with regard to hazards and hazardous materials.

8. Land Use

Section IV.G of the Draft EIR, Responses to Comments 7-1 through 7-5 (which are repeated and cross-referenced throughout the Responses to Comments), Final EIR Sections I.G, II.A.1 and IV.G, the separate Vesting Tentative Map findings, as well as the Specific Plan Exception findings—all of which are incorporated herein by reference—contain substantial evidence that environmental impacts relative to applicable plans, policies and regulations would be less than significant.

Not every policy, goal and provision of an applicable plane, policy or regulation is relevant to CEQA compliance. Only those provisions that are adopted for the purpose of avoiding environmental impacts are relevant to CEQA compliance. Similarly, a project need not be consistent with every applicable goal, policy or provision in order to be deemed to have a less-than-significant land use impact. Overall consistency with the applicable provisions adopted for the purpose of avoiding environmental impacts is a more reasonable and widely-accepted approach. Policy questions addressing whether the proposed project is desirable or undesirable are not relevant to CEQA compliance because desirability is separate and distinct from the physical environmental impacts of the proposed project and the CEQA question of whether those physical impacts result in potentially significant environmental impacts. With regard to consistency with the Specific Plan, the proposed project would require Specific Plan exceptions enumerated above. The Specific Plan includes express provisions for granting exceptions to the Specific Plan. Therefore, seeking exceptions to the Specific Plan would not be inconsistent with the Specific Plan. Additionally, granting of the Specific Plan exceptions would be consistent with the Specific Plan's procedural requirements. Merely requesting Specific Plan exceptions does not render every inconsistency with the Specific Plan a potentially significant

Consistency with Plans and Applicable Policies

Section IV.G of the Draft EIR, Responses to Comments 7-1 through 7-5 (which are repeated and cross-referenced throughout the Responses to Comments), Final EIR Sections I.G, II.A.1 and IV.G provide detailed analysis of the Project's consistency with the following applicable plans,

policies, and regulations:

- City of Los Angeles General Plan

The proposed project would be substantially consistent with the goals, objectives and policies of the General Plan Framework. In particular, the proposed project would be consistent with the site's Regional Center designation in terms of proposed land uses as it would develop a mix of residential uses and neighborhood-serving commercial uses in proximity to a number of employment, shopping, and dining destinations. The Project would also increase the vitality of the Regional Center area by redeveloping an existing underutilized and graded site. Additionally, by locating new residential uses along a major transportation corridor (Sepulveda Boulevard) and orienting neighborhood-serving commercial uses along the street frontages, the Project would promote pedestrian activity and would facilitate a reduction of vehicle trips in the project area. Since the Project would be consistent with the applicable goals and policies of the General Plan Framework, land use impacts relative to this plan would be less than significant.

- Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan

As further detailed in Section IV.G, Land Use, of the Draft EIR, the proposed project would be substantially consistent with the goals, objectives, and policies of the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan. In general, the project would provide a high-quality mixed-use development consisting of new residential and neighborhood-serving commercial uses in a Regional Commercial area of the Sherman Oaks community. Thus, the Project would not conflict with the surrounding uses but rather, would contribute to the area's identity as a major activity center. Furthermore, as the Project would locate new residential uses along a major transportation corridor, the Project would promote pedestrian activity and other alternative modes of transportation. The Project would also comply with applicable Community Plan policies and requirements pertaining to urban design and transportation. Since the Project would be consistent with the applicable goals and policies of the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan, land use impacts relative to this plan would be less than significant.

- Ventura–Cahuenga Boulevard Corridor Specific Plan

Currently, the existing vacant and under-developed conditions on the project site do not reflect the high quality development promoted by the Ventura–Cahuenga Boulevard Corridor Specific Plan. Implementation of the proposed project would result in a high-quality, mixed-use development consisting of multiple-family residential and commercial uses along a major public transportation corridor. Section IV.G, Land Use, of the Draft EIR provides a side by side analysis of whether the Project would be consistent with the applicable standards and regulations of the Specific Plan. In order to implement the Project as proposed, the Applicant seeks Specific Plan Exceptions referenced above. As noted previously, the Specific Plan includes express provisions for granting exceptions to the Specific Plan. Therefore, seeking exceptions to the Specific Plan would not be inconsistent with the Specific Plan. Additionally, granting of the Specific Plan exceptions would be consistent with the Specific Plan's procedural requirements. With approval of the proposed Specific Plan Exceptions, the Project would generally be in conformance with the intent of the Specific Plan, and land use impacts relative to this plan would be less than significant.

- City of Los Angeles Do Real Planning Guidelines

The Do Real Planning Guidelines includes a set of 14 points to guide planning activities for the City. As further detailed in Section IV.G, Land Use, of the Draft EIR, the project would be consistent with these relevant points. Thus, land use impacts relative to the Do Real Planning Guidelines would be less than significant.

- City of Los Angeles Walkability Checklist

As further detailed in Section IV.G, Land Use, of the Draft EIR, the Project would comply with the principles presented in the City's Walkability Checklist. The Project would implement design features that would improve the pedestrian environment, in accordance with the objective of the City's Walkability Checklist. As such, the Project would generally be consistent with the City's Walkability Checklist.

- City of Los Angeles Municipal Code

A zone change from [Q]CR-1L, R3-1L, R1-1L, and [Q]P-1L to C2 (Commercial Zone) would bring the site into conformance with the existing Community Plan designation of the project site as Regional Center, and the C2 zone would be more appropriate for the project site as this zone was designed to accommodate both commercial and housing development in a manner that contributes to the economic growth of the area. Redevelopment of the site, as allowed under a C2 zone, would be an extension of the revitalization process occurring within the Ventura–Cahuenga Boulevard Corridor Specific Plan area. The C2 zone designation would allow mixed uses that include both residential and commercial development.

Similar to the proposed zoning change, the proposed height district proposed for the site corresponds to the prescribed height district for the land use designation (i.e., Regional Center). The project site is the only site within the boundaries of the Regional Center designation that is not designated as Height District 2D. As the project site was designated as Regional Center because of its proximity and physical relationship to the other properties within the Regional Center area, the proposed height district change would create a height district that is generally consistent with that of the surrounding uses, particularly the uses to the immediate south of the site.

- Regional Plans and Applicable Policies

Per SCAG, the proposed project is considered regionally significant. As further detailed in Section IV.G, Land Use, of the Draft EIR, the proposed project would be consistent with SCAG policies and principles, including those of the Regional Comprehensive Plan, Regional Transportation Plan, Compass Blueprint, and the Regional Housing Needs Assessment.

Land Use Compatibility

The proposed project would be compatible with various surrounding uses, including the Sherman Oaks Galleria to the south, as well as multi- and single-family residential uses to the east. The proposed neighborhood commercial uses would complement the Sherman Oaks Galleria and would represent an extension of the existing commercial uses along Sepulveda Boulevard. These neighborhood commercial uses would have hours of operation that are similar to those of other nearby retail uses. Furthermore, the location of the proposed residential and commercial uses would be appropriate given the site's location within a populated, heavily-traveled, mixed-use Regional Center.

The design of the proposed project would also be compatible with the surrounding uses and

structures, which range in height from one story to approximately 16 stories. (See Supplemental responses to Comments Fig. 1.) While the proposed building heights would be greater than the single-story residence that currently exists on-site, the project height would not contrast with the heights of the Sherman Oaks Galleria. Furthermore, the single- and multi-family residential structures comprised of one to three stories to the east of the site are separated from the site by Sepulveda Boulevard, a six-lane Class II Major Highway. Therefore, a buffer currently exists to aid in the transition of the proposed project's high-density residential uses to the medium- and low-density residential areas. In addition, the design of the project would aid in this transition as the commercial uses fronting Sepulveda Boulevard would provide an impression along this street as a smaller and more pedestrian scale, in keeping with the desire to encourage pedestrian activity, as well as transition to the less dense residential uses across Sepulveda Boulevard.

In addition, the project site is an ideal location for the proposed mixed-use project, as it is situated within a high commercial activity Regional Commercial area, along two major transportation corridors, and near a variety of employment opportunities. The project is designed to encourage pedestrian activity, as it would locate residential uses and commercial uses within the same building and would be easily accessible by foot for other residents within the project vicinity.

Based on the above, the Project would not substantially or adversely change the existing relationship between on- and off-site land uses and properties, or have the long-term affect of adversely altering a neighborhood or community through ongoing disruption, division, or isolation.

Cumulative Impacts

The 51 related projects generally consist of infill development in an already urbanized area and redevelopment of existing uses. As with the proposed project, related projects are expected to comply with relevant land use plans and regulations. Since the Project would be consistent with the Community Plan, Specific Plan, and the LAMC upon approval of the Specific Plan exceptions, zone change and height district change, the Project would not incrementally contribute to cumulative inconsistencies with respect to land use plans. Cumulative impacts associated with land use plans within the area would be less than significant.

Additionally, there are no related projects located within the immediate vicinity of the project site. The closest related project is Related Project No. 23, a mixed-use development consisting of 52 condominiums and 7,460 square feet of specialty retail, to be located at 15212–15222 Ventura Boulevard, approximately 0.30 mile to the southeast of the project site. As with the proposed project, the mixed-use nature of Related Project No. 23 would be consistent with the existing mix of commercial and residential uses that characterize the project area. Thus, development of Related Project No. 23 and the proposed project would not alter the existing land use relationships in the community. Therefore, cumulative land use impacts relative to land use compatibility would be less than significant.

9. Mineral Resources

The project site is not located in an area containing significant mineral deposits as designated by the City of Los Angeles. The project site has been previously developed and is located in an urban, developed area. Therefore, project implementation would not result in the loss of availability of a known mineral resource. No impacts would occur, and no further evaluation of this issue was necessary in the Draft EIR.

According to the Conservation Element of the City of Los Angeles General Plan, sites that contain potentially significant sand and gravel deposits which are to be conserved follow the Los

Angeles River flood plain, coastal plain, and other water bodies and courses and lie along the flood plain from the San Fernando Valley through downtown Los Angeles. These sites are also identified in two Community Plan elements of the City's General Plan (the Sun Valley and the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East la Tuna Canyon Community Plans), neither of which incorporates the project site. Furthermore, the project site and its surrounding area are currently developed with urban uses. As such, project implementation would not result in impacts associated with the loss or availability of a known mineral resource that would be of value to the region and the residents of the state. No impacts would occur, and no further evaluation of this issue is necessary in the Draft EIR.

10. Noise & Vibration

Construction & Operation – Ground-borne Vibration

The proposed project would generate ground-borne vibration during site clearing and grading activities or large bulldozer operations. Vibration velocities from the operation of construction equipment would range from approximately 0.003 to 0.089 inch per second peak particle velocity (PPV) at 25 feet from the source of activity. The nearest receptor (777 Motor Inn), which is approximately 50 feet from the project construction site, would be exposed to vibration velocities ranging from approximately 0.001 to 0.031 inch per second PPV. As this value is considerably below the 0.5 inch per second PPV significance threshold (potential building damage), project construction activities would not cause ground-borne vibration levels to exceed 0.5 inch per second PPV at any off-site structures. Thus, vibration impacts associated with construction would be less than significant.

With respect to annoyance, the Final EIR states that under a worst case scenario vibration impacts associated with construction would be significant at the 777 Motor Inn when heavy construction equipment is operating at the perimeter of the project site, close to the receptor. This would occur intermittently for short durations only during site grading and excavation phases. Vibration would be quickly reduced to below the significant threshold at approximately 80 feet from the receptor. The significance of ground-borne vibration impacts is a site-wide evaluation. On a site the size and depth of this site, the area where brief and sporadic ground-borne vibration annoyance occurs is a small fraction of the construction area and a small fraction of the construction time. It is, therefore, a less than significant impact.

Operation of the proposed project would include typical residential and commercial-grade stationary mechanical and electrical equipment such as air handling units, condenser units, exhaust fans, and electrical emergency power generators, which would produce vibration. In addition, the primary sources of transient vibration would include passenger vehicle circulation within the proposed subterranean parking facility, and on-site loading/refuse collection truck activity. Ground-borne vibration generated by each of the above-mentioned activities would be similar to the existing sources (i.e., traffic on adjacent roadways and adjacent parking structure) adjacent to the project site. The potential vibration impacts from all proposed project sources at the closest structure locations would be less than the significance threshold 72 VdB for perceptibility. As such, project operation activities would not cause ground-borne vibration levels to exceed 72 VdB at off-site vibration sensitive receptors including the 777 Motor Inn and impacts would be less than significant.

Operation – Off-Site Roadway (Mobile) Noise

The larger proposed project studied in the Draft EIR is expected to generate a maximum of 5,844 additional daily trips. Traffic attributed to the proposed project would increase the total daily traffic traveling along the major thoroughfares within the project vicinity. This increase in

roadway traffic volumes was analyzed to determine if any traffic-related noise impacts would result from project development. Reducing the residential units of the Project from 500 to 399 units, as set forth in the Final EIR, as well as the reduction of the proposed project's neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet, would further reduce the daily and peak-hour trips generated by the Project, which would also reduce roadway noise. The largest project-related traffic noise impact is anticipated to occur along the segment of Camarillo Street, west of Sepulveda Boulevard. Project-related traffic would add 1.8 dBA CNEL to this roadway segment, while related project plus ambient growth traffic volumes are expected to add less than 0.1 dBA CNEL to this roadway segment, for a combined total of 1.8 dBA CNEL. As the incremental increases in noise levels at all other analyzed locations are less than 1.8 dBA CNEL, and these noise level increases are less than the 3-dBA CNEL significance threshold, project roadway noise impacts are considered to be less than significant.

Operation – On-Site Stationary Noise

Mechanical Equipment

Stationary equipment (e.g., parking structure air vents, pool maintenance machinery, and building heating ventilation and air conditioning, HVAC, equipment) would be designed to comply with the City's Noise Ordinance requirement and the Project significance threshold of 5 dBA above the ambient noise levels. The Project mechanical design documentation will include mitigation measures required to minimize HVAC/mechanical noise levels to no more than 5 dBA above ambient noise levels. As such, impacts from stationary sources would be less than significant.

Loading Dock and Refuse Collection Areas

The loading dock area and refuse collection areas would be located together within a partially enclosed/covered area near the northeast corner of the proposed grocery store/retail building. Delivery and refuse service vehicles would have direct access to this area via a new private roadway along the back side of the site (i.e., along the northern/western frontage), extending from Sepulveda Boulevard to Camarillo Street. Loading dock and refuse service-related activities such as truck movements/idling and loading/unloading operations would generate noise levels that have a potential to adversely impact adjacent land uses during long-term project operations.

The nearest noise-sensitive use (i.e., multi-family residences across Sepulveda Boulevard) is approximately 150 feet east of the proposed loading dock and refuse service area. In addition, the eastern portion of the proposed grocery store/retail building would fully block the line-of-sight between the noise source and sound receptor location. Loading dock and refuse collection noise levels would be 52 and 47 dBA, respectively, and would add less than 1 dBA L_{eq} to the average daytime and nighttime ambient noise environments at this property line, and would not cause the existing daytime ambient noise level of 68.5 dBA, or nighttime ambient noise level of 58.1 dBA, to increase by the 5-dBA significance criterion. As such, impacts would be less than significant.

Courtyard Areas

The proposed project would incorporate a number of features that allow for small outdoor gatherings. The Project would be developed with a main central courtyard and three finger-like themed courtyards and gardens. The proposed courtyard areas would be located at the plaza level on top of the podium. All off-site noise sensitive receptors would be shielded from the courtyard areas by the project buildings. Therefore, potential noise impacts associated with courtyard area activities would be less than significant.

Parking Facilities

Parking would be provided within a parking structure with two subterranean levels, one ground level, and one mezzanine level. The ground level and the mezzanine level parking would be below the residential development and enclosed. Therefore, since all parking on the project site would be enclosed within the proposed parking structure, parking facility noise would not increase ambient noise levels at nearby sensitive receptors, including the 777 Motor Inn. As such, potential noise impacts would be less than significant.

Pool Facility

The proposed project would include a pool/spa facility located on the southwestern portion of the project site. Although the pool and spa related activities would generate noise, sensitive receptors surrounding the project area would not be exposed to adverse noise levels due to the noise shielding provided by the proposed buildings surrounding the pool area. As such, potential noise impacts would be less than significant.

Of the 51 related projects, the two closest related projects are situated approximately 1,500 feet to 1,700 feet from the project site and include Related Project No. 9 – 15357 Magnolia Boulevard, Apartment and Related Project No. 23 – 15212–15222 Ventura Boulevard, Condominium and Specialty Retail. All other related projects are located at a minimum of 2,500 feet away from the proposed project. The potential for noise impacts to occur are specific to the location of each related project, as well as the cumulative traffic on the surrounding roadway network.

Cumulative Impacts

Construction

Noise from construction of the proposed project and related projects would be localized, thereby potentially affecting areas immediately within 500 feet from the construction site. Due to distance attenuation and intervening structures, construction noise from one site would not result in a noticeable increase in noise at sensitive receptors near the other site, which would preclude a cumulative noise impact. As such, cumulative impacts associated with construction noise would be less than significant.

Operation

The cumulative increase in future CNEL traffic noise levels at project buildout with future ambient growth and the 51 related projects, relative to the existing baseline, would be 1.8 dB or less in areas that can potentially be affected by the proposed project. As the increase would be below the project's 3 dBA significance threshold, cumulative traffic noise impact would be less than significant.

The project site and surrounding area have been developed with uses that have previously generated, and will continue to generate, noise from lawn maintenance activities, mechanical equipment (e.g., air conditioning systems), and vehicle movements, among other community noise sources. Noise impacts related to project development would be less than significant. In addition, the other related projects are of sufficient distance (approximately 2,100 feet from the project site) such that operational noise levels from these projects would not be audible at the project site. As such, cumulative noise impacts related to long-term project operations would be less than significant.

11. Population, Housing & Employment

Construction

Project development would generate construction workers on-site during the demolition, grading and excavation, and building construction and finishing phases. However, individual construction projects would not be expected to necessarily generate new employment within the region. Rather, there is a pool of construction workers who move from project to project and are somewhat mobile. To the extent that the Project supports and contributes to the pool of construction workers, its impacts would be considered beneficial. Since construction employment related to the proposed project would not exceed expected growth, construction-related employment impacts would be less than significant.

Operation (including Cumulative Impacts)

Population

The proposed project includes new multi-family residential units and thus, would introduce a new residential population into the area. Based on a household size factor of 1.70 persons per household for medium density uses as provided in the Community Plan, the proposed project as originally proposed with 500 units would generate a residential population of 850 persons at full buildout. The increase of 850 permanent residents would represent approximately 48.16 percent of the anticipated growth within the local (Community Plan) area from 2008 to 2013, 1.02 percent within the subregional area, and 0.23 percent of the anticipated growth within the region. While the 850 new residents represent much of the growth anticipated in the local area, they constitute only a small portion of City and County growth and could easily be absorbed at these levels. This residential population would be reduced to 678 persons with the reduction of residential units from 500 to 399 units proposed in the Final EIR.

Additionally, the neighborhood-serving commercial component of the project would generate approximately 130 employees in several shifts. Any population growth attributed to project employees relocating to the area would not be substantial relative to the forecasted population growth in the community. Furthermore, project implementation would not result in indirect growth through the extension of existing roads or infrastructure as the roadways and infrastructure to be utilized by the project are currently in place. Based on all of the above, the Project would not substantially alter the location, distribution, density, or growth rate of population planned for the area by local and regional plans. Thus, impacts related to population growth would be less than significant.

Fifty-one related projects in the surrounding area are expected to be constructed and/or operational during the same time period as the proposed project. Of the 51 identified projects, a total of approximately 2,819 multi-family residential units (2,054 condominiums and 765 apartments) would be developed. At full capacity, these units could generate approximately 4,792 persons. When combined with the proposed project, a cumulative total of 5,642 persons would be added to the population by 2013. The increase in 5,642 residents would account for 1.49 percent of the anticipated increase in residents within the region. As these numbers are within the anticipated population growth projected by SCAG, the proposed project and the related projects would have a less than significant cumulative impact on population growth. Moreover, with the reduction in the project's residential units from 500 to 399 units, the cumulative population increase would decrease by 172 persons.

Housing

Development of the proposed project described in the Draft EIR is projected to account for approximately 28.46, 0.89, and 0.35 percent of the 2008 to 2013 increase in residential units in the local area, subregion and region, respectively. The proposed project would account for much

of the housing increase within the local area. However, the area is experiencing a housing shortage compared to the amount of jobs and, therefore, would also benefit with the Project's contribution of residential units to the housing supply. The project's contribution to the amount of housing in the area would be reduced from that originally analyzed in the Draft EIR by 101 units.

Although the proposed project would not eliminate the housing shortage in the City, it would promote the goal of generating more housing. The proposed project would not result in a net loss of available housing units, would not be inconsistent with the current and projected housing demand and supply, and would not contribute to a jobs/housing ratio imbalance in the project area. Therefore, potential impacts related to housing would be less than significant.

When the project is combined with the related projects, a cumulative total of 3,319 units would be constructed. This would represent 2.32 percent of the total residential units anticipated to be built within the region by 2013. A cumulative total of 3,218 units would be constructed based on the reduced project. Therefore, as the proposed project and the related projects would contribute to the housing needed within the region, these projects would have a less than significant cumulative impact on housing.

Employment

Project development of approximately 52,000 square feet of commercial uses would result in approximately 123 new employment opportunities on the site. This increase in employment positions would account for approximately 9.57 percent of the local area's increase in employment, 0.27 percent of the subregion's increase in employment, and 0.10 percent of the region's increase in employment. As the increase in employment generated by the Project would represent a minimal amount of the employment projected for the local, subregional, and regional levels, impacts related to employment would be less than significant. Furthermore, given the current downturn in economic conditions, increases in employment growth would be considered a benefit to the local area, subregion, and region.

Development of the proposed project's 55,000 square feet of commercial space identified in the Draft EIR combined with the related projects' developed spaces would result in a total of 859,177 square feet of retail/service uses, 7,797 square feet of restaurant uses, 71,206 square feet of office uses, 137,109 square feet of medical office uses, expansion or development of 4,783 square feet of school uses, and a net addition of 52,363 square feet of "other" uses (e.g., self-storage space). Based on average employment generation factors for these uses as provided in SCAG's Employment Density Summary Report, SCAG (October 2001), a total of 2,556 employment positions would be added, which would account for 1.88 percent of the anticipated employment growth in the region. With the reduction of neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet proposed by the Applicant, new employment opportunities would be reduced to approximately 123 employment positions. As previously noted, given the current downturn in economic conditions, increases in employment growth would be considered a benefit to the region. In addition, the proposed project and related projects would result in a total cumulative development of 3,319 residential units, which accounts for 2.32 percent of the anticipated increase in residential units. The reduction of residential units from 500 to 399 units proposed by the Applicant in response to public comments received regarding the Draft EIR would further reduce this percentage. Therefore, the related projects would result in a greater increase of residential units compared to employment positions, helping to balance the jobs/housing ratio in the region. Therefore, the proposed project combined with the related projects would have a less than significant cumulative impact on employment.

Jobs/Housing Ratio

The jobs/housing ratio for the region would be 1.40 in 2013. The jobs/housing ratio would

improve to 1.38 by 2013 from 1.40 in 2008 for the subregional area and the jobs/housing ratio would improve to 1.11 by 2013 from the 1.13 for the local area. As such, the Community Plan area, the City of Los Angeles, and the County of Los Angeles would all benefit with a greater increase in residential uses compared to employment positions since all three geographical zones are already projected to experience a greater imbalance in the jobs/housing ratio. As such, the proposed project would not contribute to, but rather would help to alleviate, the jobs/housing ratio imbalance for the local area, subregional area, and the region. Thus, impacts would be less than significant.

Consistency with Regulatory Framework

Development of new residential units would support the policies of the City of Los Angeles General Plan Framework. The proposed project would accommodate various income levels by providing a mix of one- to three-bedroom units. The provision of new housing as part of the project would assist in addressing the housing shortage that currently exists throughout the County, City, and Community Plan area. In addition, the location of high-density housing in a commercial area such as the project vicinity would increase housing within the community while preserving the lower density residential neighborhoods. As such, the proposed project would be consistent with applicable policies regarding population, housing, and employment, and therefore, impacts would be less than significant.

The proposed project would add new units, varying in size, to the general housing supply and would contribute to housing availability and opportunity in the area. According to the RHNA, the Los Angeles City subregion area, in which the project is located, is in need of a total of 112,846 additional housing units, including 27,238 very low income, 17,495 low income, 19,304 moderate income, and 48,839 above moderate income housing. The proposed project would remove one existing single-family residential unit, but would construct 399 new residential units and, thus, would not substantially affect the existing housing units, generally, or low-income units. Further, the proposed project would not interfere with the potential provision of such housing in the geographic areas analyzed. Additionally, as the Project would locate new housing in close proximity to employment, shopping, dining, and other service destinations, the Project would create new live-work opportunities in the Sherman Oaks community. Therefore, the proposed project's development would not have adverse affects on the existing or future availability of housing for other sectors.

12. Public Services

Police Protection - Construction

With the exception of utility line connections, project construction and staging would be confined to the site and, therefore, would not interfere with LAPD access to surrounding properties. Construction activities would, however, generate traffic associated with the movement of construction equipment, the hauling of materials by construction trucks, and construction worker traffic. As such, construction activities could increase response time for police vehicles on Sepulveda Boulevard due to travel time delays caused by traffic. However, to address the potential for increased response times for emergency vehicles, the LAPD would be notified of the times of day and locations of any traffic slowing or lane closures. Traffic management personnel (flag persons) would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. Further, appropriate detour signage would be employed as necessary to ensure emergency access would be maintained to the project site and that traffic flow would be maintained on street right-of-ways. With coordination between the Project's construction managers and the LAPD, the potential impacts of construction on LAPD emergency access would be less than significant.

Police Protection — Cumulative

Of the 51 related projects, 18 include residential uses and are located within the service boundaries of the Van Nuys Community Police Station. In conjunction with the proposed project, these 18 related projects would cumulatively increase the demand for additional police protection services from the Van Nuys Community Police Station. Based on the average household size of 1.70 persons per unit for the Sherman Oaks Community Plan area, the related projects would generate a total residential population of 3,719 persons. The 18 related projects could potentially generate 112 additional crimes per year. Therefore, the residential populations of the proposed project and related projects could generate 138 additional crimes per year for a projected total in the Van Nuys area of 8,830 crimes per year. This represents an approximate 1.5 percent increase in annual crimes. Reducing residential units from 500 to 399 units as set forth in the Final EIR would reduce the number of additional project-related responses, thus reducing this percentage. In addition, the commercial components of the proposed project and related projects could potentially generate crimes.

However, similar to the proposed project, all related projects would be reviewed by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. Furthermore, it is anticipated that the LAPD would expand services as necessary to meet anticipated growth. As such, cumulative impacts to existing police protection services due to population growth and associated demand would be less than significant.

Fire Protection - Construction

Construction activities for the proposed project could temporarily increase the existing demand for fire protection and emergency medical services. However, in compliance with OSHA and Fire and Building Code requirements, construction managers and personnel would be trained in emergency response and fire safety operations. Additionally, fire suppression equipment (e.g., fire extinguishers) specific to construction would be maintained on-site. Project construction would comply with applicable codes and ordinances relating to fire safety practices. Therefore, construction impacts on fire protection and emergency medical services would be less than significant.

With the exception of utility line connections, project construction and staging would be confined to the project site and, therefore, would not interfere with LAFD access to surrounding properties, particularly the Sherman Oaks Galleria located south of the project site. Construction activities would, however, generate traffic associated with the movement of construction equipment, the hauling of materials by construction trucks, and construction worker traffic. As such, construction activities could increase response time for emergency vehicles on Sepulveda Boulevard due to travel time delays caused by traffic. However, traffic management personnel (flag persons) would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. Further, appropriate detour signage would be employed as necessary to ensure emergency access would be maintained to the project site and that traffic flow would be maintained on street right-of-ways. Since emergency access to the site would remain clear and unobstructed during construction of the project, impacts related to LAFD emergency access would be less than significant.

Fire Protection — Cumulative

Of the 51 related projects, five related projects involving residential development are located in the service district of Fire Station No. 88, the first responder to the project site. These related projects, in conjunction with the proposed project, would cumulatively generate the need for additional fire protection and emergency medical services. Specifically, the proposed project in conjunction with the related projects would result in approximately 233 additional responses per

year. This would represent an approximate 3.2 percent increase in Fire Station No. 88's number of annual responses for the 2008 year (7,392). Reducing residential units from 500 to 399 units as set forth in the Final EIR would reduce the number of additional project-related responses, thus reducing this percentage. In addition, the related projects within Fire Station No. 88's service area involving development of restaurant and service uses would increase the daytime population of the area, thereby increasing demand on LAFD services.

However, it is anticipated that developers of these related projects would be required to coordinate with the LAFD to ensure that the fire services of Fire Station No. 88 would not be significantly impacted. Additionally, the LAFD conducts periodic review of future staffing and facility needs to ensure that Fire Station No. 88 would have adequate staffing and resources. Furthermore, all related projects would be subject to review by the LAFD and thus, would be expected to comply with LAMC Fire Code and Building Code regulations pertinent to fire safety, access, hydrants, and fire flow. Therefore, implementation of the proposed project in conjunction with related projects would result in a less than significant impact relative to fire and EMS services

Library Facilities and Services (including Cumulative Impacts)

Project residents would likely utilize the Sherman Oaks Branch Library. It is projected that the project's 850 residents would represent approximately one percent of the future service population for this library. Reducing residential units from 500 to 399 units as set forth in the Final EIR would reduce the number of additional project-related responses, thus reducing this percentage. Therefore, the Project would result in a nominal increase in the demand for library services at the Sherman Oaks Branch Library. As identified by the LAPL, while the Sherman Oaks Branch Library does not meet the LAPL size criteria of 14,500 square feet for libraries with a service population above 45,000, this library does adequately meet the demand for library services within its community. Additionally, the Van Nuys Branch Library, the Studio City Branch Library, and the Encino-Tarzana Branch Library, are located nearby (within five miles) and, thus, would also be available for use by project residents. Use of these libraries would help in reducing the Project's demand on the Sherman Oaks Branch Library. Therefore, considering the population increase from the Project and the Project's nominal increased demand for library services, impacts would be less than significant.

Of the 51 related projects identified in the project vicinity, 29 are residential in nature or have residential components. These 29 related projects would result in the development of 2,819 new residential units and, based on an average household size of 1.70 persons per household, would generate a population of approximately 4,792 residents. These 29 related projects and the proposed project would add a total of 5,642 persons to the Sherman Oaks Branch Library's future 2013 service population of 85,022. However, this number is overstated as it does not consider that much of the growth associated with the Project and related projects is already accounted for in the service population projections made by the LAPL. In addition, as with the Project, it is anticipated that the related projects would be reviewed on a case-by-case basis to ensure that no significant impacts to library services would occur. As such, cumulative impacts on libraries would be less than significant.

13. Transportation

Operation – Freeway On Ramps, Off Ramps and Segments

As shown in the Traffic Study provided in Appendix H, project-added trips to freeway on- and off-ramps in the vicinity would be less than 50 trips. Therefore, no significant impact to these ramps due to project traffic is expected and no further analysis is required per City criteria. Freeway impacts associated with the CMP were analyzed for the nearest CMP freeway monitoring

segments. The Project would not result in significant impacts on CMP freeway segments during either the a.m. or p.m. peak hour.

Operation – Public Transit

The proposed project could add a small amount of new transit riders to existing public transit services. It is estimated that no more than 3.5 percent of the new trips generated by the Project would use transit. The 25 buses currently traveling on Sepulveda Boulevard adjacent to the site during the a.m. peak and the 21 buses on Sepulveda Boulevard during the p.m. peak hour would be able to adequately accommodate the Project's transit usage. Even with the Project's promotion of transit, given the population increase anticipated from the Project and the available capacity of transit lines, the Project would not add substantial new ridership to these transit lines that would exceed their capacity or conflict with adopted policies, plans, or programs supporting alternative transportation. Project impacts on public transit would be less than significant.

Operation – Parking

The proposed project described in the Draft EIR would be required to provide 963 parking spaces for the 500 residential units pursuant to the LAMC. For the 55,000 square feet of retail uses, 220 spaces would be required. However, the City Planning Department's Residential Parking Policy for Division of Land - Number AA 2000-1 establishes a parking standard for new condominiums of two spaces per unit plus 0.5 space per unit for guest parking. Therefore, to account for the possibility of condominium conversion at a later time, the proposed project would provide a total of 1,250 spaces for the residential uses. The Project would provide a total parking supply of approximately 1,470 spaces, which would exceed LAMC's total requirement of 1,183 spaces. Reducing residential units from 500 to 399 units as described in the Final EIR, as well as reducing the proposed project's neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet, would reduce the number of parking spaces required by the LAMC. Under the reduced project, the Project would provide a total parking supply of approximately 1,206 spaces, including 998 spaces for residential uses.

As set forth in the Final EIR, the Applicant would include within all commercial leases with its commercial tenant(s) the necessary provision to provide parking within the project site to accommodate the demands of its respective employees. All employees of the commercial tenant(s) would park within the project site and would be prohibited from parking in the adjacent residential neighborhood across Sepulveda Boulevard. The Applicant would also include within all residential leases the necessary provision to require all residential tenants and their guests/visitors to park their respective vehicle(s) within the project site and would be prohibited from parking in the adjacent residential neighborhood across Sepulveda Boulevard.

Elimination of street parking will not result in significant parking impacts. The EIR did disclose that the removal of on-street parking in connection with the implementation of mitigation measures could have an effect on parking in the area, although this impact is concluded to be less than significant. (See Section VI, Other Environmental Considerations, page VI-12 of the Draft EIR.) The basis for this conclusion is that in the vicinity of the Camarillo Street/Sepulveda Boulevard intersection, there is metered on-street parking available along the east side of Sepulveda Boulevard between Camarillo Street and Moorpark Street, along the south side of Moorpark Street between Sepulveda Boulevard and Columbus Avenue, and along both sides of Columbus Avenue between Moorpark Street and Ventura Boulevard. Off-street parking is also available in the Galleria parking structure. In the vicinity of the Ventura Boulevard/Beverly Glen intersection, there is metered on-street parking available along both sides of Ventura Boulevard between Beverly Glen Boulevard and Van Nuys Boulevard. In light of other available on-street and off-street parking within reasonable walking distance (i.e., approximately 1/4-mile), the on-street parking removals that would result from the project were concluded to be less than

significant. Moreover, the commenter presents no evidence to support the claim that the removal of these spaces would result in spillover parking into adjacent residential neighborhoods. (See Supplemental Responses to Comments 1-19 & App. C.)

The Project's parking demand would not exceed the parking supply. Therefore, project impacts on parking would be less than significant.

Cumulative Impacts (except for intersection impacts)

A number of related projects would generate passengers that would use the same transit lines as the proposed project, cumulatively increasing the demand for transit. The Project's transit trips would constitute a small proportion of the cumulative demand for transit. Thus, the proposed project's cumulative impacts on transit would be less than significant.

With regard to parking and access, there are no related projects located in the immediate vicinity of the project site which could contribute to cumulative parking and access impacts. Furthermore, it is anticipated that any future related projects that would be developed near the project site would be subject to City review to ensure that adequate parking and access would be maintained in the project vicinity. Therefore, cumulative impacts related to these issues would be less than significant.

Cumulative impacts relative to pedestrian/bicycle safety would occur if related projects impact the same pedestrian facilities or bicycle routes as the proposed project. There are no related projects located within close proximity to the project site to potentially affect the same pedestrian facilities or bicycle routes as the proposed project. Thus, cumulative impacts relative to pedestrian/bicycle safety would be less than significant.

14. Solid Waste

Construction

Construction activities of the proposed project would generate construction and demolition ("C&D") waste including, but not limited to, soil, wood, asphalt, concrete, paper, glass, plastic, metals, and cardboard that would be disposed of in the County's unclassified landfills. The proposed project described in the Draft EIR would result in the export of approximately 165,000 cubic yards of soil, the demolition of 1,040 square feet of residential uses, and the construction of 656,734 square feet of residential uses and approximately 55,000 square feet of nonresidential uses. Based on these quantities, construction of the proposed project is estimated to generate 173,250 tons of soil, 60 tons of demolition debris, and 1,545 tons of construction debris for a combined total of 174,855 tons of C&D waste. This estimate does not account for the recycling and reuse of the Project's C&D. Nor does it account for reduction in waste generation associated with reducing the size of the square footage of the Project as described in the Final EIR. The proposed project's total solid waste generation during construction would represent approximately 0.34 percent of the estimated remaining capacity (50.800 million tons) at the County's unclassified landfills open to the City of Los Angeles. Based on the average 2008 unclassified landfill disposal amount of 0.174 million tons, unclassified landfills generally do not face capacity shortages. Therefore, unclassified landfills would have adequate capacity to accommodate project-generated inert waste. Thus, construction impacts relative to solid waste would be less than significant.

Operation

The project site is currently developed with a single-family residence that generates approximately 2 tons of solid waste per year. The residential, retail, and grocery store uses

described in the Draft EIR would result in a net increase in solid waste generation on the site. However, the reduced Project described in the Final EIR would reduce this increase. In order to engage in the most conservative analysis, the Draft EIR solid waste generation is utilized for solid waste impact evaluation. The residential uses are estimated to generate approximately 1,116 tons of solid waste per year, the retail approximately 44 tons of solid waste per year, and the grocery store approximately 250 tons of solid waste per year for a combined total of approximately 1,410 tons of solid waste per year. This amount represents a net increase of 1,408 tons of solid waste generation per year over existing uses.

Solid waste attributable to the proposed project would be disposed of at one of the County's Class III landfills open to the City of Los Angeles. The Project's total solid waste generation during operation of 1,410 tons would represent an approximate 0.04 percent increase in the City's yearly Class III solid waste disposal quantity (based on 2008 quantities), and represents approximately 0.001 percent of the estimated remaining capacity (123.17 million tons) at the County's Class III landfills open to the City of Los Angeles. Further, the Project's solid waste generation of 1,410 tons would constitute less than 0.001 percent of the estimated remaining capacity of Class III landfills open to the City of Los Angeles for the year 2011 (156.9 million tons).

The CoIWMP 2007 Annual Report concludes that the County would be able to provide for its disposal needs through 2022 with the use of and expansion of in-County facilities, increased use of out of County landfills (e.g., Mesquite Regional Landfill) up to 15,000 tpd, as well as use of new conversion technologies for up to 10,000 tpd.

Based on the above, the existing and planned landfills/improvements identified in the CoIWMP 2007 Annual Report would be able to accommodate project-generated waste. Project-generated waste would not exacerbate the existing shortfall of landfill capacity such that the projected timeline for the County's Class III landfills to reach capacity would be altered. In addition, the project would not generate solid waste at a level that would generate the need for an additional solid waste collection route or require new or expanded recycling or disposal facilities. The available capacity of the existing and/or planned landfills would not be exceeded, and impacts on solid waste generation from project operations would be less than significant.

The proposed project would include design features such as the provision of recycling containers on-site and adequate storage area for such containers in accordance with City Ordinance No. 171687. In addition, the proposed project would include several design features to achieve LEED Silver rating, including diverting construction and demolition waste from landfills, using salvaged, refurbished, or reused materials during project construction, and using materials with recycled content. Additionally, the proposed project would participate in the City's waste diversion programs (i.e., Curbside Recycling Program) to reduce the need for solid waste disposal. Therefore, the proposed project would not conflict with solid waste policies, objectives, regulations, plans, or programs. Impacts would be less than significant.

15. Water Supply

Construction

A short-term demand for water would occur during construction activities on-site (i.e., demolition, excavation, grading). As the Project would occur over a 20-23 month period, construction activities would occur intermittently and would be temporary in nature. Thus, the demand for water supplies for construction activities such as soil watering (i.e., for fugitive dust control), clean up, masonry, painting, and other related activities would be minimal. Overall, construction activities would require minimal water and would not be expected to have any adverse impacts on available water supplies or the existing water distribution system. Therefore, impacts

associated with short-term construction activities would be less than significant.

Cumulative Impacts

Fifty-one related projects are anticipated to be developed within the project vicinity. Related projects would have an average daily water demand of approximately 724,509 gpd or 812 AF per year. The Project's net increase of 122 AF per year over pre-existing conditions in conjunction with related projects would yield a total average water demand of approximately 833,900 gpd or 934 AF per year. Reducing residential units from 500 to 399 will reduce the gpd and AF per year of water demand. LADWP's 2005 UWMP projects yearly water demand to reach 776,000 AF by 2030, which is an increase of 17 percent from 2005 water demand. With the anticipated water demand increase of 934 AF per year from the development of the proposed project and related projects, the demand for water would fall within the available and projected water demand of LADWP's 2005 UWMP. In addition, given that the 2005 UWMP plans and provides for water supplies to serve existing and projected needs, including those of future growth and development as may occur through related projects, and that the requirements of SB 610 and SB 221 provide means to ensure that the water supply needs of notable development projects are carefully considered relative to LADWP's ability to adequately meet future needs, it is anticipated that LADWP would be able to supply the demands of the proposed project and related projects through the foreseeable future.

Development of the proposed project in conjunction with the related projects would cumulatively increase water demand on the existing water infrastructure system. However, each related project would be subject to discretionary review to ensure that the existing and planned water infrastructure would be adequate to meet the domestic and fire water demands of each project. Furthermore, LADWP, Los Angeles Department of Public Works, and the City of Los Angeles Fire Department would conduct ongoing evaluations to ensure facilities are adequate. Therefore, cumulative impacts on the water infrastructure system would be less than significant.

There are complex physical, chemical, and atmospheric mechanisms involved in global climate change that make it unreasonably speculative to predict what the effects of global climate change will be, particularly at a state or local level. Due to this unpredictability, the secondary effects that global climate change may have on water supplies for a given region is even more difficult to predict. The science on global warming is still evolving and has not reached a point where it can be quantified and incorporated into delivery projections of the SWP. Furthermore, policy recommendations on how to incorporate potential changes to water supply due to climate change into water resource planning and management are still being developed. Therefore, consistent with studies prepared by DWR, it is considered unreasonably speculative and premature to make an assessment of impacts under CEQA of how climate change will affect water availability for the proposed project.

In summary, LADWP would be able to meet future water demands for the service area with the addition of the proposed project and related projects, and no significant cumulative impacts related to water demand would occur.

16. Waste Water

Construction

During construction of the proposed project, a negligible amount of wastewater would be generated by construction staff. It is anticipated that portable toilets would be provided by a private company, with the wastewater transported and disposed of off-site. Wastewater generation from construction activities is not anticipated to cause a measurable increase in wastewater flows at a point where, and at a time when, a sewer's capacity is already constrained

or that would cause a sewer's capacity to become constrained. Additionally, construction is not anticipated to generate wastewater flows that would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. Construction of the Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities; or result in a determination by the City that it has inadequate capacity to serve the project's projected demand in addition to existing commitments. Therefore, construction impacts to the local wastewater conveyance and treatment system would be less than significant.

Operation – Wastewater Generation and Infrastructure

The proposed project described in the Draft EIR is estimated to generate an average wastewater flow of 84,400 gpd and a peak flow of approximately 0.412 cfs. The reduction of residential units from 500 to 399 units as described in the Final EIR will reduce the amount of wastewater generated by the proposed project. The proposed project would include new connections to the 15-inch sewer line within Sepulveda Boulevard and the 8-inch sewer line within Camarillo Street. The Project's average wastewater generation flow of 84,400 gpd (0.0844 mgd) would enter the 15-inch sewer main and the 8-inch sewer line within Camarillo Street. Based on the Sewer Availability Request provided by the City of Los Angeles Bureau of Engineering, the existing municipal sewer lines would be able to accommodate project flows. Furthermore, in order to connect to the existing sewer system, the Project would be required to obtain an S-permit and pay a proportionate share of the costs of conveyance, operation, maintenance, repair and capital improvements to upgrade and improve the City of Los Angeles sewer system through payment of a Sewerage Facilities Charge. Project wastewater generation during operation would not require or result in the construction of new municipal wastewater conveyance facilities. Therefore, the impact of wastewater generation from the project on sewage conveyance infrastructure would be less than significant.

Operation – Wastewater Treatment

The proposed project would generate approximately 84,400 gpd (0.084 mgd) of wastewater with a peak flow of 143,480 gpd (0.143 mgd) that would be treated at the Hyperion Treatment Plant (HTP), which is a component of the Hyperion Service Area. The average dry weather flow (ADWF) for 2010 for the HSA is projected to be approximately 492.3 mgd for the year 2015 and 511.3 mgd for the year 2020. These forecasted increases in wastewater flows without the project are well within the HSA effective treatment capacity of 529 mgd. According to these projections and based on effective treatment capacity, the HSA would still have a capacity of 51.7 mgd for the year 2010, 36.7 mgd for the year 2015 and 17.7 mgd for the year 2020.

The proposed project's wastewater generation would contribute an average wastewater flow of 84,400 gpd (0.084 mgd), which could be easily accommodated within the projected available treatment capacity of the HTS for the years 2010, 2015, and 2020. Furthermore, this amount is considered nominal on a citywide and regional scale and this increase would not significantly impact the projected ADWF for the years 2010, 2015, and 2020. In addition, the wastewater generation estimate does not account for reductions in wastewater that would occur with implementation of water conservation measures. As such, the increase in wastewater flows generated by the project would have a less than significant impact on wastewater treatment facilities.

In addition, effluent conveyed to the HTP would not have a significant effect on the Santa Monica Bay as the HTP continually monitors all effluent to ensure that it currently meets applicable water quality standards and is required to comply with water quality standards established for beneficial uses. Lastly, the Project would be required to pay a connection fee through the Connection Fee

Program, which would ensure that all users pay a fair share for necessary expansions of the sewer system, additional improvements to conveyance, treatment, and disposal facilities. The Project's contribution to the existing average daily flow (84,400 gpd) is approximately 0.12 percent of its remaining capacity. Thus, the Project would not result in a determination by the City that it has inadequate capacity to serve the Project's projected demand in addition to existing commitments. Therefore, the HTP has sufficient capacity to serve the Project's projected wastewater generation, and impacts would be less than significant.

Cumulative Impacts

Fifty-one related projects are anticipated to be developed within the project vicinity. All 51 are within the service areas of the HTS and the HTP for wastewater treatment. These related projects would cumulatively contribute, in conjunction with the proposed project, to the wastewater generation in the project area. The estimated average wastewater generation associated with the related projects would be approximately 614,968 gpd (0.615 mgd) on average. The proposed project would contribute an additional 84,400 gpd to this estimated generation for a total of 699,368 gpd (0.699 mgd). Reducing the number of residential units from 500 to 399 units as described in the Final EIR would reduce the amount of wastewater generated by the proposed project described in the Draft EIR.

The HSA has an effective treatment capacity of 529 mgd. By the years 2010, 2015, and 2020, the ADWF of the HSA is projected to be 477.3 mgd, 492.3 mgd, and 511.3 mgd, respectively. For the year 2010, the cumulative average wastewater flows would increase the projected ADWF to approximately 478 mgd. For the year 2015, the cumulative average wastewater flows would increase the projected ADWF to approximately 493 mgd. For the year 2020, the projected cumulative ADWF would be approximately 512 mgd. Thus, cumulative wastewater flows would be within the effective treatment capacity of the HSA. In addition, the ADWF estimates in conjunction with the projected cumulative wastewater estimate associated with the related projects represent a conservative analysis as the ADWF projections already take into account future population growth, including growth such as that represented by the related projects.

Additionally, in order to connect to the sewer system, related projects would be subject to payment of the City's Sewerage Facility Charges. Furthermore, implementation of the IRP and completion of the "Go-Projects," including improvements throughout the HSA consisting of the expansion of the Tillman Water Reclamation Plant (TWRP) and improvements in the HTP, Los Angeles-Glendale Water Reclamation Plant (LAGWRP), and wastewater collection system, capacity of the HTS would be increased to 570 mgd. The IRP would increase the treatment capacity of the TWRP and treatment process at the LAGWRP, which would result in less bypass flows to the HTP for processing. As such, the LADPW and Bureau of Sanitation anticipates ample wastewater treatment services to the City of Los Angeles and contracting cities through the year 2020 and cumulative impacts associated with wastewater treatment would be less than significant.

The HTP currently meets applicable water quality standards as set forth by the National Pollution Discharge Elimination System (NPDES). As such, the cumulative projects' wastewater effluent discharged to the Santa Monica Bay would have a less than significant impact on water quality. Implementation of the IRP, upgrades in the advanced treatment processes at the HTP, and continual monitoring by the Environmental Monitoring Division (EMD) would ensure that effluent discharged into Santa Monica Bay are within applicable limits. Thus, cumulative impacts on Santa Monica Bay water quality would be less than significant and the proposed project's contribution to the impact would not be cumulatively considerable.

B. Impacts Determined to be Potentially Significant, but can be Mitigated to Less Than Significant Levels

The following impact areas were concluded by the EIR to be less than significant with the implementation of mitigation measures described in the EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that, based on substantial evidence, mitigation measures described in the Final EIR will reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance:

1. Air Quality

Potential Impacts

Operation – Toxic Air Contaminants Off-Site Sources

For carcinogenic exposures, the summation of risk for the maximum exposed residential receptor totaled 1.1E-04 (1.1 in ten thousand) for the 30-year and 3.3E-05 (3.3 in one hundred thousand) for the 9-year exposure scenarios. The proposed project would result in locating sensitive receptors within an area of cancer risk in excess of the SCAQMD significance threshold of 10 in one million and, therefore, the proposed project would result in a significant impact without incorporation of mitigation measures. Particulate emissions from trucks and related diesel fueled vehicles contributed to more than 95 percent of the identified risk value.

To quantify non-carcinogenic impacts, the hazard index approach was used. The approach assumes that chronic sub-threshold exposures adversely affect a specific organ or organ system (toxicological endpoint). For each discrete chemical exposure, target organs presented in regulatory guidance were utilized. To calculate the hazard index, each chemical's concentration or dose is divided by the appropriate toxicity value. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total is equal to or exceeds one, a health hazard is presumed to exist. The analysis for the proposed project resulted in a chronic hazard index for the maximum exposed receptors of 0.2, which is approximately 13 percent of the SCAQMD recommended threshold. For acute exposures, the hazard indices for the 1-hour and 8-hour averaging times did not exceed 1.0. Therefore, non-cancer health risks are not considered significant.

For criteria pollutants, the assessment revealed that PM₁₀ emissions generated from the adjacent freeway would result in PM₁₀ concentrations at the maximum exposed residential receptor of 51.72 µg/m³ and 22.68 µg/m³ for the 24-hour and annual averaging times, respectively. These values exceed the SCAQMD's PM₁₀ significance thresholds for the 24-hour averaging time of 2.5 µg/m³ and the annual averaging time of 1.0 µg/m³ without incorporation of mitigation measures. For PM_{2.5}, a maximum 24-hour average concentration of 9.2 µg/m³ was predicted. This value also exceeds the SCAQMD's PM_{2.5} significance threshold of 2.5 µg/m³ and warrants mitigation. For CO, the maximum predicted 1-hour concentration of 0.61 parts per million (ppm) and 8-hour value of 0.47 ppm, when added to existing background levels, do not cause an exceedance of the ambient air quality standards. For NO₂, a maximum 1-hour concentration of 0.08 ppm was predicted. This concentration, when added to existing background levels, would also not cause an exceedance of the ambient air quality standards.

Because the 1-hour and 8-hour exposure levels associated with both toxic and criteria pollutants are within acceptable limits, no impacts are anticipated to residents who access and utilize amenities such as the pool and related courtyard locations. For exceedances of particulate exposure levels from diesel exhaust and reentrainment of roadway dust, the EIR imposes mitigation to reduce pollutant concentrations within residential occupancies by restricting the rate

of infiltration, based on the recommendations of a comprehensive and detailed health risk assessment.

Final EIR Section II.B.IV.B adds an in-depth survey of studies and literature regarding the potential health impacts of air pollutants as well as public welfare and ecological effects of various air pollutants. This additional information does not change the proposed project air quality impact conclusions set forth in the Draft EIR, but amplifies the background information regarding those impacts. The Final EIR also modified Mitigation Measure B-10 to increase the HVAC control systems particulate filters minimum efficiency reporting value from (MERV) 14 to (MERV) 15.

With the implementation of Mitigation Measures B-10 (as modified in the Final EIR) and B-11, the above-referenced potentially significant air quality impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

2. Biological Resources

Potential Impacts

Raptor Species

The proposed project's removal of the four existing on-site non-native trees could potentially have an impact on raptor species due to the removal of potential foraging or hunting habitat to raptors in the area. Although the loss of the existing on-site trees for potential foraging raptors is not critical to the survival of these species, tree removal could possibly impact nesting sites for other bird species including some birds which are considered possible prey species for raptors. Nonetheless, to ensure that any nesting birds found on-site would not be impacted, mitigation measures are recommended to ensure that efforts are made to schedule all tree removals between September 1 and February 14 to avoid the nesting season and, thereby avoid potentially significant impacts. In addition, a biologist would be present on the project site to monitor any tree removal to ensure that nests not detected during the initial survey are not disturbed.

With the implementation of Mitigation Measure C-1, the above-referenced potentially significant raptor species impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Protected Trees and Street Trees

No locally protected biological resources such as City-protected trees exist on the project site. As such, the Project would not conflict with the City of Los Angeles Preservation of Protected Trees Ordinance, and no impacts on locally protected species would occur. However, the Project would involve the removal of four existing elm (*Ulmus* sp.) trees, as well as several street

trees along Sepulveda Boulevard and Camarillo Street. Since no protected biological resources exist on the site and project implementation would occur in accordance with City codes and Street Tree regulations, the Project would not conflict with any local policies or ordinances protecting biological resources. However, to ensure that no significant impacts would occur as a result of the removal of the non-protected trees on the project site, a mitigation measure is recommended.

With the implementation of Mitigation Measure C-2, the above-referenced potentially significant tree impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

3. Cultural Resources

Potential Impacts

Paleontology

Appendix B of the Draft EIR, Initial Study Section V.c, identified potential paleontological resource impacts and prescribed mitigation. While this mitigation was included in the Initial Study attached to the Draft EIR, it was inadvertently omitted from the Mitigation Monitoring and Reporting Program attached to the Final EIR. The City hereby incorporates the analysis and mitigation measures from the Initial Study into the Project.

A paleontology records search of the project area was conducted by the Natural History Museum of Los Angeles County. A review of the record search data indicates that the project site contains surficial deposits of Quaternary Alluvium from the floodplain of the Los Angeles River channel immediately north of the site. These deposits typically do not contain significant vertebrate fossil remains in the uppermost layers. At depth, however, older Quaternary sediments that contain significant fossil vertebrate materials are likely to be encountered. Although the project site has been previously developed, any substantial excavations in the proposed project area could encounter fossil vertebrate remains based on the known occurrence of vertebrate fossils (and fossil invertebrates) within the older Quaternary sedimentary deposits. Thus, the potential for discovering unrecorded, paleontological resources does exist. However, with implementation of the Mitigation Measures M-1 through M-6 set forth in the revised Mitigation Monitoring and Reporting Program, potential impacts would be reduced to less-than-significant levels.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR [Initial Study].” (Guidelines Section 15091 (a)(1)).

4. Geology and Soils

Potential Impacts

Seismic Hazards — Faulting and Groundshaking

The geotechnical report prepared for the Project was found to be acceptable by the City of Los Angeles Department of Building and Safety (LADBS), provided that the conditions specified therein are complied with during site development. As recommended in the geotechnical report, the project's proposed structures would be founded on a system of driven concrete piles and/or drilled cast-in-place piles, bearing in the dense native soil. Thus, with implementation of the geotechnical report's recommendations as set forth in Mitigation Measure D-1, the project would not cause or accelerate geologic hazards that would result in substantial damage to structures or infrastructure or expose people to substantial risk of injury, and geologic hazard impacts related to soil instability would be less than significant.

With the implementation of Mitigation Measure D-1, the above-referenced potentially significant faulting and groundshaking impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

5. Hydrology and Water Quality

Potential Impacts

Construction and Operation — Hydrology and Water Quality

Project-related construction activities have the potential to result in adverse effects on water quality. However, a Storm Water Pollution Prevention Program (SWPPP) would be developed and implemented during project construction. The SWPPP would outline BMPs and other erosion control measures to minimize the discharge of pollutants in storm water runoff.

Project construction activities would occur in accordance with City grading permit regulations to reduce the effects of sedimentation and erosion. Furthermore, routine safety precautions and "good housekeeping" practices would be implemented to minimize the potential pollution of storm water by both hazardous and non-hazardous pollutants. Compliance with state and city level permits, plans, and codes would ensure that construction of the project would not result in discharges that would create pollution, contamination or nuisance or that cause regulatory standards to be violated for the receiving water body. Thus, with compliance with NPDES requirements and City grading regulations, construction impacts related to water quality would be less than significant.

Development of the proposed project would permanently remove the surface storm drain system, including the street and curb network, drain inlets, and the storm drain, within La Maida Street. Storm drains and associated inlets and catch basins within Camarillo Street and Sepulveda Boulevard would remain in place. On-site stormwater flows would continue to drain to the existing 7-foot-wide, 2.5-foot-tall concrete culvert via the proposed storm drain system for the project site.

Implementation of the Project would increase the amount of impervious surfaces areas on the site and, as such, would increase stormwater runoff as compared to existing conditions. Specifically, post-project stormwater runoff flow from a 50-year storm event would be approximately 18.3 cfs, which is greater than the existing 50-year stormwater runoff flow of 11.8 cfs. This increase in on-site stormwater flows from a 50-year storm event would be adequately accommodated by the culvert. In addition, the Project would be required to provide appropriate on-site drainage improvements to accommodate anticipated storm water flows. This would

include numerous planter areas and, if necessary, a flow detention device that would help detain on-site runoff during a storm event.

During the operational phase of the proposed project, urban-related pollutants could potentially be conveyed by stormwater runoff into municipal storm drains. Urban related pollutants may include grease, oil, suspended solids, metals, solvents, phosphates, and pesticides/fertilizers. However, in accordance with NPDES requirements, a SUSMP would be required to be in place during the operational life of the Project to reduce the discharge of polluted runoff from the site. The SUSMP would set forth BMPs that would be implemented during the operational life of the Project. As part of the BMPs proposed, storm water runoff from the site would be directed to raised filtration planters on-site that would be equipped with a series of perforated pipes to collect water from the planters. Implementation of SUSMP requirements, inclusive of BMPs, would ensure that discharges from the Project would not violate water quality standards. Furthermore, the Project would also be designed in compliance with the Clean Water Act (CWA) and Order No. 90-079 of the RWQCB, which regulates the issuance of waste discharge requirements.² Operation of the Project would not result in discharges that would create pollution, contamination or nuisance or that cause regulatory standards to be violated for the receiving water body. Therefore, project impacts on water quality during operation would be less than significant.

Cumulative Impacts

The 51 related projects within the project vicinity could potentially increase the volume of stormwater runoff and contribute point and non-point source pollutants, resulting in a cumulative impact to hydrology and water quality. However, the City of Los Angeles Department of Public Works reviews all construction projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available. In addition, as with the proposed project, the related projects would be subject to state and county NPDES permit requirements for both construction and operation. Furthermore, each project would be evaluated individually to determine appropriate BMPs and treatment measures to avoid impacts to water quality. Thus, compliance with state and county NPDES permit requirements for both construction and operation cumulative impacts to hydrology and water quality would assure that impacts are less than significant

With the implementation of Mitigation Measures F-1 through F-6, the above-referenced potentially significant hydrology and water quality impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

6. Noise

Potential Impacts

Operation — Site Compatibility (Proposed Residential Uses)

The proposed project would locate sensitive residential receptors (i.e., proposed residential buildings) near two heavily traveled freeway corridors, I-405 and US-101, and a main thoroughfare, Sepulveda Boulevard. As the proposed residential structures would be built above

² Ibid.

a 23-foot podium, the existing freeway sound wall would have no measurable noise attenuation effect on freeway noise experienced at or within the proposed residential units. The freeway noise along the project western and northern building façades, which have a direct line-of-sight to the freeway, would be approximately 78 dBA (CNEL). The estimated 78 dBA (CNEL) represents the outdoor environment outside of the proposed residential building structure. With respect to the requirements of the applicable building codes (City's building code), the building design shall include adequate sound insulation to reduce the freeway noise to 45 dBA (CNEL) or lower at the interior of the residential use. The private balconies of the residential units, which have direct line-of-sight to the freeway interchange, would be exposed to freeway noise level up to 78 dBA (CNEL). However, there are no City's noise limits applicable to the private balconies. Incorporation of the mitigation measures would reduce potential impacts associated with the introduction of residential uses on the project site to a less than significant level.

The proposed courtyard areas would be located at the plaza level on top of the podium. The proposed project is designed such that the west-facing buildings would act as a noise barrier for courtyard uses. No courtyard areas would have direct line-of-sight to either US-101 or I-405, and the buildings would be of sufficient height to attenuate freeway-related noise to well below the "conditionally acceptable" 70 dBA (CNEL) for multi-family residential uses. As such, potential noise impacts associated with outdoor uses at the courtyard areas would be less than significant.

With the implementation of Mitigation Measures H-5 and H-6, the above-referenced potentially significant site compatibility – residential use impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

7. Public Services

Potential Impacts

Operation — Police

Development of the proposed project described in the Draft EIR would generate a residential population of approximately 850 residents. As described in the Final EIR, the proposed project will be reduced from 500 units to 399 units, thereby reducing population to 678 persons. In addition, the approximately 55,000 square feet of neighborhood-serving commercial uses described in the Draft EIR would generate a daytime population of approximately 165 persons. Reducing the proposed project's neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet will reduce daytime population associated with these uses to approximately 156 persons. The proposed project would be served by the Van Nuys Community Police Station, which has approximately 322 sworn officers and a civilian support staff of 28 persons. With the Project's estimated 850 new residents, the residential population for the Van Nuys Community Police Station's service area would increase to a total of approximately 287,664 residents. Based on this new population, the officer per resident ratio in the Van Nuys Community Police Station service area would decrease from 1 officer per 891 residents to 1 officer per 893 residents. This would result in a change in officer per resident ratio of less than one percent, which would not be a significant change. This change would be reduced based on the proposed project's revised estimated population of 678 persons consistent with the reduction of residential units from 500 to 399 units proposed by the Applicant.

The new permanent residential and temporary daytime populations associated with the proposed project would increase the demand for police protection services provided by the Van Nuys Community Police Station. Assuming that the annual crime rate would remain constant at 0.03 crime per capita, the residential population of the project (850 residents) would potentially generate approximately 26 crimes per year. The total annual number of reported crimes in the service area of the Van Nuys Community Police Station was projected to nominally increase from 8,692 crimes to approximately 8,718 crimes. This change would be reduced based on the proposed project's revised estimated population of 678 persons consistent with the reduction of residential units from 500 to 399 units proposed by the Applicant. In addition, the commercial components of the proposed project and related projects could potentially generate crimes.

As vehicle theft and burglary from vehicles are the two most common crimes in the Van Nuys area, the proposed project would include security features within the parking facility such as surveillance cameras, appropriate lighting, and gated access. Additionally, the Project would provide for on-site security personnel and a keycard access system with keycard readers for residents to minimize the demand for police protection services. Furthermore, the proposed project would also generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc) that could be applied toward the provision of new police facilities and related staffing, as deemed appropriate. The Project's security design features, as well as revenue to the Municipal Fund, would help offset the increase in demand for police services.

Nonetheless, due to the Project's population increase and associated demand for police services at the time of project buildout, the LAPD's Crime Prevention Unit has stated that the project would have a significant impact on police services. Therefore, to reduce the proposed project's potential impacts on police services to less than significant levels, mitigation measures are provided below.

With the implementation of Mitigation Measures J-1 and J-2, the above-referenced potentially significant police resource impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

Operation — Fire

Operation of the proposed project could result in significant impacts relative to:

- Capability of Existing Fire Services; and
- Fire Safety, Access, and Fire Flow Requirements; and
- Emergency Response Times.

The proposed project described in the Draft EIR would result in approximately 850 new residents. As described in the Final EIR, the proposed project will be reduced from 500 units to 399 units, thereby reducing population to 678 persons. In addition, the proposed project would generate a daytime population associated with retail employees and visitors. The Project's residential and daytime populations would increase the demand for LAFD fire protection and emergency medical services.

Fire Station No. 88 is the closest fire station to the project site and, thus, would be the responder

to the site in the event of an emergency. Based on Fire Station No. 88's current response rate of 0.16 response per capita, the 850 residents generated by the proposed project are anticipated to result in approximately 136 additional responses per year. The 136 additional responses per year by project residents would increase Fire Station No. 88's total annual response by 1.84 percent. Reducing the number of residential units from 500 to 399 units, as described in the Final EIR, would reduce the number of additional responses to approximately 108, thus reducing this percentage. Furthermore, additional responses from the station would be required as a result of the Project's on-site daytime population. Notwithstanding, a substantial number of responses is not anticipated. Furthermore, given that the Project is located within close proximity (0.4 mile) of Fire Station No. 88, impacts relative to the LAFD's capability to provide adequate fire protection services would be less than significant. In addition, Fire Stations Nos. 83 and 39 would also be available to serve the project site in the event of an emergency. Furthermore, the Applicant would submit a plot plan for the Project for approval by the LAFD either prior to the recordation of the final map or the approval of a building permit to ensure that the LAFD would review site plans for access before construction of any portion of the project. Therefore, the proposed project would not require the addition of a new fire station or the expansion, consolidation or relocation of an existing facility to maintain service. Impacts on fire services would be less than significant.

A project's impact on fire services is determined in part by its compliance with the applicable provisions of the Fire Code and Building Code. A project that closely complies with applicable provisions is less likely to cause any significant impacts to fire services. The project site is 0.4 mile from Fire Station No. 88, which is within LAFD's recommended response distance of 1.5 miles. Based on the project site's response distance from Fire Station No. 88, as well as the anticipated minimal increase in potential demand to Fire Station No. 88, the proposed project would not require the addition of a new fire station.

Pursuant to Division 9 of the Fire Code, the proposed project would comply with specific fire safety, access, and fire flow requirements. The Applicant would submit a plot plan for the project for approval by the LAFD either prior to the recordation of the final map or the approval of a building permit. The plot plan would indicate the Project's compliance with the requirements of the Fire Code. Specifically, the Project would include a new 28-foot-wide driveway/fire lane along the back side of the site between Camarillo Street and Sepulveda Boulevard that would provide emergency access. Therefore, no portion of an exterior wall would be more than 150 feet from the edge of a roadway.

New hydrants may be required to serve the project to ensure that none of the Project's proposed buildings would be further than 300 feet from an approved fire hydrant. However, the Project would comply with applicable LAMC fire safety requirements for building construction, which include the submittal of a plot plan indicating the provision of adequate fire hydrants.

With regard to fire flow, a minimum of 4,000 gpm from four hydrants flowing simultaneously would be provided for the proposed project. For eight inch water mains, the LAFD requires fire flows of 2,500 gallons per minute (gpm) and a minimum residual pressure of 20 pounds per square inch (psi) is required for any fire service or hydrant flowing at capacity. Based on the Service Advisory Requests (i.e., fire pressure flow reports) from LADWP, the existing 8-inch water main in Sepulveda Boulevard could accommodate the 2,500 gpm flows with a residual pressure of 94 psi, which is well above the 20 psi fire flow requirement.³ However, additional coordination with LADWP and LAFD during the development of the project plans would be required to ensure that adequate fire flow would be provided at the time of project occupancy.

The project would comply with the fire safety design and construction requirements for high-rises

³ LADWP, SAR Number 7367, Fire Service Pressure Final Reports, March 16, 2004.

set forth in Division 118 of the Fire Code. Consistent with Fire Code Division 119, the Project would undergo an annual inspection including the evaluation of physical access, property condition, and all fire-safety facilities and equipment required under the LAMC Fire and Building Codes.

Based on the above, the Project would comply with applicable Fire Code and LAFD requirements and would have a less than significant impact relative to fire safety, access, hydrant, and fire flow requirements.

Project-related increase in traffic on surrounding roadways could have an impact on fire protection and emergency medical services, if the response capabilities of the LAFD were impeded. The 2008 fire-related response time for Fire Station No. 88 was 3.2 minutes, while the emergency medical service response time was 6.0 minutes. These times are above the 5 minute threshold that is generally acknowledged as an acceptable response time; however, due to the proximity of Fire Station No. 88 (0.4 mile) and the other two supporting stations to the site, emergency response to the project site is not expected to significantly decline due to implementation of the Project. Thus, project-related traffic is not anticipated to impair the LAFD from responding to service requests at the project site. Finally, the project would provide access for emergency vehicles to the project site subject to the approval of the LAFD. Therefore, the proposed project's potential impacts related to emergency response times would be less than significant.

With the implementation of Mitigation Measures J-3 through J-5, the above-referenced potentially significant fire response and protection resources impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Public School Facilities and Services

The proposed project is estimated to generate approximately 72 elementary school students, 43 middle school students, and 43 high school students for a total of approximately 158 students. Reducing the number of residential units from 500 to 399 units as described in the Final EIR would reduce the estimate of students. The project site is located within LAUSD District 2, therefore, these students would attend Sherman Oaks Elementary School, Van Nuys Middle School, and Van Nuys High School. With the addition of 72 elementary school students from the proposed project, Sherman Oaks Elementary School would have an excess of 184 seats. With the addition of 43 middle school students from the project, Van Nuys Middle School is projected to have an excess of 199 seats. In contrast, with the proposed project's addition of 43 high school students, Van Nuys High School would have a shortage of 220 seats.

However, pursuant to Section 65995 of the California Government Code, the payment of developer fees in accordance with SB 50 is considered to provide full and complete mitigation for any impact to school facilities. Therefore, with payment of the required SB 50 fees, project impacts to schools would be less than significant.

Cumulative Impacts

Of the 51 related projects anticipated to be developed within the vicinity of the project site, only 19 were identified as being located within the attendance boundaries of at least one of the

schools serving the project site (i.e., Sherman Oaks Elementary School, Van Nuys Middle School, or Van Nuys High School). The proposed project in combination with these 19 related projects would have the potential to generate a cumulative total of 93 elementary school students, 174 middle school students, and 174 high school students. Therefore, Sherman Oaks Elementary School and Van Nuys Middle School would have sufficient capacity to accommodate the cumulative total of 93 elementary school students and 174 middle school students. Van Nuys High School is projected to experience a shortage of 177 student seats, and thus, would be constrained by the addition of 174 high school students from the proposed project and related projects. However, the proposed project and related projects would be subject to the payment of developer fees in accordance with SB 50. Pursuant to Section 65995 of the California Government Code, the payment of developer fees in accordance with SB 50 is considered full and complete mitigation and thus, cumulative impacts on school facilities would be less than significant.

With the implementation of Mitigation Measure J-6, the above-referenced potentially significant public school impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Public Parks

With regard to community parks, the proposed project would need to provide 1.70 acres of community parkland to meet the PRP’s long-range standard for community parks of 2 acres per 1,000 residents and approximately 0.85 acre to meet the PRP’s more attainable short- and intermediate-range standard of 1 acre per 1,000 residents. Reducing the number of residential units from 500 to 399 would reduce the community parkland demand to 1.36 acres in order to meet the PRP’s long-range goals and to 0.7 acre in order to meet the PRP’s short-term and intermediate-range goals. The proposed project’s provision of on-site open space would help reduce the use of off-site community parks in the area. Nonetheless, project residents would still be expected to utilize the community parks’ amenities including sports fields, tennis courts, basketball courts, and children’s play areas. The Project, therefore, would not meet the PRP’s long-range standard or short- and intermediate-range standards for community parks. However, implementation of the mitigation measure below would ensure that through the provision of on-site recreational amenities and open space areas, payment of in-lieu fees, dedication of parkland, or a combination of these methods, the Project would comply with parks and recreational requirements. It should be noted that the PRP standards are citywide standards and not requirements for specific development projects, such as the proposed project. Rather specific, residential development projects are subject to Sections 12.21 and 17.12 of the LAMC.

Section 12.21 of the LAMC requires that development projects with six or more dwelling units on a lot provide a minimum square footage of usable open space per dwelling unit. Based on the proposed dwelling unit types, the Project would be required to provide approximately 56,050 square feet of total usable open space. This demand for usable open space would be reduced with the proposed reduction in residential units from 500 units to 399 units. The proposed project would provide a total of approximately 106,013 square feet of usable open space areas consisting of approximately 67,213 square feet of common open space (e.g., courtyards, gardens, pedestrian pathways, large pool facility, spa, gym, community rooms, a bocce court, and lobbies) and approximately 38,800 square feet of private open space (balconies) for its residents. Reducing residential units and commercial uses as set forth in the Final EIR would reduce the amount of open space from 106,013 square feet to 93,500 square feet. However,

this revised amount would still exceed the usable open space requirement as set forth under Section 12.21 of the LAMC. Therefore, the proposed project would exceed the usable open space requirement as set forth under Section 12.21 of the LAMC.

The proposed project would also be subject to Section 17.12 of the LAMC, the City's implementing ordinance of the Quimby Act. Section 17.12 provides a formula for the dedication of land for park and recreational purposes and/or the payment of in-lieu fees (subject to determination by the Department of Recreation and Parks). Per Section 17.12, the proposed project would be required to dedicate approximately 32 percent of the gross subdivision area for parks and recreational purposes. Based on this requirement and the site area of 5.05 acres or approximately 219,778 square feet, the project would be required to do one or a combination of the following: dedicate approximately 1.62 acres or 70,720 square feet of park and recreation space or pay in-lieu fees. The Project would provide approximately 1.54 acres (67,213 square feet) of common park and recreation space, but this area would not be dedicated to the City of Los Angeles as required to satisfy Section 17.12 requirements. As such, the project Applicant would be required to pay in-lieu fees to satisfy Section 17.12 parkland requirements. The Project's 67,213 square feet of common open space could be credited against the total parkland dedication requirement or the total in-lieu park fee requirement, as determined by the DRP. With implementation of the proposed approximately 13,000-square-foot publicly accessible ground level plaza, the amount of common open space would increase to approximately 74,500 square feet or 1.71 acres. Thus, potentially significant impacts relative to Section 17.12 could occur.

However, implementation of Mitigation Measure J-7 would ensure that through the provision of on-site recreational amenities and open space areas as a credit against the dedication of open space, payment of in-lieu fees, dedication of parkland, or a combination of these methods, the project would comply with the maximum requirements established under the Quimby Act. With this mitigation measure, impacts on parks and recreational facilities would be less than significant.

Cumulative Impacts

Of the 51 related projects identified, 29 are residential in nature or have residential components. These 29 related projects in the area would result in the development of 2,819 new residential units. Growth from the proposed project and these 29 projects would combine to generate a cumulative demand for additional parks and recreational facilities. The 850 residents estimated to be generated by the proposed project, in addition to the estimated 4,792 residents associated with the 29 identified related projects, would result in a cumulative population increase of approximately 5,642 residents. Reducing the number of residential units from 500 to 399 units proposed would reduce the project-related demand for park space generated by the project and the associated cumulative demand for park space. This cumulative population would increase the demand for public parks and recreational facilities. However, as with the Project, the 29 related projects with residential uses would be subject to discretionary review to ensure consistency with the PRP and would be required to comply with the requirements of Sections 12.21 and 17.12 of the LAMC. Given that related projects would be required to dedicate land for park and recreational purposes, provide on-site open space to meet the recreational demands of residents per Section 12.21 of the LAMC, and/or pay in-lieu park fees pursuant to Section 17.12 of the LAMC, it can be expected that potential cumulative impacts to parks and recreational facilities would be reduced to levels that are less than significant.

With the implementation of Mitigation Measure J-7, the above-referenced potentially significant public park impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

8. Transportation

Potential Impacts

Construction Traffic

Construction equipment, crew vehicles, haul trucks and delivery vehicles would generate traffic during the estimated 23-month construction period. It is anticipated that the construction workers would park off-site in nearby facilities until completion of the project parking structure.

During construction, it is anticipated that on-street parking would be removed along Camarillo Street west of Sepulveda Boulevard to provide additional room for construction activities. However, through traffic lanes near the project site would remain open. To lessen the potential for construction traffic to block through traffic lanes and driveways of nearby residents and businesses, truck staging would occur at an off-site location approved by the City of Los Angeles.

It is estimated that approximately 165,000 cubic yards of exported material would be transported from the site, which would generate approximately 150 outbound and 150 inbound truckloads per day, for a total of 300 truck trips per day. Trucks delivering materials for the construction of the parking structure would average approximately 42 inbound and 42 outbound trips per day, totaling approximately 84 delivery truck trips per day, while the construction of the residential and retail uses would generate an average of 11 outbound and 11 inbound trucks per day, for a total of 22 delivery truck trips per day. As a result of construction truck trips, a short-term significant construction traffic impact would occur at the intersection of Camarillo Street & Sepulveda Boulevard during Months 1-2 and Months 3-4 in the a.m. peak hour prior to mitigation

The Final EIR amended Mitigation Measure K-3 by adding three more specific requirements in addition to the 4 requirements identified in Draft EIR. With the implementation of Mitigation Measures K-1 through K-7, the above-referenced potentially construction traffic impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Access

Primary access would be provided from a new private roadway that would extend along the back side of the site, (i.e., along the northern/western frontage) extending from Sepulveda Boulevard to Camarillo Street. This private roadway would provide two access points to the parking garage. Furthermore, additional driveways for retail access, residential access, and residential drop-off and pick up are proposed. Given these various points of access, no issues related to site access are anticipated to occur.

The intersections nearest the primary site access are La Maida Street at Sepulveda Boulevard and Camarillo Street at Sepulveda Boulevard. The La Maida Street and Sepulveda Boulevard intersection is projected to operate at LOS C during the a.m. peak hour and LOS D in the p.m.

peak hour in the Future (2013) “With Project” Conditions. Camarillo Street and Sepulveda Boulevard is projected to operate at LOS C during the a.m. peak hour and LOS E in the p.m. peak hour in the Future (2013) “With Project” Conditions. Therefore, as this intersection would operate at LOS E in the p.m. peak hour, based on the City’s significance threshold for access, the Project would result in a significant impact with respect to access. However, a mitigation measure is proposed at this intersection to improve conditions to LOS C in the p.m. peak hour.

With the implementation of Mitigation Measures K-8, the above-referenced potentially significant access impacts of the proposed project would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Pedestrian/Bicycle

The proposed project would encourage pedestrian activity in the area. The neighborhood commercial uses fronting Sepulveda Boulevard and Camarillo Street would be pedestrian-oriented. Pedestrians would have direct access to the neighborhood-serving commercial uses from the sidewalks along Sepulveda Boulevard and Camarillo Street. To further increase circulation a pedestrian entrance to the retail from the ground level parking along Camarillo Street will be included. The Project would also not introduce any hazardous design features. Thus, the Project would not result in an increase in pedestrian/vehicle or bicycle/vehicle conflict, and impacts relative to pedestrian/bicycle safety would be less than significant. Nevertheless, a mitigation measure is provided below to ensure that adequate bicycle parking would be provided on-site.

With the implementation of Mitigation Measures K-16, the less than significant pedestrian and bicycle impacts would be assured.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Operation—Study Intersections

Implementation of the proposed project described in the Draft EIR would generate approximately 5,844 net daily trips, which includes 321 trips during the a.m. peak hour and 549 trips during the p.m. peak hour. Trip generation would be reduced by implementation of the smaller project described in the Final EIR, but to assure the most conservative analysis, the Draft EIR trip generation rates are applied. Based on the City’s significant traffic impact criteria, the proposed project would result in potentially significant impacts at 11 study intersections during one or both peak hours. Feasible mitigation measures were identified that mitigate potential impacts to less-than-significant levels at following 6 intersections:

- 101 Freeway EB On-Ramp and Sepulveda Boulevard (p.m. peak hour);
- Camarillo Street and Sepulveda Boulevard (both peak hours);

- Ventura Boulevard and Haskell Avenue (North) (p.m. peak hour);
- Ventura Boulevard/I-405 Freeway Southbound On-Ramp/Sherman Oaks Avenue (p.m. peak hour);
- Ventura Boulevard and Van Nuys Boulevard (p.m. peak hour);
- Ventura Boulevard and Beverly Glen Boulevard (p.m. peak hour);

The Final EIR modified Mitigation Measure K-13 to provide greater specificity as to the scope, use, and procedures of the funds required by Mitigation Measure K-13. With the implementation of Mitigation Measures K-8 through K-11, K-13 through K-15, the above-referenced potentially significant intersection impacts of the proposed project would be less than significant.

All of these mitigation measures are technically feasible. However, two of the measures involve the removal of on-street parking, which may have a secondary impact on local businesses and residents as discussed on Section VI, Other Environmental Consideration of the Draft EIR. These mitigation measures are not technically infeasible and the concern regarding secondary impacts is unreasonable speculative. Although these mitigation measures may be undesirable, they are not infeasible and shall be implemented. If this finding is appealed and overturned, the City may substitute an alternative measure of equivalent effectiveness.

The horizon date of the Project traffic study has been updated to 2015 (the “**2015 Analysis**”). (Supplemental Responses to Comments Appendix D.) The 2015 Analysis updates the traffic analysis for the Final EIR Project comprised of 399 dwelling units, a grocery store of 45,000 square feet and 7,000 square feet of retail use. This updated analysis assumes a two-year construction period. The updated traffic data in the 2015 Analysis reached the same conclusions for the Project as in the Final EIR. In particular, the 2015 Analysis concludes the Project would result in the same significantly impacted locations for the year 2015, without and with mitigation, as determined for the year 2013.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

Operation – Consistency with Plans

The proposed project would result in a significant impact to the CMP arterial monitoring intersection of Ventura Boulevard and Sepulveda Boulevard. However, as provided in the following pages, the Project would include a mitigation measure that would partially mitigate the impact and another mitigation measure that would provide for a financial contribution to improving operations at this intersection. Thus, the Project would be consistent with the intent of the CMP. The proposed project would also be consistent with the goals of the Community Plan to minimize vehicle trips as it would develop a mix of residential and commercial uses in a Regional Center area of Sherman Oaks, within close proximity to various employment opportunities, retail, and other service destinations. In addition, the proposed project would include neighborhood-serving commercial serving uses on the ground level to encourage pedestrian activity, would be easily accessible to transit service provided along Sepulveda Boulevard and Ventura Boulevard, and would provide adequate parking. To minimize impacts on the transportation system, the project Applicant would also implement mitigation measures. Thus, the Project would support the goals of the Community Plan.

Furthermore, the proposed project would comply with the transportation requirements of the Specific Plan including, but not limited to: the implementation of mitigation measures to reduce traffic impacts to the extent feasible; implementation of a TDM Program; and payment of a Project Impact Assessment (PIA) Fee. These are statutory requirements adopted for the purpose of reducing environmental impacts associated with vehicle trips and compliance with these requirements becomes part of the Project; they are not mitigation measure. Therefore, the Project would not conflict with the implementation of adopted programs, plans, and policies addressing transportation.

The Final EIR included revisions of the TDM plan. At minimum, the TDM shall include following:

- Provide information regarding discounted bus passes to residential tenants at the time of lease execution.
- Designate a Transportation Coordinator that is part of the property management team on-site.
- Coordinate with area businesses to maximize leasing to their employees as central focus of marketing strategy.
- Provide preferential parking for carpools and vanpools for retail employees.
- Create and deliver personal trip plans (transit, carpool, vanpool, bicycle, walking) for each new resident and employee and provide updates upon request.
- Deliver transportation information to residents in project communications including website/page.
- Host semi-annual events to promote ridesharing and transit usage.
- Install Transportation Information Display(s) in common area(s).
- Wire residential units for high speed internet access.
- Unbundle the leasing of dwelling units from parking spaces.

With the implementation of Mitigation Measures K-8 through K-12, the above-referenced potentially significant impacts of the proposed project to consistency with plans would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)).

9. Water Supply

Potential Impacts

Operation — Water Supply

As set forth in the Final EIR, the proposed project would not result in significant impacts related to domestic water supply. However, mitigation measures are recommended to ensure that the

proposed project would be compliant with the City's recommended water conservation measures.

Operation of the proposed project would result in an increase in long-term water demand for consumption, maintenance, irrigation, and other activities on the project site. According to the Water Supply Assessment (WSA) prepared by LADWP for the proposed project, the Project is estimated to result in a net increase in water demand of approximately 100 acre feet (AF) per year over pre-existing conditions. When considering only the existing single-family residence currently on the site, the proposed project would result in a net increase of approximately 122 AF per year.

According to the WSA prepared for the proposed project, LADWP anticipates that the approximately 100 AF per year increase in water demand generated by the proposed project over pre-existing conditions would fall within the available and projected water supplies for normal, single-dry, and multiple-dry years through 2020 water demand projections of LADWP's 2000 Urban Water Management Plan (UWMP). Subsequent to the approval of the WSA for the proposed project, LADWP adopted an updated (2005) UWMP and the pre-existing uses were removed from the site. Based on correspondence with the LADWP, the water demand for the proposed project was accounted for in the 2005 UWMP. Therefore, the proposed project's net increase of approximately 100 AF per year over pre-existing conditions and the net increase of approximately 122 AF per year over existing conditions would also fall within the available and projected water supplies for normal, single-dry, and multiple-dry years through 2030 water demand projections of LADWP's 2005 UWMP. Reducing residential units from 500 to 399 units as set forth in the Final EIR would reduce demand for water generated by the proposed project. Given that LADWP would be able to meet the water demand of the project, as well as the existing and planned future water demands of its service area, operational impacts on water supply would be less than significant.

In addition, compliance with State laws regarding water conservation measures (i.e., Title 20 and Title 24 of the California Code of Regulations (CCR)), as well as implementation of the Project's water saving features (i.e., drought tolerant landscaping, low-water fixtures and appliances) and mitigation measures, would reduce water consumption estimates for the project at full buildout, thereby reducing the demand on City supplies.

Proposed improvements would include connections to the existing 8-inch water mains located in Sepulveda Boulevard and Camarillo Street. To ensure sufficient water pressure in the system, the existing 8-inch main in Sepulveda Boulevard (approximately 100 feet north of Camarillo Street) and a portion of the existing 8-inch main in Camarillo Street (approximately 130 feet west of Sepulveda Boulevard) may be upgraded to a 12-inch main. An alternative to upgrading the existing 8-inch main in Camarillo Street could be the construction of a new 12-inch main north of the centerline of Camarillo Street. This would prevent interruption of water supply for two existing fire hydrants and other customers connected to the existing 8-inch main in Camarillo Street. The above mentioned infrastructure improvements will be verified during the detail design stage of the project in accordance with the Department of Water and Power. With these anticipated improvements, domestic water and fire flow demand would be met. Furthermore, Mitigation Measure J-4 as described in Section IV.J(2), Fire Protection, of the Draft EIR would reduce potential impacts related to the provision of fire flow to a less than significant level.

The proposed project would either meet or exceed the water efficiency requirements set forth by Title 20 of the CCR through incorporation of water conservation features that would include, but not be limited to, drought resistant plants and measures to reduce potable water consumption for irrigation by 50 percent, as well as low-water fixtures and appliances to reduce water demand by 20 percent. Therefore, the Project would be consistent with applicable regulations of the CCR.

The proposed project would be consistent with Ordinance Nos. 172,075 and 163,532, as project design features would include water facilities and fixtures with established maximum flow rate standards. The proposed project would include low-water fixtures and appliances to reduce water demand by 20 percent. Therefore, the Project would be consistent with Ordinance Nos. 172,075 and 163,532.

The projected water demand for the proposed project would fall within LADWP's projected future water demands set forth in their 2005 UWMP. In addition, the UWMP indicates that water would be available to meet the water demand of the projected service area until 2030. Therefore, the Project would be consistent with the UWMP

With implementation of Mitigation Measures L-1 through L-5, the above-referenced potentially significant water supply impacts would be less than significant.

Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

10. Solid Waste

Potential Impacts

Cumulative Impacts

Fifty-one related projects are anticipated to be developed within the vicinity of the project site.

Construction of the proposed project in conjunction with related projects would generate C&D waste and thus, would cumulatively increase the need for waste disposal at the County's unclassified landfills. The proposed project would generate 173,250 tons of soil, 60 tons of demolition debris, and 1,545 tons of construction debris for a combined total of 174,855 tons of C&D waste which constitutes approximately 0.34 percent of the estimated remaining capacity at the County's unclassified landfills open to the City of Los Angeles. While the Project's contribution to unclassified landfills would not be significant at an individual level, the Project's contribution in conjunction with related projects would be cumulatively significant. Therefore, Mitigation Measures L-6 and L-7 are recommended to reduce the Project's cumulative impacts during construction to a less than significant level.

Solid waste generation for related projects is forecasted to be 8,454 tons per year. In conjunction with the proposed project's net increase in solid waste generation, the total cumulative solid waste generation would be 9,862 tons of solid waste per year. This waste generation will be reduced by reducing the number of residential units from 500 to 399, but for a more conservative analysis, the larger Project waste generation is evaluated. Based on the proposed project's estimated net increase of 1,408 tons of solid waste generation per year, the proposed project's contribution to cumulative generation would be approximately 16,896 tons by 2022. Thus, the proposed project's net increase in solid waste generation would represent approximately 0.001 percent of the County's projected 199.53 million tons of waste disposal need through 2022. Based on the proposed project's net increase plus related project's estimated 8,454 tons of solid waste generation per year, the cumulative contribution to solid waste generation would be approximately 118,344 tons by 2022. While the Project's contribution to Class III landfills would not be significant at an individual level, the Project's contribution in conjunction with related projects would be cumulatively significant. Therefore, Mitigation Measures L-8 and L-9 are recommended to reduce the Project's cumulative impacts during

operation to a less than significant level.

It is anticipated that related projects would be subject to environmental review on a case-by-case basis to ensure that they would not conflict with AB 939 waste diversion goals or the solid waste policies and objectives in the City's Source Reduction and Recycling Element (SRRE) or its updates, the City of Los Angeles Solid Waste Management Policy Plan (CiSWMPP), and the General Plan Framework. Therefore, cumulative impacts to solid waste regulations, plans, and programs from implementation of the Project and related projects would be less than significant.

Implementation of Mitigation Measures L-6 through L-9 would reduce potentially significant cumulative solid waste impacts to less than significant water levels.

Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

C. Significant Unavoidable Impacts That Cannot Be Mitigated to Less-Than-Significant Levels

The City of Los Angeles determines that the following impacts are significant and unavoidable. In order to approve the Project with significant unmitigated impacts, the City will be required to adopt a Statement of Overriding Considerations. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the Project. The City finds and determines that all significant environmental impacts identified in the EIR for the construction and operation of the Project have been reduced to an acceptable level in that:

- a. All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the Project design features and/or mitigation measures; and
- b. Based on the EIR, the Statement of Overriding Considerations and other documents and information in the record with respect to the construction and operation of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the Project as described in the Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

1. Air Quality

Significant Impacts

Regional and Localized Construction Impacts, Cumulative Construction Impacts

Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from demolition and construction activities. Mobile source emissions, primarily particulate matter (PM) and nitrogen oxides (NO_x), would result from the use of construction equipment such as dozers, loaders, and cranes. During the finishing phase, paving operations and the application

of architectural coatings (i.e., paints) and other building materials would release volatile organic compounds (VOCs). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. The assessment of construction air quality impacts considers each of these potential sources.

Project construction would require approximately 165,000 cubic yards of grading and soil export. Grading and site preparation for the proposed project would require the removal of the existing single-family residence. Construction would require approximately 20 to 23 months.

Construction-related daily maximum regional construction emissions would not exceed the SCAQMD daily significance thresholds for VOC, PM₁₀, PM_{2.5}, carbon monoxide (CO), or sulfur dioxide (SO_x). However, NO_x emissions would exceed the SCAQMD daily significance threshold during the site grading phase. Thus, regional construction emissions would result in a significant short-term air quality impact.

Maximum localized construction emissions for off-site sensitive receptors would not exceed the localized screening thresholds for CO. However, localized NO_x, PM₁₀, and PM_{2.5} emissions would exceed the applicable screening-level LST. Based on the dispersion modeling, NO_x and PM₁₀ localized impacts would exceed the SCAQMD recommended thresholds. Therefore, with respect to localized emissions from construction activities, impacts would be significant and mitigation would be required.

Construction-period NO_x mass regional emissions, and localized NO_x and PM₁₀ emissions associated with the proposed Project are already projected to result in a significant impact to air quality. As such, cumulative impacts to air quality during proposed Project construction would also be significant and unavoidable.

Implementation of Mitigation Measures B-1 through B-6 (as Mitigation Measures B-5 and B-6 are modified in the Supplemental Responses to Comments, will reduce the severity of the above-referenced significant air quality impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Air Quality (Regional and Localized Construction Impacts, Cumulative Construction Impacts), as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

Regional Operational Impacts, Cumulative Construction Impacts

Regional air pollutant emissions associated with proposed project operations would be generated by the consumption of electricity and natural gas, and by the operation of on-road vehicles. Pollutant emissions associated with energy demand (i.e., electricity generation and natural gas consumption) are classified by the SCAQMD as regional stationary source emissions. Electricity is considered an area source since it is produced at various locations within, as well as outside of, the Basin. Since it is not possible to isolate where electricity is produced, these emissions are conservatively considered to occur within the Basin and are regional in nature. Criteria pollutant emissions associated with the production and consumption of energy were calculated using emission factors from the SCAQMD's CEQA Air Quality

Handbook (Appendix to Chapter 9).

Mobile-source emissions were calculated using the URBEMIS 2007 emissions inventory model, which multiplies an estimate of the increase in daily VMT by applicable EMFAC2007 emissions factors. Based on the model for calculating regional emissions, the increase in regional emissions resulting from operation of the proposed project are expected to exceed the SCAQMD regional thresholds for VOC and NO_x. Therefore, regional operational emissions would result in a significant air quality impact.

Regional operational emissions would still exceed the SCAQMD daily emission threshold for regional VOC and NO_x after implementation of all feasible mitigation measures. Therefore, operation of the project would have a significant and unavoidable impact on regional air quality.

The proposed project's incremental contribution to cumulative air quality effects is not cumulatively considerable, per CEQA Section 15064(h)(3). However, by applying SCAQMD's cumulative air quality impact methodology, implementation of the proposed project would result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. Therefore, the regional emissions of these pollutants generated by project operation would result in a cumulatively significant and unavoidable impact.

Implementation of Mitigation Measures B-7 through B-9, will reduce the severity of the above-referenced significant air quality impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Air Quality (Regional Operational Impacts, Cumulative Construction Impacts), as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

2. Construction Noise

Significant Impacts

Construction activities at the project site would include three stages: (1) demolition; (2) site grading; and (3) building construction. Construction is estimated to last approximately 20 – 23 months. The proposed project would be constructed using typical construction techniques, and no blasting or impact pile driving will be used. Project construction would require the use of mobile heavy equipment with high noise level characteristics. Construction of the proposed project is estimated to last approximately 20 – 23 months. The site preparation work, including demolition, grading and excavation, would take approximately six months. Construction of the parking facility and project buildings would take approximately 14 months.

Construction-related noise would exceed ambient noise levels at the 777 Motor Inn (R3), the residences east of Sepulveda Boulevard (R1), and the residences on La Maida Street (R5) by a maximum of 19, 8, and 6 dBA, respectively, during the most intensive construction periods. Thus, construction activities would cause the exterior ambient noise level to increase by 5 dBA or more at noise-sensitive uses. As such, construction-period noise impacts would be significant without incorporation of mitigation measures.

Implementation of Mitigation Measures H-1 through H-4, will reduce the severity of the above-referenced significant noise impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

The temporary sound barrier prescribed in Mitigation Measure H-1 can achieve a noise reduction of 10 dBA or more in areas where the line-of-sight between construction-period noise sources and off-site receptor locations is obstructed. Mitigation Measure H-2 would avoid operating several pieces of heavy equipment simultaneously, which causes high noise levels. Implementation of Mitigation Measure H-3 would reduce the noise level impact associated with construction activities to the extent practicable. Furthermore, as construction activity moves away from the property line towards the center of the project site, noise levels would attenuate considerably from these maximum levels. With the incorporation of mitigation, noise generated by construction activities would be less than significant on noise sensitive uses at the residences east of Sepulveda Boulevard and at the residences on La Maida Street. However, construction noise levels would still exceed the 5 dBA significance criterion at the 777 Motor Inn. Construction noise impacts would be significant and unavoidable at the 777 Motor Inn.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Construction Noise, as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

3. Transportation

Significant Impacts

Operation & Cumulative—Study Intersections

Implementation of the proposed project described in the Draft EIR would generate approximately 5,844 net daily trips, which includes 321 trips during the a.m. peak hour and 549 trips during the p.m. peak hour. Trip generation would be reduced by implementation of the smaller project described in the Final EIR, but to assure the most conservative analysis, the Draft EIR trip generation rates are applied. Based on the City's significant traffic impact criteria, the proposed project would result in significant impacts at the following 11 study intersections during one or both peak hours:

- 101 Freeway EB On-Ramp and Sepulveda Boulevard (p.m. peak hour);
- La Maida Street and Sepulveda Boulevard (p.m. peak hour);
- Camarillo Street and Sepulveda Boulevard (both peak hours);
- Ventura Boulevard and Haskell Avenue (North) (p.m. peak hour);
- Ventura Boulevard/I-405 Freeway Southbound On-Ramp/Sherman Oaks Avenue (p.m. peak hour);
- Ventura Boulevard and Sepulveda Boulevard (both peak hours);

- Ventura Boulevard and Kester Avenue (South) (p.m. peak hour);
- Ventura Boulevard and Van Nuys Boulevard (p.m. peak hour);
- Ventura Boulevard and Beverly Glen Boulevard (p.m. peak hour);
- I-405 Freeway Northbound Ramps/Greenleaf Street and Sepulveda Boulevard (both peak hours); and
- Moorpark Street and Sepulveda Boulevard (both peak hours).

As set forth in Finding B.7, mitigation measures would reduce traffic impacts at six of the 11 significantly impacted intersections to less than significant levels.

Even with implementation of Mitigation Measure IV.K-12, a significant impact would remain at the intersection of Ventura Boulevard and Sepulveda Boulevard (a CMP monitoring intersection) during the p.m. peak hour.

No feasible mitigation measure could be identified for the intersections:

- La Maida Street and Sepulveda Boulevard;
- I-405 Freeway Northbound On-/Off-Ramps/Greenleaf Street and Sepulveda Boulevard;
- Kester Avenue (South) and Ventura Boulevard; and
- Moorpark Street and Sepulveda Boulevard.

In total, it is concluded that the project would result in significant and unavoidable impacts at five intersections if all of the mitigation measures are determined to be feasible or alternative measures of equivalent effectiveness are provided.

Implementation of Mitigation Measures K-8 through K-15, will reduce the severity of the above-referenced significant traffic impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

The traffic intersection analysis takes into account ambient growth and related projects to the future year. Therefore, cumulative traffic impacts at intersections that are not significantly impacted or which are mitigated to less-than-significant levels will be less-than-significant. Significant impacts at the remaining 5 intersections will also be cumulatively significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Traffic (Operations-Study Intersections), as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

D. Significant Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(c) indicates that:

“[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The Project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. The proposed mixed-use development would require a commitment of resources that would include: (1) building materials; (2) fuel and operational materials/resources; and (3) the transportation of goods and people to and from the project site. Construction of the project would require the consumption of resources that are not replenishable or which may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. The resources that would be committed during operation of the project would be similar to those currently consumed within the City of Los Angeles for residential and commercial uses. These would include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the project, and the existing, finite supplies of these natural resources would be incrementally reduced. It should be noted that increased consumption generated by the Project would be less than significant when compared with existing energy consumption levels citywide. Operation of the Project would also occur in accordance with Title 24, Part 6 of the California Code of Regulations, which establishes conservation practices that would limit the amount of energy consumed by the project. In addition, as the Project would be designed to achieve the Leadership in Energy and Environmental Design (LEED) Silver rating, several project design features would be included that would improve water and energy efficiency. However, the energy requirements associated with the Project would, nonetheless, represent a long-term commitment of essentially non-renewable resources.

In summary, construction and operation of the proposed project would result in the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these particular resources for future generations or for other uses during the life of the Project. However, continued use of such resources would be of a relatively small scale and would be consistent with regional and local growth forecasts in the area. Furthermore, the loss of such resources would not be highly accelerated as compared to existing conditions. As such, although irreversible environmental changes would result from the Project, such changes would be less than significant.

E. Growth Inducing Impacts

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Section 12126.2(d) of the State CEQA Guidelines states:

“Discuss the ways in which the proposed project could foster economic or

population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

The proposed project studied in the Draft EIR would redevelop the existing project site to provide 500 multi-family residential units and 55,000 square feet of neighborhood-serving commercial uses to better serve the existing and future needs of the Sherman Oaks community. The Final EIR describes a reduced Project comprising 399 residential units and 52,000 square feet of commercial uses. Although the introduction of residential uses would foster population growth within the area, it would help meet the housing demand for the local area, subregional area, and the region as discussed in Section IV.I the Draft EIR. Furthermore, the commercial uses proposed by the Project would not be expected to foster economic growth since these uses would primarily serve the future project residents and existing residents in the neighborhood. Development of the proposed project described in the Draft EIR would result in increased population of the site to approximately 850 residents and approximately 130 employees in several shifts. These population and employee estimates would be reduced with the reduced Project of 399 residential units and 52,000 square feet of commercial uses. The number of units proposed and corresponding increase in population are within SCAG's forecasts for the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan area, as described in Section IV.I, Population and Housing. In addition, the proposed residential development would meet existing and projected housing demand. Furthermore, the additional employment is expected to be provided from the existing labor force in the area, and the projected increase in workers would not exceed SCAG's forecasts for the area. Since the project site is located in an urbanized area and is currently developed with single-family and multi-family residences, operation of the Project would not require the extension of infrastructure, such as roads or utilities that would be expected to accommodate substantive growth beyond the Project. Implementation of the Project would also not open up undeveloped areas to new development or induce growth that was previously restricted due to inadequate access or infrastructure capacity. Overall, no growth-inducing impacts beyond the direct effects of additional housing and employment opportunities would occur as a result of the project.

F. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of the proposed project while also meeting the Project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to the Project or its location which are capable of avoiding or substantially reducing any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The Draft EIR Alternatives Analysis, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Project Objectives

These project objectives fall under three primary categories: (1) Development Objectives; (2)

Design Objectives; and (3) Economic Objectives.

1. Development Objectives

- Build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing a vibrant urban-living development within the vicinity of an existing regional shopping center.
- Create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses.
- Provide new residential units to help meet the market demand for housing in southern California and, in particular, in the San Fernando Valley.
- Develop an energy-efficient and environmentally conscious project.
- Provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood.
- Bring convenient neighborhood-serving commercial uses within walking distance of numerous apartments and single-family residences in the surrounding neighborhood.
- Provide sufficient parking to meet the parking needs of the project's residents, guests and visitors, employees, maintenance personnel, and delivery vehicles.

2. Design Objectives

- Create a mid-rise development that complements and improves the visual character of the area through appropriate scale and high quality architectural design and detail.
- Design the interiors and exteriors of the proposed project to promote quality living spaces that effectively connect with the surrounding urban environment.
- Incorporate landscape features in a manner that provides character and texture in an urban environment, enhances the visual character of the development, and facilitates a sense of separation and privacy for project residents.
- Enhance pedestrian activity and neighborhood commercial street life in the project area.
- Provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that present an attractive retail face along street frontages.

3. Economic Objectives

- Bring the site to a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands.
- Revitalize an existing underutilized site.
- Create a viable and successful mixed-use project.

- Provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.
- Maintain and enhance the economic vitality of the region by providing job opportunities associated with the construction of the proposed project.

Alternatives Analyzed in the Draft EIR

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of the proposed project while also meeting the project's basic objectives.

Finding

The City finds that the Project EIR considered a reasonable range of alternatives to the project to provide informed decision-making in accordance with Section 15126.6 of the State CEQA Guideline. By analyzing four specific alternatives, the Project EIR meets the requirements of CEQA.

The four alternatives analyzed for the proposed project include:

Alternative A: No Build/No Project Alternative;

Alternative B: Development in Accordance with Existing Plans/Regional Commercial Use Alternative;

Alternative C: All Residential Use Alternative;

Alternative D: Alternative Site Alternative.

The City finds that the EIR studied a reasonable range of alternatives and the associated potential environmental impacts of each alternative

Alternatives Rejected as Being Infeasible

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explain the reasons underlying the lead agency's determination. The Draft EIR includes a thorough discussion of alternatives rejected as infeasible.

Reduced intensity alternatives are generally considered when a project has significant and unavoidable impacts attributable to a project-related change in the intensity of on-site operations. Several of the anticipated significant unavoidable impacts (e.g., air quality, noise) would occur in conjunction with construction activities and not with proposed operations. As such, similar impacts would be expected with any feasible alternative proposal for development within the project site. Project operations would result in significant and unavoidable impacts associated with regional air quality from mobile emissions and traffic at five intersections. Therefore, an analysis was undertaken to determine the extent to which the proposed project would need to be reduced in order to substantially reduce or eliminate some or all of these project impacts.

Alternatives to Eliminate Significant Air Quality Impacts: Alternatives were considered to eliminate the significant short-term construction and operational impacts of the Project. As discussed in Section IV.B, Air Quality, construction impacts would be for short durations. Furthermore, based on the thresholds upon which the construction analysis is based, a substantial reduction in the intensity of construction activities would be necessary to reduce regional construction emissions to below a level of significance. A reduction of intensity of construction to this level would not be able to meet any of the project goals and would likely not

be built due to several reasons including market conditions, return on investment, and the City's desire for efficient use of land. Thus, such an alternative would not be feasible. Furthermore, a reduction in the intensity of construction activities would only extend the duration of construction activities.

With regard to operation of the Project, regional air quality impacts are largely associated with the vehicle trips generated by the proposed project. An alternative that would reduce the vehicle trips enough to substantially reduce the regional emissions associated with the Project would be substantially less than the size of the proposed project, compromising the underlying objectives of the proposed project. The reasonable range of alternatives required by CEQA does not require that a project so substantially different from the proposed project be studied or adopted when to do so would fail to accomplish any of the Project Objectives.

Finding

The City finds that substantial evidence in the Administrative Record demonstrates that Alternatives to Eliminate Air Quality Impacts are infeasible.

Alternatives to Reduce Significant Traffic Impacts: The Traffic Impact Study prepared for the Project evaluated the intersection impacts associated with the Project's proposed 500 multi-family residential units, a 45,000 square foot grocery store, and 10,000 square feet of specialty retail uses. As determined in the Draft EIR, the Project would result in significant traffic impacts at five intersections if all of the mitigation measures proposed are implemented. In order to eliminate the significant and unavoidable traffic impacts of the Project (at all five intersections that would be significantly impacted), it is estimated that the proposed project would need to be reduced by 86 percent. This would result in a project with approximately 70 units, an approximately 6,300 square foot grocery store, and approximately 1,400 square feet of specialty retail uses. An alternative that would reduce the amount of development proposed under the Project by more than half would not be able to achieve the Project's basic objectives to the same extent that the Project would. The Development Objectives to build upon the existing vitality of uses in the community by providing an energy-efficient urban-living development within the vicinity of an existing regional shopping center; create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses to help meet the market demand for housing in the San Fernando Valley; and provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood would be severely limited under such a reduced alternative. The Design Objectives to create a mid-rise development that compliments and improves the visual character of the area through appropriate scale and enhances pedestrian activity and neighborhood commercial street life in the project area would also be restricted since the amount of square footage that would be developed under this alternative would be greatly reduced as compared to the Project. Finally, this alternative would not meet the Economic Objectives to bring to the site a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands that would maintain and enhance the economic vitality of the region to the same extent as the project. As such, this alternative has been eliminated from further consideration.

It should be noted that a reduced intensity alternative that would avoid the significant traffic impacts at the five intersections would not avoid certain other significant impacts. Specifically, construction-related air quality and noise impacts would still occur, similar to the project.

Finding

The City finds that substantial evidence in the Administrative Record demonstrates that

Alternatives to Reduce Significant Traffic Impacts are infeasible.

Reduce Mixed-Use Specific Plan Compliant Alternative. A public comment suggested that reduced intensity, Specific Plan compliant alternative should be studied that would reduce the number of residential units and FAR to meet the Specific Plan requirements. Substantial evidence shows that a Specific Plan-compliant mixed use project of 1.5 FAR with 277 residential units, a 45,000 square-foot grocery, and 6,000 square feet of neighborhood-serving retail impacts 10 of the 11 intersections impacted by the proposed Project, and after mitigation would result in the same significant unmitigated impacts at the same 5 local intersections as the Project. (See Crain & Associates letter dated February 14, 2013.) In order to reduce the proposed Project to a level that would eliminate all significant traffic impacts, the Project would need to be reduced by 86 percent to 70 residential units and 7,700 square feet of commercial—a reduction far below the permitted FAR and height limits in the Specific Plan. Construction of this reduced project would be comparable in terms of noise and air quality impacts because the project would still require podium construction to overcome the Freeway sound wall. Thus, a Specific Plan compliant mixed-use alternative would not substantially reduce or avoid the significant impacts of the proposed Project

Finding

The City finds that substantial evidence in the Administrative Record demonstrates that a reduced mixed-use alternative is infeasible.

Alternative A: No Project / No Build Alternative

The No Project/No Build Alternative assumes that the proposed project would not be approved and no new development would occur within the project site. Thus, the existing physical conditions of the project site would remain. No new buildings would be constructed, the single-family residence located on-site would remain, and the rest of the project site would continue to be vacant and graded.

Relationship to Project Objectives

The No Project/No Build Alternative would not meet any of the Project's objectives. It would not allow the Applicant to meet the Project's Development Objectives. Specifically, this alternative would not provide a new urban-living development within the vicinity of an existing regional shopping center in close proximity to jobs, public transit, shops, restaurants, and entertainment uses to help meet the market demand for housing in southern California and the San Fernando Valley in particular. In addition, the No Project/No Build Alternative would not provide neighborhood serving commercial uses to serve project residents and the neighborhood and would not enhance the character of the neighborhood or develop an energy-efficient and environmentally conscious project.

Further, the Design Objectives would not be met under the No Project/No Build Alternative. Specifically, Alternative A would preclude a mid-rise development that compliments the visual character of the area; an interior and exterior design that promotes living spaces that connect with the surrounding urban environment; or incorporate landscape features. The Design Objectives to enhance pedestrian activity and neighborhood commercial street life in the project area and provide retail uses along street frontages would also not be realized by the No Project/No Build Alternative.

Finally, the No Project/No Build Alternative would not meet the Project's Economic Objectives of bringing the site to a more efficient use through development of new housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands;

revitalizing an existing underutilized site; and creating a viable mixed-use project. In addition, the Economic Objectives of providing housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place and maintaining and enhancing the economic vitality of the region by providing job opportunities associated with the construction of the proposed project would also not be met by the No Project/No Build Alternative.

Reduction of Significant Project Impacts

The No Project Alternative would not result in any significant environmental impacts because no change to the physical environment would occur.

Finding

The City finds that Alternative A would not accomplish any of the Project's objectives and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative A infeasible.

Alternative B: Development in Accordance with Existing Plans/Regional Commercial Use Alternative

The Development in Accordance with Existing Plans/Regional Commercial Use Alternative represents reasonably foreseeable development based on the site's current General Plan land use designation of Regional Commercial. This assumes that the site would be redeveloped with regional commercial uses, consistent with the Ventura–Cahuenga Boulevard Corridor Specific Plan land use designation for the site. Under this alternative, a maximum of approximately 333,000 square feet of regional commercial uses would be developed on the project site based on the permitted floor area ratio of 1.5:1 per the land use designation.

Relationship to Project Objectives

The achievement of Development Objectives would be limited under Alternative B. While this alternative would provide commercial uses within walking distance of apartments and single-family residents in the surrounding neighborhood and provide sufficient parking to meet the parking needs of employees, maintenance personnel, and delivery vehicles, a majority of Development Objectives would not be met. Specifically, this alternative would not build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing an urban-living development within the vicinity of an existing regional shopping center; create new living opportunities in close proximity to jobs, public transit, shops, restaurant, and entertainment uses; or provide new residential units to help meet the market demand for housing in southern California and the San Fernando Valley in particular.

The Development in Accordance with Existing Plans/Regional Commercial Use Alternative would meet most Design Objectives. It would allow the Applicant to create a development that complements the visual character of the area through appropriate scale and high quality architectural design and detail; incorporate landscape features in a manner that provides character and texture in an urban environment and enhances the visual character of the development; enhance pedestrian activity and neighborhood commercial street life in the project area; and provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that presents an attractive retail face along street frontages. However, this alternative would not meet the objective of designing the Project to promote living spaces that connect with the surrounding urban environment.

Finally, the Development in Accordance with Existing Plans/Regional Commercial Use Alternative might meet some of the Project's Economic Objectives by revitalizing an existing underutilized site and maintaining and enhancing the economic vitality of the region by providing job opportunities associated with the construction of the proposed project. However, the market data regarding retail vacancy rates in the area indicates that Alternative B may not revitalize the area and may not enhance the economic vitality of the region. Retail vacancy rates in the Ventura Boulevard/Sherman Oaks area are already above 14 percent,⁴ which is more than double the Valley-wide Q1 2012 average of 5.9 percent. Furthermore, the San Fernando Valley experienced a Q1 2012 negative retail net absorption rate of -50,062 square feet.⁵ "Except for Orange County, Southern California's retail markets were extremely weak in the past quarter, with rising vacancy rates, negative absorption, and soft rental rates."⁶ Thus, the area has experienced an over-saturation of office uses with the second highest office vacancy rate in Los Angeles County; shopping center and retail vacancy rates are double the average vacancy rate throughout the San Fernando Valley and retail vacancy and absorption is predicted to get worse. Thus, both offices, as well as predominantly retail development on this site, would likely fail to revitalize an existing underutilized site and maintaining and enhancing the economic vitality of the region.

This alternative would not bring the site to a more efficient use through creating a viable mixed-use project or provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.

Reduction of Significant Project Impacts

Despite incorporation of all feasible mitigation measures, the proposed project would result in significant impacts relative to air quality, noise, and traffic at five intersections. Alternative B would result in greater significant operational traffic and air quality impacts than the proposed project, and Alternative B would also result in significant construction-related air quality and noise impacts as does the proposed project. However, the air quality impacts relative to residential uses in proximity to the freeway would not occur in Alternative B.

The Development in Accordance with Existing Plans/Regional Commercial Use Alternative would develop 333,000 square feet of regional commercial uses. This alternative would result in a net trip generation of 11,205 daily trips, including 409 a.m. peak hour trips and 876 p.m. peak hour trips. Thus, this alternative would result in approximately 5,361 more daily trips, including 188 more a.m. peak hour trips and 327 more p.m. peak hour trips, as compared to the proposed project. With this increase in vehicle trips, this alternative would result in traffic impacts on the study intersections that would be considerably greater than the project. Specifically, after applying the same mitigation this alternative would result in significant and unavoidable impacts at 11 intersections as compared to five intersections under the proposed project. The 11 significantly impacted include: Oxnard Street/Sepulveda Boulevard; Burbank Boulevard/Sepulveda Boulevard; Magnolia Boulevard/Sepulveda Boulevard; La Maida Street/Sepulveda Boulevard; Camarillo Street/Sepulveda Boulevard; Ventura Boulevard/Sepulveda Boulevard; Ventura Boulevard/Kester Avenue (North); Ventura Boulevard/Kester Avenue (South); 405 Freeway Northbound Ramps – Greenleaf Street/Sepulveda Boulevard; Dickens Street/Ventura Boulevard; and Moorpark Street/Sepulveda Boulevard. Thus, impacts on intersections would be greater under this alternative and would be

⁴ Doug Kriegel, Sherman Oaks Patch, "Signs Around Us Offer Hint About Economy" Aug. 15, 2011, <http://shermanoaks.patch.com/articles/signs-around-us-offer-hint-about-economy>; Keeley Webster, Sherman Oaks Patch, "Ventura Boulevard's Vacancy Rate Rises to 14%" May 4, 2011.

⁵ NAI Capital Market Perspective, *Spring* 2012, pp. 4-5; http://www2.naicapital.com/Portals/35/docs/2012Spring_Perspective.pdf

⁶ NAI Capital Reporter-Los Angeles County, Summer 2012, http://www.naicapital.com/Encino/market_report/capital_recorder/images/la-retail.pdf.

significant and unavoidable. This alternative's increase in daily trips would also result in greater traffic on freeways segments, on residential street segments, and at access points. Thus, the traffic impacts of Alternative B would be greater than the traffic impacts of the proposed project.

Finding

The City finds that Alternative B would not meet the basic objectives of the Project and that Alternative B would not substantially reduce or avoid the Project's significant traffic and air quality impacts and, therefore, the City finds that environmental, economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative B infeasible.

Alternative C: All Residential Use Alternative

The All Residential Use Alternative includes the residential development of the proposed project but none of the retail development. The alternative would include 500 multi-family residential units with on-site recreation and site amenities that are similar to the proposed project. It is assumed that the site design (e.g., access, building layout, configuration) would be similar to that of the proposed project, with residential development located within the former commercial areas, offering a somewhat lower building profile.

Relationship to Project Objectives

Several of the Project's objectives would be met under the All Residential Use Alternative, including the Development Objective to provide a vibrant urban-living environment within the vicinity of an existing regional shopping center in close proximity to jobs, public transit, shops, restaurants, and entertainment uses. The Design Objective to create a mid-rise development that complements and improves the visual character of the area, as well as the Economic Objectives to revitalize an existing site and provide housing that supports the economic future of the region, would also be met under this alternative. However, as this alternative would not include the development of 52,000 square feet of commercial uses as proposed under the project, the Development Objective to provide commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood within walking distance of numerous apartments and single-family residences in the surrounding neighborhood would not be met. The Design Objectives to provide retail uses that are designed in a manner that contributes to the project's overall design concept and that presents an attractive retail face along street frontages while enhancing pedestrian activity and neighborhood commercial street life in the project area would also not be achieved under this alternative. Furthermore, the Economic Objective to create a viable and successful mixed-use project through the development of new housing, commercial uses, and associated amenities consistent with anticipated market demands would also not be met under this alternative.

Reduction of Significant Project Impacts

Based on the alternatives analysis provided in the Draft EIR and Alternatives Comparison Table V-1, Alternative C, the All Residential Use Alternative, would be the environmentally superior alternative. With the elimination of the proposed commercial uses under this alternative, operational impacts associated with demand for public services and demand for utilities would be less than the proposed project. Additionally, as construction activities associated with development of this alternative would be reduced in scale and duration as compared to the proposed project, construction-related traffic impacts would be less under this alternative as compared to the project. Although this alternative would not eliminate the Project's significant impacts with respect to operational regional emissions and would still result in significant impacts on three intersections, this alternative would generate approximately 2,750 fewer daily trips than

the proposed project. Thus, operational regional air quality and traffic impacts, while still significant and unavoidable, would be less than under the project.

Finding

The City finds that Alternative C would not meet the basic objectives of the Project and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative C infeasible.

Alternative D: Alternative Site Alternative

The Alternative Site Alternative would consist of 500 multi-family residential units and approximately 55,000 square feet of neighborhood commercial uses. Specific criteria in determining the acceptability of an alternative location include existing land uses and zoning designations in the area that would be consistent with the proposed scale of development and number of residential units.

In accordance with CEQA Guidelines Section 15126.6(f)(2), alternative locations for the proposed project have been considered. As stated in the Guidelines, only locations that would avoid or substantially lessen any of the significant effects of the project need be considered in the EIR. The purpose of the evaluation of an alternative location is to ascertain if moving a project to another area would reduce or eliminate significant environmental impacts that may be unique to a particular locale. Under this alternative, development was assumed to be similar to the project evaluated in the Draft EIR, i.e., would consist of 500 multi-family residential units and approximately 55,000 square feet of neighborhood commercial uses, which is the same as the proposed project. Specific criteria in determining the acceptability of an alternative location include existing land uses and zoning designations in the area that would be consistent with the proposed scale of development and number of residential units. Other requirements for a feasible alternative location are that the alternative site must be of adequate size to accommodate the proposed development, be available for acquisition, be within the same jurisdiction as the project site, preferably be underutilized from a land development perspective, and would serve the same, or similar, target market.

More specifically, the project Applicant's ability to reasonably acquire, control or otherwise have access to an alternative site is among the factors that may be taken into account when addressing the feasibility of alternatives. Since several of the Project's basic objectives focus on development within the San Fernando Valley, the Sherman Oaks Community in particular, and proximity to a regional shopping center (i.e., Sherman Oaks Galleria) and other existing commercial uses, the potential locations that could reasonably serve as an alternative site for the project are limited.

Furthermore, proximity to high-frequency transit is an important factor for successful infill mixed-use development. Yet, the likelihood of finding an alternative infill site of adequate size in within a quarter of a mile of a high-frequency bus line is quite low. Only about 12 percent of the potential infill sites in California are within a quarter of a mile of a high-frequency bus line. The project site's proximity to these transit options provides for optimal mixed use housing and retail infill potential.⁷

Relationship to Project Objectives

⁷ Housing Policy Debate, Vol. 17 Issue 4 "The Future of Infill Housing in California: Opportunities, Potential, and Feasibility" *supra* p. 695.

Development at an alternative site would generally meet project objectives to the same extent as the proposed project. However, development of an alternative site would likely not meet the Economic Objective to revitalize an existing underutilized site to the extent that the Project would because unlike the proposed project site – which the Applicant has owned for many years – an alternative site would need to be purchased.

Reduction of Significant Project Impacts

Development at an alternative site would not eliminate any of the Project's significant and unavoidable impacts because an urban in-fill project of the proposed size and scale in the Sherman Oaks community would generate the same type of impacts regardless of where it is located. No impacts would be reduced under this alternative as compared to the proposed project. Furthermore, this alternative would have the potential to generate additional significant impacts depending on the location of the site and its proximity to sensitive uses.

Finding

The City finds that Alternative D would not substantially reduce or eliminate the Project's significant impacts and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative D infeasible.

Environmentally Superior Alternative

In addition to the discussion and comparison of impacts of a proposed project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of adverse impacts. In this case, the No Project / No Build Alternative would result in the least impacts on the existing environment. However, Section 15126.6(e)(2) of the CEQA Guidelines states if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the alternatives analysis provided in the Draft EIR and Alternatives Comparison Table V-1, Alternative C, the All Residential Use Alternative, would be the environmentally superior alternative. With the elimination of the proposed commercial uses under this alternative, operational impacts associated with demand for public services and demand for utilities would be less than the proposed project. Additionally, as construction activities associated with development of this alternative would be reduced in scale and duration as compared to the proposed project, construction-related traffic impacts would be less under this alternative as compared to the project. Although this alternative would not eliminate the Project's significant impacts with respect to operational regional emissions and would still result in significant impacts on three intersections, this alternative would generate approximately 2,750 fewer daily trips than the proposed project. Thus, operational regional air quality and traffic impacts, while still significant and unavoidable, would be less than under the Project.

Several of the Project's objectives would be met under the All Residential Use Alternative, including the Development Objective to provide a vibrant urban-living environment within the vicinity of an existing regional shopping center in close proximity to jobs, public transit, shops, restaurants, and entertainment uses. The Design Objective to create a mid-rise development that complements and improves the visual character of the area, as well as the Economic

Objectives to revitalize an existing site and provide housing that supports the economic future of the region, would also be met under this alternative. However, as this alternative would not include the development of 52,000 square feet of commercial uses as proposed under the Project, the Development Objective to provide commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood within walking distance of numerous apartments and single-family residences in the surrounding neighborhood would not be met. The Design Objectives to provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that presents an attractive retail face along street frontages while enhancing pedestrian activity and neighborhood commercial street life in the project area would also not be achieved under this alternative. Furthermore, the Economic Objective to create a viable and successful mixed-use project through the development of new housing, commercial uses, and associated amenities consistent with anticipated market demands would also not be met under this alternative.

Finding

The City finds that Alternative C would not meet the basic project objectives and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative C infeasible.

G. Statement of Overriding Considerations

The Final EIR has identified unavoidable significant impacts. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the Administrative Record, as defined above.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that the each of the Project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Project and the certification of the completed Final EIR. Despite the unavoidable impacts of the Project, the City approves the Project based on the following contributions of the Project to the community:

- Development of a 13,000 square-foot publicly-available plaza that will activate this

segment of Sepulveda Boulevard compared to existing conditions; and

- Revitalization of a large under-utilized and vacant site into a coherent development and mix of uses; and
- Installation and maintenance for the life of the project of landscaping improvements within the median along Sepulveda Boulevard between Moorpark Street and Camarillo Street; and
- Use of the Project's two community rooms by local community-based organizations; and
- Pedestrian, streetscape and transit enhancements, such as as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales to promote consistency with the Sherman Oaks Streetscape and Design Plan and foster a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage; and
- According to the August 2012 "Economic Impact Analysis prepared by the Los Angeles County Economic Development Corporation (the "EIA"), construction of the proposed project will generate in the following economic benefits;
 - Approximately \$255 million in total economic output in Los Angeles County;
 - Support 1,470 annual jobs with labor income of \$86.5 million; and
 - At least \$19.1 million of total state and local taxes.
- According to the EIA, operation of the proposed project will generate the following economic benefits:
 - Resident spending will generate \$11.4 million in total economic output and support 115 annual jobs in Los Angeles County with labor income of \$4.7 million;
 - Total ongoing state and local taxes generated due to spending by new residents of Il Villaggio Toscano is estimated to be \$1.28 million; and
 - Incremental property taxes due to the reassessed value of the property are expected to generate an additional \$1.6 million per year.

In addition, the Project will accomplish the following objectives:

1. Development Objectives

- Build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing a vibrant urban-living development within the vicinity of an existing regional shopping center.
- Create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses.
- Provide new residential units to help meet the market demand for housing in southern

California and, in particular, in the San Fernando Valley.

- Develop an energy-efficient and environmentally conscious project.
- Provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood.
- Bring convenient neighborhood-serving commercial uses within walking distance of numerous apartments and single-family residences in the surrounding neighborhood.
- Provide sufficient parking to meet the parking needs of the Project's residents, guests and visitors, employees, maintenance personnel, and delivery vehicles.

2. Design Objectives

- Create a mid-rise development that complements and improves the visual character of the area through appropriate scale and high quality architectural design and detail.
- Design the interiors and exteriors of the proposed project to promote quality living spaces that effectively connect with the surrounding urban environment.
- Incorporate landscape features in a manner that provides character and texture in an urban environment, enhances the visual character of the development, and facilitates a sense of separation and privacy for project residents.
- Enhance pedestrian activity and neighborhood commercial street life in the project area.
- Provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that present an attractive retail face along street frontages.

3. Economic Objectives

- Bring the site to a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands.
- Revitalize an existing underutilized site.
- Create a viable and successful mixed-use project.
- Provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.
- Maintain and enhance the economic vitality of the region by providing job opportunities associated with the construction of the proposed project.

H. Findings Regarding Public Comments and Responses to Comments

The Planning Department evaluated comments on environmental issues received from persons who reviewed the Draft EIR and comments received in conjunction with the February 19, 2013 joint Hearing Officer and Deputy Advisory Agency hearing. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. Supplemental Responses Comments were prepared by Matrix

Environmental with technical reports attached. The Planning Department reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has studied all the comments on the Draft EIR and the Responses to Comments contained in the Final EIR and the Supplemental Responses to Comments.

Finding. The City finds none of the comments to the Draft EIR or the comments received in conjunction with the February 19 hearing contain substantial evidence that the Draft EIR is inadequate, failed to disclose a significant environmental impact, or failed to identify a feasible mitigation or alternative that would substantially reduce or avoid the significant impacts of the proposed project. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR. Responses to Comments comply with CEQA and are directly responsive to the comments received on the Draft EIR.

Draft EIR Comments and Responses to Comments

Comment 2

With regard to Comment 2, the City finds that CalTrans has not provided substantial evidence that the EIR is inadequate or incomplete with regard to any potentially significant traffic impact to freeway segments or off-ramps, and has not provided any substantial evidence that mitigation measures determined to be infeasible are feasible. In addition, the City finds that the CMP analysis utilized in the Project Traffic analysis is supported by substantial evidence and provides adequate information as to the potential cumulative effect of the added traffic and references Section 15065(3) of the CEQA guidelines. Neither the Caltrans Guide nor the HCM contained therein identify any thresholds of significance for CEQA impacts. The thresholds in Section II.A of the Caltrans Guide refer only to *when* a traffic study is required, not to *impact* thresholds of significance for CEQA analyses. Consequently, CalTrans has provided no substantial evidence to show that the methodology of the Project Traffic analysis is inadequate or understates Project impacts.

Comment 5

The City finds that SCAQMD has not provided substantial evidence that the EIR is inadequate or incomplete with regard to its evaluation of air quality impacts. The Project Health Risk Assessment, air quality impact analysis, and Mitigation Measures are supported by substantial evidence contained within expert technical reports. SCAQMD encourages the City to relocate the proposed project away from proximity to the 101 and 405 Freeways. However, SCAQMD's opinion regarding whether the proposed project should be approved is not substantial evidence that the EIR is inadequate. The City does not prohibit residential development in close proximity to freeways. However, the City recognizes that residential development in close proximity to freeways requires in-depth analysis of exposure and mitigation measures informed by a comprehensive Health Risk Assessment. The EIR contains these requirements. Response to Comment 5-8 provides substantial evidence supporting the 30-year exposure duration utilized in the Project HRA. Although SCAQMD prefers a 70-year exposure duration methodology, SCAQMD has provided no substantial evidence that it is reasonably foreseeable that anyone will reside at the proposed project for a period approaching 70 years. To the contrary, substantial evidence in the record shows that the 30-year exposure duration far exceeds the reasonably foreseeable length of time any one person would reside within the proposed project. CEQA prohibits mitigation measures that are not rationally related to foreseeable impacts. Therefore, no mitigation would be rationally related to a speculative impact of a 70 year exposure because an exposure time of such length is neither reasonable nor supported by any evidence.

Comment 6

The City finds that notwithstanding Comment 6-11 from the Department of Water Power, it is not premature to estimate the size and capacity requirements of new water mains. On the contrary, CEQA requires that a project's reasonably foreseeable impacts be set forth and the best information be presented regarding mitigation. Furthermore, CEQA requires that this information be presented in sufficient detail to make mitigation measures enforceable and reasonably likely to reduce potential impacts. Merely stating that "main upgrades may be required" – as was suggested by LADWP – is not sufficient for CEQA analysis. On the other hand, CEQA does not require that a Draft EIR contain information that cannot be presently obtained. Consequently, the best estimates made by Sukow Engineering to determine approximate needs for water system upgrades based on the best available data constitutes substantial evidence supporting the EIR's conclusions. The Final EIR clarifies that the final sizes of the water system upgrades will be determined during the detail design stage of the project. The conclusion of the Draft EIR is supported by expert engineering analysis based on the best available data, combined with a requirement to comply with regulations and directives from LADWP, L.A. Dept. of Public Works, and the City of Los Angeles Fire Dept. regarding any capacity upgrades that may be required to meet minimum capacity and flow requirements. Such compliance is required by law before the Project can become operational and is not set forth separately as a mitigation measure, but may properly be considered a design feature of the Project.

Comment 7 (restated or similar comments in Comment 8)

The City finds that the Ventura/Cahuenga Boulevard Corridor Specific Plan Review Board (PRB) has not provided substantial evidence that the EIR is inadequate or incomplete. Comment letters 7 and 8 both articulate the PRB's opposition to the requested Specific Plan Exceptions but provide no substantial evidence relative to environmental impacts.

Comment 9

The City finds that the Sherman Oaks Neighborhood Council Board (SONC) has not provided substantial evidence that the EIR is inadequate or incomplete. Responses to Comment 9 contain substantial evidence supporting the conclusions of the Draft EIR. SONC's advocacy of "scrambled" pedestrian crossings, whereby pedestrians may cross in all directions while traffic is stopped, at Ventura and Sepulveda fails include any substantial evidence that such a measure would substantially reduce or avoid the Project's significant impacts. Furthermore, SONC's comments are not accompanied by any evidence of technical expertise with regard to traffic analysis or mitigation. SONC advocates that instead of vacating public streets as proposed by the Project that they be transformed into public parks. This proposal does not substantially reduce or avoid any of the significant impacts of the proposed project and, therefore, is not a proper alternative for purposes of CEQA analysis.

Comment 10

The City finds that the Encino Neighborhood Council has not provided substantial evidence that the EIR is inadequate or incomplete. Comment Letter 10 primarily opposes the requested Specific Plan exceptions but does not provide any substantial evidence relative to environmental impacts. Responses to Comment 10 contain substantial evidence supporting the conclusions of the Draft EIR.

Comment 11

The City finds that the homeowner's associations authoring Comment 11 have not provided substantial evidence that the EIR is inadequate or incomplete. Comment Letter 11, Comments

11-1 through 11-10 primarily oppose the requested Specific Plan exceptions but do not provide any substantial evidence relative to environmental impacts.

Comments 11-11 through 11-15 express opinions and speculations that the Draft EIR is defective and inadequate, but do not provide specific inadequacies or facts or evidence demonstrating that the Draft EIR is inadequate.

Comments 11-16 through 11-69 primarily restate conclusions of the Draft EIR or provide broad statements of what the EIR should evaluate. None of these comments contain substantial evidence that the Draft EIR failed to disclose a significant environmental impact or failed to identify a feasible mitigation measure. Responses to Comment 11 contain substantial evidence supporting the conclusions of the Draft EIR.

February 2013 Comments and Supplemental Responses to Comments

Supplemental Responses to Comments

The City Planning Department has thoroughly reviewed the Supplemental Responses to Comments and the technical reports attached thereto, and the City finds that the conclusions of the Supplemental Responses to Comments are supported by substantial evidence cited therein and elsewhere in the administrative record. The Supplemental Responses to Comments provide substantial evidence that none of the comments received in conjunction with the February 19 hearing show that the EIR analysis is inadequate under CEQA or provide substantial evidence of significant new information requiring recirculation of the Final EIR.

Furthermore, the City has thoroughly reviewed the expert credentials of the persons preparing the technical reports attached to the Supplemental Responses to Comments. The City finds that substantial evidence demonstrates that Traffic Engineer Roy Nakamura of Crain & Associates, Acoustical Engineer Amir Yazdaniyaz of Acoustical Engineering Services, and Bill Piazza of Air Quality Dynamics possess the requisite expertise and experience in their respective fields and that the technical reports prepared by each of them is credible.

SORSE Letter

The City Planning Department received a letter from attorney Bradly Torgan on behalf an otherwise unidentified association of persons known as Sherman Oaks Residents for a Safe Environment (“**SORSE**”).

The SORSE Letter was filed more than two years after the public comment period on the Draft EIR. The SORSE Letter ignored was submitted February 14, 2013—one business day before the February 19 hearing. The SORSE Letter is 30 pages with 13 attachments. A May 26, 2011 Project-specific correspondence from Hans Giroux addressed to Mr. Torgan and attached to the SORSE Letter indicates that Mr. Torgan had been retained several months before submitting February 14, 2013 letter. Although the SORSE letter was very late, the City Planning Department fully considered the SORSE letter and the Supplemental Responses to Comments provide complete responses to the SORSE Letter. In addition, the Supplemental Responses to Comments contain expert technical reports responding to the memoranda and reports attached to the SORSE letter.

Based upon the substantial evidence contained in the Supplemental Responses to Comments, the City finds that the SORSE Letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the SORSE Letter does not provide substantial evidence of significant new

information requiring recirculation of the Final EIR. Nevertheless, suggestion to tighten the enforceability Mitigation Measures B-5 and B-6 were incorporated into revised mitigation measures.

Furthermore, the City has thoroughly reviewed the expert credentials of the persons preparing the technical reports attached to SORSE Letter. The City finds that the credential of Hans Giroux fails to demonstrate that Hans Giroux possesses the requisite expertise, training, or experience to qualify him as an expert in the fields of air quality, human health, noise or vibration. Mr. Giroux's credential shows that he holds degrees in meteorology and physics, which do not establish him as an expert in air quality, human health, noise or vibration. He holds no degree in engineering or human health. Nothing in his credential shows any formal education or experience in human health risk assessments. His credential reveals no relevant publications he has authored and his experience as an educator has primarily been in the field of meteorology. The City finds that Mr. Giroux's memorandum does not contain credible expert opinion. The City further finds that the Supplemental Responses to Comments and expert reports by Bill Piazza and Amir Yazdaniyaz attached thereto provide substantial evidence refuting the opinions offered by Hans Giroux.

The City has thoroughly reviewed the experience of Mr. Arthur Kassan and finds Mr. Kassan to be qualified as an expert in traffic impact analysis. However, after thoroughly reviewing both Mr. Kassan's report attached to the SORSE Letter and Mr. Nakamura's reports, the City finds that the opposing reports constitute a disagreement among experts. The City further finds that Mr. Nakamura's reports and conclusion are more credible and provide substantial evidence refuting Mr. Kassan's conclusions.

February 19, 2013 Letter from Sherman Oaks Homeowner's Association and Homeowners of Encino

The City Planning Department thoroughly reviewed a February 19, 2013 Letter from the Sherman Oaks Homeowner's Association and Homeowners of Encino (the "SOHA/HOME Letter"). The Supplemental Responses to Comments provide complete responses to the SOHA/HOME letter. Based upon the Supplemental Responses to Comments and other evidence in the administrative record, the City finds that the SOHA/HOME Letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the SORSE Letter does not provide substantial evidence of significant new information requiring recirculation of the Final EIR.

March 8, 2013 Memorandum from Armbruster Goldsmith & Delvac

Armbruster Goldsmith & Delvac, attorneys for the Applicant, submitted a memorandum dated March 8, 2013 with several exhibits (the "**AGD Memo**") addressing the SORSE Letter, the SOHA/HOME Letter, and a February 7, 2013 electronic correspondence to the City Planning Department from Mr. Jeffery Kalban (the "**Kalban Letter**"). The City Planning Department has thoroughly reviewed the AGD Memo and the exhibits attached thereto. The AGD Memo agrees with the conclusions of the Supplemental Responses to Comments and provides further evidence and analysis supporting the EIR and responding to SORSE Letter and the SOHA/HOME Letter. The City finds that the AGD Memo provides substantial evidence that the SORSE Letter, the SOHA/HOME Letter, and the Kalban Letter do not provide substantial evidence that the EIR analysis is inadequate under CEQA nor do these letters provide substantial evidence of significant new information requiring recirculation of the Final EIR.

I. Mitigation Monitoring Program

In accordance with the Requirements of Public Resources Code § 21081.6, the City hereby adopts the Mitigation Monitoring Program, which is attached to these Findings. The mitigation measures which have been identified for the project were identified in the Draft and Final EIR. The final mitigation measures are described in the MMRP. Each of the mitigation measures identified in the MMRP, and contained in the Final EIR, is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the Final EIR. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

J. Consideration of Record; Independent Judgment

The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period. In approving the proposed project, the City decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings. The Applicant's consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies and the Applicant submitted proposed findings for consideration by the City. All such materials and all other materials related to the EIR or these findings were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives. As such, the Draft EIR, Final EIR, technical studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

K. Substantial Evidence

The City finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, technical studies, and other CEQA related materials, the administrative record, staff reports, information provided by the applicant, each and all of which are incorporated herein by this reference. Moreover, the City finds that where more than one reason exists for any finding, each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

L. Relationship of Findings to EIR

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings.

M. Project Conditions of Approval

Each of the project features and mitigation measures referenced in these Findings shall be conditions of project approval to be monitored and enforced by the City pursuant to the building permit process and the Mitigation Monitoring Program. To the extent feasible, each of the other findings and conditions of approval made by or adopted by the City in connection with the project

are also incorporated herein by this reference.

N. Custodian of Documents

The custodian of the documents or other material which constitutes the record of proceedings upon which the Director's decision is based is the City of Los Angeles, Planning Department, located at 6262 Van Nuys Boulevard, Room 351, Van Nuys, California 91401.

O. Recirculation Not Required

(a) CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record

The Final EIR documents changes to the Draft EIR. Section II.C of the Final EIR provides substantial evidence that the changes to the Draft EIR do not do not result in new significant impacts and do not warrant circulation of the Draft EIR.

The Final EIR provides additional analysis that was not included in the Draft EIR. Furthermore, Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR. Furthermore, the Responses To Comments include substantial evidence that none of these comments provided substantial evidence that project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

P. Textual Refinements and Errata

Textual refinements and errata were compiled and presented to the decisionmakers for review and consideration. The Planning Department staff has made every effort to notify the decisionmakers and the interested public/agencies of each textual change in the various documents associated with the project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.

Q. Uses of EIR

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as “responsible agencies” under CEQA). Because the City is the Lead Agency for the project, the EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the project.

Exhibit B

Response from Expert Acoustical Engineer
Amir Yazdaniyaz of Accoustical Engineering Services

Il Villaggio Toscano Project
Response to Late Public Comments on the Draft EIR

This memo provides responses to the noise comments from Bradly S. Torgan, JD, letter dated April 23, 2013, which referenced the noise comments from the Sherman Oaks Homeowners Association (SOHA); Marshal Long Letter dated February 14, 2013.

Comment #1, Page 1, last paragraph – Question regarding the project Draft EIR (Draft EIR) estimated ambient of 78 dBA CNEL at the future building versus the Marshal Long recent measurement of 80 dBA CNEL at the 6th floor of the Galleria parking structure.

Response to Comment #1 –

SOHA questioned the accuracy of the Draft EIR exterior noise data (which is recorded at the actual site of the Project's future residential building) based on the noise measurement at the 6th floor of the Galleria parking structure. Marshal Long measurements lack specific detail such as time and date of the measurements. Nevertheless, the 78 dBA CNEL noise level as indicated in the Draft EIR is an estimated noise level at the future residential building location with direct line-of-sight to the freeway (DEIR page IV.H-27). The Draft EIR estimated CNEL noise data is not the measured noise level at the 5th level of the Galleria parking structure, as indicated in the SOHA comment letter. It was estimated based on the actual measured ambient noise level (68 dBA CNEL) at ground level at the project western perimeter, which was also similar to the ambient level (68 dBA CNEL) at the northern boundary (near the 101 Freeway). The Draft EIR estimated 78 dBA CNEL represents the ambient noise level that includes contribution from both nearby highway corridors (i.e., I-405 and I-101) ignoring the presence of any existing freeway noise barrier walls. Furthermore, the measurement made by Marshal Long is approximately 200 feet (horizontal distance) from the edge of the 405 Freeway, whereas the proposed residential building is minimum 300 feet from the edge of the 405 Freeway. Therefore, it is not correct to compare the measurements made by Marshal Long with the Draft EIR levels, as they are not recorded at the same locations.

Comment #2, Page 2, 2nd paragraph – Question regarding the LA CEQA threshold guide of 70 dB CNEL as “clearly unacceptable” and that the EIR ignored the standard.

Response to Comment #2 – (this issue was addressed in the previous response to comments of 2/14/2013 letter)

As shown in Table IV.H-1, the City of Los Angeles Land Use Compatibility for Community Noise Exposures as shown in the City of Los Angeles CEQA Thresholds Guide contains overlapping categories for residential uses (e.g., Multi-Family Homes). The noise environment between 70 and 75 CNEL is stated in the table as Normally Unacceptable for Multi-Family Homes, whereas the noise environment of above 70 CNEL also is described as Clearly Unacceptable, pursuant to the L.A. CEQA Threshold Guides (Page I.2-4). Per discussion with the City Planning Department staff, the overlapping of noise levels for the Residential use category, as currently shown in the L.A. CEQA Threshold Guides document is incorrect, and that the noise levels provided in the City Noise Element (i.e., Exhibit I) should be used. As indicated in the City Noise Element, the CNEL levels for the Residential Multi-Family Clearly Unacceptable category is above 75 dBA.

The City of Los Angeles Land Use Compatibility for Community Noise Exposures, as provided in Table IV.H-1 is based on the Project site existing ambient noise level, as measured at the grade level. The measured ambient noise levels (24-hour CNEL) at the project site at the grade level, were 68 to 75 CNEL, which is within the Multi-Family Homes Land Use category of Normally Unacceptable (as indicated in the Draft EIR, page IV.H-12). As provided in the footnote of the Table IV.H-1, based on the City of Los Angeles Land Use Compatibility Guidelines, the new construction or developments in the 75 CNEL noise environment would require a detailed noise analysis to ensure the building design and construction would adequately reduce the noise levels to the interior. Therefore, Mitigation Measure H-5 was included for this purpose to ensure that the construction of the Project would provide adequate sound insulation in accordance with the City Building Code.

Comment #3, Page 2, 3rd paragraph – Question that the City of LA Building Department has never enforced the state law or the building, with respect to the interior noise levels.

Response to Comment #3 –

Our experience indicates that the City of Los Angeles Department of Building and Safety (LADBS), as part of the project plan check process, require acoustics study reports consistent with the building code Title 24 (Chapter 12 Section 12.07), where the proposed multifamily project sites fall within CNEL 60 and higher.

Comment #4, Page 2, 4th paragraph – SOHA questioned the accuracy of the noise level at the closet future building to the freeways. It is suggested to place a microphone on top of the sound barrier at a point where it would receive levels from both the 405 and the 101 freeway traffic.

Response to Comment #4 –

As explained in the response to Comment #1 above, the exterior noise level at the future residential building location with direct line-of-sight to the freeway was estimated based on the measured ambient noise level (68 dBA CNEL) at ground level at the project western perimeter, which was also similar to the ambient level (68 dBA CNEL) at the northern boundary (near the 101 Freeway). These two onsite noise measurements data were controlled primarily by the 405 and the 101 freeways. The measured noise levels at the ground level were then adjusted to reflect the future residential building condition (having a direct line-of-sight to the freeway). The suggestion of placing the microphone on top of the sound barrier would not be accurate, as the future residential building is not located immediately adjacent to the freeway existing sound barrier, and that the measured noise levels at the top of the barrier would typically be influenced by the noise from traffic on the freeway lane adjacent to the noise barrier.

Comment #5, Page 2, 5th paragraph – SOHA questioned that the 3 dBA threshold provided by the City of LA is unusually high for evaluating traffic noise impacts. It is also indicated that the threshold of impact in standard textbooks is usually set to a change of 1 dBA.

Response to Comment #5 –

Per CEQA, noise impact is generally defined as a substantial increase in noise levels from the existing conditions. CEQA, however, does not provide a numerical increase as a threshold. Therefore, the project utilized the 3 dBA significance threshold as provided in the City of L.A. CEQA Thresholds Guide. SOHA indicated that the threshold of impact in standard textbooks is usually set to a change of 1 dBA; however, no reference textbooks are provided. According to Caltrans, a trained healthy human ear is able to discern changes in sound levels of 1 dBA under controlled conditions in an acoustics laboratory (Caltrans, Technical Noise Supplement, 2009). *The project site is not a controlled condition environment.* It is generally accepted that a change of 3 dBA is the point at which the human ear will perceive a difference in noise levels (Caltrans, Traffic Noise Analysis Protocol, 2011). Furthermore, Caltrans definition of a substantial noise increase is 12 dBA (Caltrans, Traffic Noise Analysis Protocol, 2011). Recent Caltrans' EIR document utilized a 5 dBA increase as threshold of noise impacts (Caltrans, I-10 HOV Lane Project EIR). Therefore, the suggestion of using a threshold of 1 dBA by SOHA is not supported by current standards.

Comment #6, Page 2, 6th paragraph – Question regarding the construction noise impacts and the effectiveness of an 8 foot barrier

Response to Comment #5 – (this issue was addressed in the previous response to comments of 2/14/2013 letter).

The Project Mitigation Measure H-1 requires that the noise mitigation in the form of sound barrier shall provide minimum 10 dBA noise reductions and that the barrier shall be minimum 8 feet high. The Project recommended barrier height is provided as a minimum height with the goal of providing minimum 10 dBA noise reduction performance. Generally, the 8 feet high sound barrier would provide 10 dBA noise reduction for noise sources that are up to 5 feet high (medium size construction equipment, such as small bulldozer, generators, and compressors). Larger construction equipment, such as large bulldozer, would require a noise barrier of approximately 10 feet high. Therefore, the 10 dBA noise reduction performance requirement is required in Mitigation Measure H-1, as well as the minimum 8 foot height of the barrier. As described in the Draft EIR (page IV.H-30), the temporary construction noise barrier would only be effective where the line-of-sight between the equipment and the receptors will be interrupted, i.e., at the ground level. The noise barrier would not be effective for receptors at upper levels at the 777 Motor Inn with direct line-of-sight to the construction site. The EIR therefore concluded that temporary noise impacts to the 777 Motor Inn would remain significant and unavoidable.

Comment #7, Page 3, 1st paragraph – Question regarding the construction dump trucks.

Response to Comment #7 – (this issue was addressed in the previous response to comments of 2/14/2013 letter)

Noise impacts associated with Project construction haul trucks are provided in the Final EIR. (See response to Comment No. 11-26 (Final EIR Page III-105)). As indicated therein, the Project construction would generate a total of 300 truck trips per day (150 inbound and 150 outbound trips). Based on an eight-hour workday, there would be approximately 38 truck trips per hour (19 empty trucks inbound and 19 loaded trucks outbound). In addition, the haul trucks would travel a short distance (less than 500 feet) from the Project site to the nearest US-101 freeway on- off-ramp. The noise from the haul trucks would be 66.5 dBA (L_{eq}), which would be below the existing ambient levels of 68.5 to 76.6 dBA (L_{eq}). Furthermore, the Project Mitigation Measure H-3 would require that the idling of haul trucks be limited to 5 minutes at any given location. Therefore, noise impacts from haul trucks associated with the Project construction would be less than significant.

Exhibit C
Crain & Associates Letter
dated August 7, 2013



VIA EMAIL

August 7, 2013

Mr. R. J. Comer
Armbruster Goldsmith & Delvac LLP
11611 San Vicente Boulevard, Suite 900
Los Angeles, CA 90049

Subject: Arthur Kassan Letters, April 5 and April 9, 2013, Regarding Il Villaggio Toscano FEIR

Dear Mr. Comer,

Crain & Associates has reviewed the April 5 and April 9, 2013 letters prepared by Arthur Kassan, Consulting Traffic Engineer, on behalf of Bradly Torgan, the attorney representing SORCE, which is appealing approvals regarding the Il Villaggio Toscano project. Below are our responses to the two Kassan letters.

Responses to Kassan Letter, April 5, 2013

- o We concur that traffic engineering, planning and impact analysis is based on the best estimates of multiple analyses of typical conditions, and that professional opinions may differ.
- o The analysis of related projects is always a best estimate and a “snapshot” in time. The two related projects cited, both supermarkets, will not significantly change traffic patterns beyond current day-to-day fluctuations. In addition, taking into account the LADOT 40 percent pass-by trip reduction for supermarkets, the trip generation mentioned would be substantially less. If existing use trips were removed for those supermarkets, the net trips generated would be further reduced.
- o It should be noted that some related projects in the database have not gone forward or have been reduced. Nevertheless, the trips from all of the related projects were included in the analysis. Thus, even without the two supermarket related projects, the related projects analysis did not underestimate future traffic volumes.

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- o The CMP traffic analysis included both the 101 and 405 Freeways. Therefore, it was appropriate to include these freeways in the discussion regarding traffic growth trends.
- o The LADOT website did not have comparable information covering a sufficient time span for arterials closer to the project site. The arterials discussed, while farther away, are in the San Fernando Valley and did have sufficient, comparable information. These arterials included north-south and east-arterials to be more representative. The volumes on these arterials indicated that traffic volumes have generally remained stable or decreased in much of the region over the last several years. It would not be unreasonable to assume this trend includes the Sherman Oaks area.
- o The application of the same traffic growth factor to all traffic volumes, rather than selected traffic volumes at an intersection, has been the standard methodology of LADOT for many years. This is also the standard procedure for traffic studies in most local jurisdictions. The precise application of the growth factor to only some of the intersection volumes or possibly the application of variable growth factors is beyond the scope of the traffic study, which is to provide a reasonable estimation of future volumes and impacts and not the exactitude described.
- o The Supplemental Responses provided clarification regarding the project driveway usage and volumes on Sepulveda Boulevard.
- o Along with the “Do Not Block” pavement marking, the project will provide sufficient improvement to Camarillo Street, as required by the City, to allow vehicles westbound on Camarillo Street to make left turns to access the alley and driveways on the south side of the street and not unduly impede other vehicles westbound on the street. These measures will reduce the potential for queuing back to Sepulveda Boulevard and conflicts with pedestrians at the Sepulveda Boulevard intersection.
- o As stated in the Supplemental Responses, a detailed review of the project building plans will be conducted as part of the City’s building permit procedures, which will take into account safety, traffic volumes and access.
- o Property owners within 500 feet of the project site were properly notified of the preparation of the project EIR and hearings.
- o The reasons for not including Galleria Lane in the analysis were adequately explained in the Supplemental Responses.

- o The residential street impact analysis in the Supplemental Responses showed that if project traffic were to cut through the neighborhood to the east, its percentage impact would be substantially below the City's significant impact thresholds. If more diverted traffic from other sources were added to these residential streets, as suggested by the commenter, the project's relative impact would further decrease.
- o The comment regarding the "All Residential Use Alternative" made no reference to or request for an analysis of such an alternative consisting of only 399 dwelling units. The context of the comment was 500 dwelling units, which was the basis for Supplemental Response regarding the impacts of that alternative.
- o It is correct that no estimate of project pedestrian traffic was made in the analysis, as such was not allowed by LADOT for purposes of a conservative analysis.

Responses to Kassan Letter, April 9, 2013

- o The truck turning maneuver shown with the approximate 15-foot curb radius would be nearly the same if the back roadway intersected Camarillo Street at 90 degrees.
- o The project will arrange for truck deliveries to arrive during off-peak hours as much as possible in order to minimize conflicts with other project traffic. Parabolic mirrors will be installed near the intersection of back access roadway and Camarillo Street to aid drivers in seeing other. In addition, the project will use personnel to control southbound traffic on the back roadway at times when a truck enters the roadway from Camarillo Street.
- o The residential driveway on the back roadway will be designed to provide three lanes, one of which will be reversible. This driveway will be able to adequately handle the peak inbound and outbound residential traffic volumes. A second residential driveway is not necessary. Should there be a vehicle blocking one of the entry or exit lanes, the third lane can be used as a temporary bypass lane. Personnel will also be available to maneuver or remove the blocking vehicle out of the way, so that normal operations would be expected to resume fairly quickly.

Please contact me if you have any questions.

Sincerely,



Roy Nakamura, TR 445
Senior Transportation Engineer