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January 5, 2017

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Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: City Planning Case Nos: CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR, and ENV-2015-897-EIR
Council File No: 16-1368-S2

Project Address: 333 S. La Cienega Boulevard

On November 10, 2016, the City Planning Commission certified the EIR, approved CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR, and granted in part and denied in part an appeal of VTT-74131-1A, for the construction of for a mixed-use development consisting of 145 residential units, with 5 percent of the permitted base density set aside for affordable housing (7 Very Low Income units), an additional 7 units for Moderate Income households (not Density Bonus), and 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market and a 3,370 square-foot restaurant.

An appeal of the City Planning Commission's actions relative to the Master Conditional Use Permit, Variance, the On-Menu Density Bonus Incentive and Site Plan Review of CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR and ENV-2015-897-EIR was filed on December 5, 2016. The appeal was filed by the SoCal Environmental Justice Alliance (SEJA).

APPEAL ANALYSIS

The Appellant's statements are duplicative of their appeal letter to the City Planning Commission of the Advisory Agency's determination of VTT-74131, which in turn are duplicative of their statements in their July 5, 2016 comment letter to the Draft EIR. In that letter, SEJA contended that the EIR was flawed and that it should be redrafted and recirculated. The Appellant does not provide any new information or substantial evidence to justify the recirculation of the EIR or to otherwise dispute the findings of the EIR. A more detailed response to each of the Appellant's statements from the July 5, 2016 letter can be found in the Final EIR Response to Comment Letter 7. Below is a summary of the responses to the Appellant's July 5, 2016 comment letter.

Appellant's Statement: Air Quality

- The air quality impact analysis does not disclose its modeling assumptions, provides an inaccurate cumulative analysis, and does not contain mitigation measures.

Staff Response

Contrary to the Appellant's assertion, the project's phases of construction were modeled using the California Emissions Estimator Model (CalEEMod), Version 2013.2.2, as recommended by SCAQMD. Regarding the cumulative analysis, the methodology applied is appropriate and, as stated in the Section 3, Air Quality, of the Initial Study, the proposed project would not result in a cumulative air quality impact. Finally, Project Design Features addressing potential air quality impacts are included in the Mitigation Monitoring Program as Conditions of Approval for the project.

Appellant's Statement: GHG Emissions

- The EIR does not model GHG emissions from the construction of a concrete building.

Staff Response

The Appellant's assertion that a 7 percent GHG emissions rate should be applied to the GHG emissions for the construction of the concrete structure is inappropriate for an individual project because the 7 percent rate is for all GHG emissions across all projects that use concrete.

Appellant's Statements: Trip Generation

- Under operational assumptions, the EIR relies on speculations of trip generation that are not supported by substantial evidence. The EIR says that its calculations are reduced by 5% for "internal trip reductions" for the supermarket and restaurant uses, and that trips for all uses are reduced by 15% for transit and walk trips. This is improper double counting.

Staff Response

The Appellant erroneously contends that the EIR should use trip generation rates from an older, outdated version of the Institute of Transportation Engineers' Trip Generation Manual. The project estimated trip rates from the *Trip Generation Manual 9th Edition* (Institute of Transportation Engineers, 2012) as cited in *333 La Cienega Boulevard Project Traffic Study*. The Appellant is incorrect in stating that the methodology by which the trip reductions were applied constitutes "double counting." The internal trip reduction was calculated first and then subtracted from the total number of trips the project is expected to generate. The trip reduction associated with transit and walk trips was then applied to the net total vehicle trips after the internal trips were subtracted. The same process was used in applying the trip reductions associated with the pass-by reductions.

Appellant's Statement: Paleontological Resources

- Discussions of paleontological resources and relevant mitigation measures should be in the EIR as opposed to only in the Initial Study.

Staff Response

The Initial Study determined that there were no potentially significant impacts with respect to paleontological resources and, therefore, the topic of paleontological resources was not further

analyzed in the EIR. The mitigation measures that were identified in the Initial Study relative to paleontological resources (MM CUL-2, MM CUL-3 and MM CUL-4) are included in the Mitigation Monitoring Program in the Final EIR on pages 4-4 and 4-5 and are conditions of approval for the project.

Appellant's Statement: Liquefaction

- While prior investigations for the project site indicated that the liquefaction potential is "low," the EIR does not provide substantial evidence to support this claim.

Staff Response

The Geotechnical Constraints Review for the project concluded that the potential for liquefaction on the project site is considered low despite the fact that the project site is located in an area designated by the Los Angeles General Plan Safety Element and the California Geological Survey (CGS) to have high potential for liquefaction from seismic shaking (i.e., liquefiable area). Given the location of the project, liquefiable soils will be considered in the design of proposed structure and during construction site preparation activities. In addition, the 6/25/2015 (revised 12/21/2015) Geotechnical Constraints Review and a Preliminary Geotechnical Study dated 9/13/2016 was submitted to the Grading Division of the Department of Building and Safety (B & S) and B & S issued an approval letter on October 7, 2016 and the conditions therein are included as conditions of approval for Vesting Tentative Tract (VTT) No. 74131.

Appellant's Statements: Soils

- The EIR does not provide adequate information with which to analyze the impacts of previously documented soils and methane gas hazards. The EIR also fails to provide any specifics about the gas detection system.

Staff Response

The Initial Study determined that there were no potentially significant impacts from hazards and hazardous materials and, therefore, this topic was not further analyzed in the EIR. Mitigation measures ensure the proper handling and removal of Lead Based Paint through the preparation and implementation of a site-specific Health and Safety Plan in accordance with federal OSHA regulations, and the preparation and implementation of a Soil and Groundwater Management Plan. Contrary to the Appellant's statement, the project site has been identified by the Los Angeles Department of Building and Safety (LADBS) as being located in a Methane Zone. However, none of the detected concentrations for the project were above the threshold for significant impacts for methane as identified in the LADBS Methane Mitigation Standards. Nevertheless, the project is required to comply with requirements set forth in the Los Angeles Building Code, Division 71, and the Methane Mitigation Standards established by the LADBS, and would implement a gas-detection system as defined by Section § 91.7102 of the LAMC. The mitigation measures that were identified in the Initial Study relative to soil and methane hazards (MM HAZ-4, MM HAZ-5 and MM HAZ-6) are included in the Mitigation Monitoring Program in the Final EIR on pages 4-9 and 4-10 and are conditions of approval for the project.

Appellant's Statement: Dewatering

- The Draft EIR fails to discuss the potential for dewatering to occur.

Staff Response

Contrary's to the Appellant's assertion, the Initial Study concluded that there would be no potentially significant impacts as a result of dewatering after implementation of mitigation

measures, including a requirement for the project applicant to file a Report of Waste Discharge. The mitigation measures that were identified in the Initial Study relative to dewatering (MM HYD-1, MM HYD-2 and MM HYD-3) are included in the Mitigation Monitoring Program in the Final EIR on pages 4-11 and 4-12 and are conditions of approval for the project.

Appellant's Statements: Police Services

- The EIR should have assessed the present ratio of residents to police officers and how the project and other cumulative projects will affect that ratio.

Staff Response

Consultation with the LAPD has indicated that, considering the density of the project vicinity and the location of the Wilshire Community Police Station relative to the project, the addition of 528 persons from the project would not significantly impact service levels of the Wilshire Community Police Station. Thus, it was determined that there would be a less-than-significant impact. In addition, the implementation of a private security plan is required for the project.

Appellant's Statement: Quimby Fees

- The project applicant cannot rely on the payment of Quimby Fees as mitigation.

Staff Response

The payment of fees to the Park and Recreational Sites and Facilities Fund, combined with the amount of common open space and recreational amenities being proposed on the project site, would reduce the demand for park services as identified by the *L.A. CEQA Thresholds Guide*. Thus, the combination of these features would ensure that impacts to park and recreational facilities are less than significant.

Appellant's Statement: Trip Credit

- The EIR improperly takes credit for the former use as a Loehmann's Department Store even though the building has been vacant for 1.5 years.

Staff Response

Contrary to the Appellant's statement, LADOT Traffic Study Guidelines, Section F (3), allow trip credits to be taken for an existing use that was active for at least six months during the past two years. In addition, this methodology is consistent with CEQA's requirements that the existing conditions will normally constitute the baseline for purposes of analyzing a project's impacts, as set forth in *CEQA Guidelines* Section 15125(a) and 15126.2(a).

Appellant's Statements: Disaster Route

- Road closures during construction would cause a significant impact since La Cienega Boulevard is designated a disaster route by the County of Los Angeles. There would not be adequate parking for construction workers in commercial areas.

Staff Response

La Cienega Boulevard is a designated disaster route in the General Plan Safety Element. To ensure that emergency access is maintained throughout construction, the Applicant is required implement a Construction Traffic Management Plan (CTMP), thereby reducing potential impacts associated with interruption of emergency access during construction. As part of the CTMP, the

project will notify the City of Los Angeles, City of Beverly Hills, and County of Los Angeles as to expected lane closures and their duration so that appropriate measures can be taken in the case of an emergency. As the expected closures would only require closing a single travel lane and not the entire roadway, emergency personnel would still be able to use La Cienega Boulevard. The CTMP would be approved by LADOT prior to any construction. The CTMP also includes a provision that requires the Applicant to identify locations in the immediate vicinity where construction workers could park their vehicles during project construction.

Appellant's Statements: Construction PM Peak Hour Trips

- The EIR does not analyze the cumulative impacts of construction workers during the PM peak hour and the impacts of the overlap of haul routes during project construction.

Staff Response

According to the project Traffic Study, the PM peak hour in the surrounding vicinity of the project site occurs from 4:45 p.m. to 5:45 p.m. Thus, construction worker trip departures that occur between the hours of 3:00 p.m. and 4:00 p.m. would not overlap with the PM peak hour. In regard to haul routes, the haul truck routes for the proposed project and related projects would be approved by LADOT and/or the Department of Building and Safety according to the location of the individual construction site and the ultimate destination. Furthermore, as required by LADOT, the proposed project and related projects would be required to prepare a CTMP. Implementation of the CTMP would ensure that disaster detour routes are established in the event that construction lane closures are necessary.

Appellant's Statements: General Plan Consistency

- The EIR claims that the project is consistent with the General Plan Framework Land Use chapter, but the project is increasing density all over the City in violation of existing zoning and General Plan provisions.

Staff Response

Contrary to the Appellant's claims, the project is consistent with the relevant goals, objectives, and policies of the General Plan Framework Land Use Chapter, Urban Form and Neighborhood Design Chapter, Open Space and Conservation Chapter, Economic Development Chapter and Infrastructure and Public Services Chapter. A discussion regarding the increase in population and housing, is included in Section 13, *Population and Housing*, of the Initial Study, which concluded that the project and related projects' cumulative population represent approximately 4.4 percent of the City's anticipated population increase. Thus, growth anticipated from the project and related projects is within the City's growth projections and impacts were found not to be significant. Contrary to the Appellant's assertion, City Charter Sections 555, 556 and 558 permit General Plan Amendments and Los Angeles Municipal Code (LAMC) 11.5.6 sets forth the requirements.

Appellant's Statement: Visual Character

- The EIR asserts that the project is "compatible" with neighboring uses even though it would be 20 stories tall.

Staff Response

Regarding visual character, the project design fits within the context of the high-density, highly urbanized project area. Furthermore, pursuant to SB 743, since the project meets the

qualifications of a transit-oriented, infill project, aesthetic impacts are not considered significant impacts under CEQA.

Appellant's Statement: Noise

- The EIR fails to acknowledge noise impacts.

Staff Response

Pages 4.3-37 through 4.3-38 of the Draft EIR state that based on the estimated noise levels at the nearest off-site sensitive receptors to the project site, an increase in ambient exterior noise levels by 5 dBA or more during construction would occur at all of the identified off-site sensitive receptors except for the Cedars-Sinai Medical Center. Therefore, even with implementation of mitigation measures, the EIR concludes that construction noise would be significant and unavoidable.

Appellant's Statement: Alternatives

- The EIR fails to analyze any alternative that is based on a different site.

Staff Response

In addition to analyzing three alternatives, the Draft EIR discusses two alternatives that were considered, but not further analyzed due to their failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. The alternatives to the project that have been considered and rejected as infeasible include an All Commercial Alternative and an Off-site Locations Alternative.

Appellant's Statement: Energy

- The Draft EIR mentions energy saving features, but it does not specifically call out any measures that would qualify as mitigation measures.

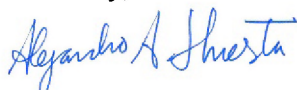
Staff Response

Section 18, *Energy Resources*, in the Initial Study, discusses the project's potential impacts on energy resources, focusing on three energy resources: electricity, natural gas, and transportation related energy (petroleum-based fuels). As described therein, the proposed project would not result in impacts on energy resources and, thus, mitigation measures are not required. Nevertheless, the project will be designed to pursue all prerequisites to achieve the required improvement of 2013 California Title-24 Energy Code and LEED Silver Certification.

Conclusion

The Appellant has failed to provide substantial evidence to dispute the City's analysis on the EIR and does not adequately disclose how the City erred in its actions relative to the EIR and the associated entitlements. As such, Planning staff respectfully recommends that the appeal be denied.

Sincerely,



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