

that are required by the City of Los Angeles pertaining to ventilation and methane gas detection systems depending on designation category. A Methane Gas Investigation Report should be conducted. The investigation should evaluate existing methane conditions. According to the Los Angeles Department of Building and Safety (LADBS), methane mitigation is required for all sites located in a Methane Zone or a Methane Buffer Zone, regardless of results obtained in a methane investigation. Specifically, requirements for control of methane intrusion in the City of Los Angeles are specified in Division 71 of Article I, Chapter IX of the Los Angeles Municipal Code ("Division 71 "). Since the Project is within a *Methane Zone*, the LADBS has the authority to withhold permits for construction unless detailed plans for adequate protection against methane intrusion are submitted. As such, the Site is located in a Methane Zone, as mentioned above, and appropriate mitigation should be listed to reduce potential impacts. By failing to include this CEQA category from the MND's analysis, the public and decisionmakers are prevented from imposing potentially valuable mitigation measures to reduce the scope of such methane impacts.

### **RESPONSE 3-2**

While the Project is located in a Methane Hazard Zone, many heavily developed parts of the City are located in Methane Hazard Zones or Methane Buffer Zones. As such, the City has enacted Ordinance No. 175790 and Ordinance No. 180619, which are designed to provide standard measures to control a common hazard in the City. Measures include site testing, detection systems, and venting, which are required as part of the LAMC. Site testing standards for methane are set as part of the LABC. The Project would comply with the LAMC and LABC, and impact determinations regarding hazards would not change.

### **COMMENT 3-3**

- **Land Use Planning (Agency Regulations)**: The MND fails to disclose potential impacts as it relates to the regional level and associated land use plans. At the regional level, the Project Site is located within the planning area of the Southern California Association of Governments (SCAG), the Southern California region's federally-designated metropolitan planning organization. The Project is also located within the South Coast Air Basin and, therefore, is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Neither of the goals or policies of both plans are discussed or disclosed of in the MND. By failing to include this CEQA category from the MND's analysis, the public and decisionmakers are prevented from imposing potentially valuable mitigation measures to reduce regional level land use conflicts, if any.

### **RESPONSE 3-3**

The SCAQMD AQMP is addressed in the Air Quality section of the IS/MND. (Initial Study Checklist & Evaluation, Page 3-10.) After stating the AQMP is designed to meet applicable Federal and State requirements, including attainment of ambient air quality standards, the IS/MND evaluates the proposed Project's compliance with the AQMP. In particular, the IS/MND states the proposed Project does not include a housing element and would not contribute to population growth. The proposed Project would result in the creation of approximately 641 new jobs (1 employee per 311 SF). Job creation from the proposed Project would represent 0.005 percent of the 108,600 jobs projected by the 2012-2035 RTP/SCS for the City from 2008 to 2020. Contrary to the comment, Project consistency with SCAG is discussed in the IS/MND. Project-related population, housing, and job growth would be consistent with population forecasts for the subregion as adopted by SCAG. Furthermore, the City's General Plan and Community Plans are built upon the SCAG's planning initiatives. As such, by being consistent with the General Plan and the Palms – Mar Vista – Del Rey Community Plan, the proposed Project would be inherently consistent with SCAG's wider reaching planning documents. (Initial Study Checklist & Evaluation, Pages 3-36–3-37.) Therefore, the proposed Project would not conflict with or obstruct implementation of the

SCAG's regional planning documents of the SCAQMD's AQMP, and impacts related to the applicable air quality plan would be less than significant. (Initial Study Checklist & Evaluation, Page 3-10.)

#### **COMMENT 3-4**

- **Utilities (Energy):** The MND scoped out this issue area without sufficient analysis that the Project would have no impacts with respect to utilities and service systems. Additionally, the MND did not take into consideration the recent Porter Ranch gas leak, which has the potential to cost the Southern California Gas Company billions of dollars and may require the curtailment of gas supply to electric generators. The California Public Utilities Commission already has ordered a reduction in the volume of available gas for certain gas storage facilities in the region, which may impact the available supply of natural gas for the Project. This issue was improperly left out of the MND and requires analysis, as well as a full discussion of electricity supply and demand, as required by Appendix F, of the State CEQA Guidelines.

#### **RESPONSE 3-4**

Per Appendix F of the 2017 CEQA Statutes and Guidelines, EIRs are required to include a discussion of the potential energy impacts of proposed Projects to ensure that energy implications are considered in project decisions<sup>1</sup> However, the discussions noted above regarding natural gas and electricity supply and demand are only required for EIRs and not IS/MNDs.

Nevertheless, the Utilities and Service Systems analysis was conducted in accordance with the current CEQA Statutes and Guidelines and is sufficient. (Initial Study Checklist & Evaluation, Page 3-59.) As stated in the IS/MND, approximately one percent of the proposed Project's energy will be obtained from solar panels installed on-site, per compliance with Section A5.211 of the Guide to the 2016 California Green Building Standards Code – Non-residential. (Project Description, Page 2-8.) This would be accomplished by 3,330 square feet of rooftop solar panels generating approximately 58 amps at 480V, which equals over 1 percent of the building's electrical service assuming a 5000A 277/480V service requirement. The proposed Project would also incorporate passive environmental lighting, and energy-efficient lighting would be incorporated into the Project's design. (Project Description, Page 2-8.) Overall the proposed Project would incorporate many features that would reduce its overall electricity consumption.

In addition while of regional concern, the Porter Gas leak is far removed and has no relation to the Project. The Project does not involve a large gas infrastructure project and there is no evidence to suggest that there is an association between the Project and a gas leak approximately 30 miles away from the Project Site. There is no evidence that natural gas supplies available for the Project will be impacted.

In sum, the proposed Project would not result in the inefficient, wasteful and unnecessary consumption of energy. The proposed Project would only result in an incremental increase in the use of electricity in respect to the overall system and would incorporate green building standards that would reduce energy consumption.

#### **COMMENT 3-5**

- **Cumulative Analyses:** The MND does not include a reliable or defensible cumulative impacts analysis, as required by CEQA. One of the basic and vital informational functions required by CEQA is a thorough analysis of whether the impacts of the Project, in connection with other related projects, are cumulatively considerable. Proper cumulative impact analysis is vital under CEQA because the

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<sup>1</sup>CEQA Statutes and Guidelines, *Appendix F, Introduction, Page 279, 2017.*

full environmental impact of a proposed Project cannot be gauged in a vacuum. Indeed, one of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact. Therefore, cumulative effects analysis requires consideration of "reasonably foreseeable probable future projects, if any." *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *Gentry v City of Murrieta* (J995) 36 Cal.App.4th 1359, 1414. This issue was improperly left out of the MND and requires analysis, per CEQA standards.

### **RESPONSE 3-5**

The IS/MND includes an evaluation of the proposed Project's cumulative impacts with regard to 29 related projects identified in the Traffic Impact Study. (Initial Study Checklist & Evaluation, Page 3-63; Appendix H – Traffic Impact Study, Page 22.) The 29 related projects were quantitatively evaluated in all Traffic analyses, all Air Quality analyses, and all Noise analyses. (Initial Study Checklist & Evaluation, Page 3-13 [Air Quality]; Page 3-27 [Greenhouse Gas]; Page 3-56 [Traffic].) The list of 29 related projects was based on information on file at LADOT and Department of City Planning, County of Los Angeles Department of Regional Planning, and Culver City Planning Division. In addition, to provide a conservative, worst case, estimate of future traffic in the Project study area, a new 250,000-square-foot office building was assumed on a property located near the Project Site at 5405 Jandy Place, even though there is no formal development application made to the City (Appendix H – Traffic Impact Study, Page 22).

As for the other CEQA Environmental Checklist topics, the cumulative impacts to which the proposed Project would contribute would be less than significant as all potential impacts of the proposed Project were determined to be reduced to less than significant levels with the implementation of regulatory compliance measures or mitigation measures. In addition, none of the related project impacts are close enough to the Project Site to have cumulative impacts in the area. None of the potential impacts are considered cumulatively considerable, as the proposed Project's incremental contribution to cumulative impacts related to Aesthetics, Agriculture/Forestry Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources and Utilities were determined to be less than significant.

### **COMMENT 3-6**

#### **2. The Project Description (Section 2) Is Inadequate & Does Not Meet CEQA's Requirements**

The Project Description is confusing and does not provide an accurate and stable definition of the proposed Project that is easily understood by the public or decisionmakers. These clarifications are necessary in order for the general public and decisionmakers to adequately review the MND. It is very unclear at times what the Applicant is proposing. Our findings are below.

- The description of the surrounding uses is inadequate. The MND makes no mention of the existing schools situated to the north and east of the Project Site.

### **RESPONSE 3-6**

The IS/MND includes a detailed description of the Project Site in Section 2.0 Project Description of the IS/MND. The Project Description states the Project Site is located within the Palms—Mar Vista—Del Rey Community Plan Area of the City. It includes a figure (Figure 2-1) depicting that the Project Site is

roughly bound by the State Route 90 (SR 90), Marina Freeway, to the north (approximately 600 feet from the Project Site) and Jefferson Boulevard to the south. It further states the Project Site is within the Del Rey neighborhood and is currently comprised of five (5) contiguous lots located at 12575 Beatrice Street and 12541 Beatrice Street. It continues that following a lot line adjustment, the Project Site will be comprised of four (4) contiguous lots totaling approximately 196,447 SF. The Project Description further states the Project Site is currently developed with a 23,072-square-foot office building and two accessory buildings of 5,044 and 2,144 square feet at 12575 Beatrice Street, and an 87,881-square-foot office building at 12541 Beatrice Street. (Project Description, Page 2-1.)

The IS/MND includes a detailed description of the surrounding uses. In particular, it notes the Project Site is located within a commercial office and industrial low- and medium-rise, mixed-use neighborhood. A five-story apartment building is located on the southwestern side of the Project Site, across Beatrice Street. Additionally, there are several commercial office and industrial buildings located to the west, north, and southeast of the Project Site. Adjacent to the eastern side of the Project Site are two (2) two-story commercial office/industrial buildings. Further east are single-family homes across Grosvenor Boulevard, filling the area from Hammock Street to Beatrice Street. A six-level parking structure is located adjacent to the Project Site's northeastern side. The Project Description includes a figure (Figure 2-2) depicting the Project Site and the surrounding area (Project Description, Page 2-1.)

In addition, each of the CEQA Environmental Checklist topics addressed in the IS/MND includes a discussion of the environmental setting as it pertains to that particular issue area. In regards to schools, the IS/MND discloses that there are several schools located in the project area, and specifically identifies the Playa del Rey Elementary School located at 12221 Juniette Street in Culver City (Initial Study Checklist & Evaluation, Page 3-30). This is the closest school to the Project Site and the only school within 0.25 mile of the Project Site. As discussed in the IS/MND, the proposed Project would result in no impacts to this school or to other schools in the Project area.

#### **COMMENT 3-7**

- It is unclear if the proposed 135-foot height listed in the Project Descriptions is accurate or not. The language suggests that an additional 20-feet of mechanical penthouse component is also proposed. Is this considered part of the overall height of the structure? This requires clarification.

#### **RESPONSE 3-7**

The height of the new Project will be 135 for the new building, with an additional up to 20 feet for rooftop equipment. Inadvertently in the Aesthetics section of the IS/MND, the Project is described as 10 stories. (Initial Study Checklist & Evaluation, Page 3-3.) To be more exact, the number of stories will be 8 above-ground levels and 2 subterranean levels, as described in the IS/MND Project Description and as depicted in the appended Project plans. (Project Description, Page 2-8.) In addition, the existing low scale building the Project Site will remain and be incorporated in to the Project. Relevant sections of the IS/MND, including the shade/shadow analysis, correctly utilized the building height, including potential mechanical penthouse component. (Initial Study Checklist & Evaluation, Page 3-4, and Page 3-4 Footnote 4.)

#### **COMMENT 3-8**

- The MND states that retail shops, restaurant uses, and lounges are included as part of the overall development and use of the Project site. However, the exact size and location of these mid- to ground-floor retail uses are not fully disclosed or calculated into the total of the available square-footage or the Project. Are these retail shops, restaurant, and lounge uses considered commercial square-footages? This does not make sense and is confusing. To evaluate the Project, the public must be

given clear information regarding the amount of commercial square footages associated with such uses to fully understand the overall scope of potential impacts. Throughout many Sections of the MND (and as outlined further below), the analysis states that new retail uses are being proposed which will attract visitors to the site, yet, in other areas, the Project is advertised as a development with no commercial square-footage and claims that the retail uses will be primarily, if not entirely, used by onsite visitors or users of the office space. These issues need to be clarified in greater detail, as the narrative is extremely confusing at times and does not allow the public to meaningfully review the Project.

### **RESPONSE 3-8**

The proposed Project would have a total area of 199,500 SF, including 196,100 SF of office space distributed throughout five (5) levels, roof garden amenities, and approximately 3,400 SF of retail/restaurant space distributed at the ground, second and third levels on the 12575 Beatrice Street lot. (Introduction, Page 1-1). To further clarify, approximately 2,500 SF of café/restaurant uses and smaller retail spaces would be located on the ground floor; and 900 SF of retail space would be located on the second and third floors. (Project Description, Page 2-8.) 500 SF of the retail space would be located on the second floor and 400 SF of retail space would be located on the third floor. The retail/restaurant space is included in the total area of 199,500 SF (196,100 SF Office Space + 3,400 SF retail/restaurant space). The Project would add retail uses, public seating areas and landscape areas along the building frontage to encourage pedestrian activity. (Initial Study Checklist & Evaluation, Table 3-4.) Contrary to the comment, the IS/MND does not state that retail uses would attract visitors to the Project Site and clearly states approximately 3,400 SF of retail/restaurant space will be located on the Project Site. Users of the retail and restaurant spaces will most likely be office works and tenants occupying the office spaces or workers from nearby offices.

### **COMMENT 3-9**

- The Project Description states that roughly 3,400 square-feet of the Project would be dedicated (we think) to solely retail and restaurant uses. However, the Traffic Impact Study does not include any retail and restaurant square footages in its trip generation estimates. How much floor area will actually be dedicated to restaurant and dining space for the Project? These glaring inconsistencies illustrate that the Project Description shifts throughout the MND and makes it impossible to properly assess the significance of Project impacts. Please explain the reasons for the differences in floor area dedicated to restaurant and dining uses under the MND when compared to the Traffic Impact Study.

### **RESPONSE 3-9**

The Project includes approximately 2,500 SF of café/restaurant use and smaller retail spaces located on the ground floor; and 900 SF of retail space located on the second and third floors. (ProjectDescription, Page 2-8). 500 SF of the retail space would be located on the second floor and 400 SF of retail space would be located on the third floor. However, dependent on tenant requirements these spaces may be divided as necessary. In regards to consistency with the traffic study, it is common for office buildings (particularly larger office buildings) to provide tenant services (retail and food-serving uses). These tenant services would generate few, if any, external trips because most patrons will likely be tenants from within the Project, or walk-ins from nearby offices or apartments. Any such external trips are already accounted for in the office vehicle trip generation rates, which are derived based on driveway traffic counts conducted at existing office buildings. This is verified in the description of the office land use provided in the *Trip Generation* manual published by the Institute of Transportation Engineers. For the office land use, it states within the *Trip Generation* manual: “An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers and tenant

services, such as a bank or savings and loan institution, a restaurant or cafeteria and service retail facilities.” (ITE, Trip Generation Manual, 9<sup>th</sup> Edition, 2012). Accordingly, there is no need to revise the trip generation forecast for the Project based on the provision for 3,400 SF of retail/café uses on-site as any external vehicle trips that may be generated by this area are already factored into the ITE office trip generation rates.

#### **COMMENT 3-10**

- Where are the proposed outdoor bars and restaurants to be located? They are not shown on the provided Site Plan. The public should be given clear information as to where they are to ensure that projected noise and air quality modeling are executed accurately. This is not indicated on the Site Plan.

#### **RESPONSE 3-10**

No bars and no outdoor restaurants are proposed. As shown in IS/MND Figures 2-3, 2-4 and 2-9, the proposed indoor restaurant/cafe area is located along the north central portion of the Project Site along Beatrice Street at the building corner, and the smaller retail space is located on Beatrice Street between Jandy and the first Beatrice driveway. (Project Description, Pages 2-5, 2-6 and 2-11.) In addition, outdoor public seating areas are proposed near the Jandy Place cul de sac, at the corner of Jandy Place and Beatrice Street, and along the Project’s interior walkway (Figure 2-9). These seating areas are proposed for use by Project occupants and neighbors including those who frequent food trucks currently parking on Jandy Place during the lunch hour.

#### **COMMENT 3-11**

- Regarding construction, Section 2.3 of the MND states that Project construction "would occur over approximately 22 months." This 22-month figure is used throughout the document, but it understates the actual construction time period required for the Project. The MND goes on to state that several months of infrastructure work would also be required, but since it "would precede" the 22-month construction period, it is not included as part of the overall construction time period. The "infrastructure work" should be properly considered part of the construction work required for the Project and the MND's description of the Project’s construction duration makes the length of construction time required appear shorter than is actually proposed for the Project.

#### **RESPONSE 3-11**

The IS/MND states that the proposed Project would connect to existing utility infrastructure (e.g., water mains, sewer lines, and storm drain inlets), which could require off-site improvements in the adjacent rights-of-way (Introduction, Page 1-2.). The Project Description does not describe any construction activities on the Project Site that would precede commencement of the 22-month construction period. It is unclear where the comment originates as the phrases referred to are not included in the Project Description, description of construction activities, or anywhere else in the IS/MND document.

#### **COMMENT 3-12**

### **3. The Environmental Setting Is Non-Existent**

The Environmental Setting Section, which is absent from the MND, fails to adequately disclose what the Applicant proposes to build. The MND should include a Section explaining and clarifying that the analysis of the environmental baseline assumes a built environment with several structures onsite, with the full range of potential/estimated environmental impacts already in existence and occurring onsite. This

would help establish what is being analyzed in the MND when disclosing the City's significance conclusions under the various CEQA environmental categories.

In addition, there is no cumulative project list contained in the Project Description. Please correct these glaring errors and provide an accurate cumulative impact analysis based on a City approved related projects list.

### **RESPONSE 3-12**

The IS/MND includes a detailed description of the surrounding uses. (Project Description, Page 2-1.) In particular, it notes the Project Site is located within a commercial office and industrial low- and medium-rise, mixed-use neighborhood. A five-story apartment building is located on the southwestern side of the Project Site, across Beatrice Street. Additionally, there are several commercial office and industrial buildings located to the west, north, and southeast of the Project Site. Adjacent to the eastern side of the Project Site are two (2) two-story commercial office/industrial buildings. Further east are single-family homes across Grosvenor Boulevard, filling the area from Hammock Street to Beatrice Street. A six-level parking structure is located adjacent to the Project Site's northeastern side. The Project Description includes a figure (Figure 2-2) depicting the Project Site and the surrounding area. In addition, each of the CEQA Environmental Checklist topics addressed in the IS/MND includes a discussion of the environmental setting as it pertains to that particular issue area. (Initial Study Checklist & Evaluation, Page 3-2; Page 3-10.)

See Response 3-5, above, in regards to the cumulative analysis and the list of related projects which was included in the Traffic Study prepared for the proposed Project and analyzed in the Traffic, Air Quality and Noise sections of the IS/MND (Appendix H – Traffic Impact Study, Table 6-1 and Figure 6-1).

### **COMMENT 3-13**

#### **4. Environmental Impacts (Section 3) Are Not Properly Assessed**

Those limited environmental impact areas that are studied under the MND are not analyzed properly. The MND either understates identified significant impacts or improperly concludes that impacts are less than significant or that mitigation would reduce impacts to less than significant levels. The flaws as to each of the impact areas discussed in Section 4 of the MND are discussed below.

##### *3.1 Aesthetics*

The Aesthetics Section contains numerous errors, inconsistencies, omissions, and incorrect assumptions and conclusions. They are summarized here.

- The aesthetics impacts of the Project were improperly analyzed. The section does not delve into overall design and compatibility of the building with existing structures and uses in the surrounding area. For example, what are some facade improvements and colors that would complement the area? The overall height of the structure, listed at 135-feet, seems misleading, as the number does not consider the proposed Penthouse on the roof of the proposed structure. Proposed landscaping should also be discussed and show its compatibility with the neighborhood. With this, what is the actual character of the building and would the structure be compatible with the surrounding character, which is not fully disclosed in the MND. This needs to be expanded.

**RESPONSE 3-13**

The IS/MND provides a detailed discussion of the building's height and an analysis of the proposed Project's impact on the visual character or quality of the surrounding area. (Initial Study Checklist & Evaluation, Page 3-2-3-8.) Elevation drawings, shade and shadows diagrams, and architectural renderings of the proposed Project are included in the IS/MND. (Project Description, Pages 2-2-2-7; Initial Study Checklist & Evaluation, Page 3-5-3-7; Appendix A-Additional Architecture Drawings.)

The IS/MND determined that impacts related to visual character and quality would be less than significant, because the design of the proposed building would enhance the visual quality and pedestrian experience of the surrounding area and streetscape by adding an architectural building with fully screened parking, ample setbacks, and enhanced landscaping throughout. (Initial Study Checklist & Evaluation, Page 3-2.) Specifically, the proposed Project would provide approximately 48,584 square feet of landscaping (e.g., trees, green space, etc.) and 47,198 square feet of hardscape (e.g., courtyards, pathways, etc.) throughout the Project Site and on the new building's terraces on the upper levels. In addition, potential light and glare impacts would be mitigated through Mitigation Measures **I-120** and **I-130**, and the parking garage would be screened and in compliance with Mitigation Measure **I-200**. (Initial Study Checklist & Evaluation, Page 3-3.)

Lastly, to provide the most conservative analysis for calculating potential shade screening impacts, the up to 20-foot potential mechanical penthouse was factored in to the analysis and the shade screening calculation was 450 feet (derived from 3 x 135 feet for the main structure plus 20 feet for mechanical penthouse) (Initial Study Checklist & Evaluation, Page 3-4, and Footnote 4.)

**COMMENT 3-14**

- Regarding shade and shadow sensitive receptors, the MND fails to mention that there exists an outdoor gathering space directly north of the Project Site. According to the *L.A. CEQA Thresholds Guide*, shadow sensitive uses are "facilities and operations sensitive to the effects of shading include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors." These land uses are termed "shadow-sensitive" because sunlight is important to function, physical comfort or commerce. The *L.A. CEQA Thresholds Guide* calls for a determination of whether there are any shadow-sensitive uses to the north, northwest, or northeast of a project, as that is generally the path shadows will be projected. As such, the MND falls inadequate in this analysis. As mentioned, directly north of the Project Site exists an outdoor gathering/seating/eating location for adjacent office building works. The MND fails to identify this particular area as shadow sensitive use, which it is. This needs to be discussed and disclosed in the MND.

**RESPONSE 3-14**

The MND correctly identifies the only shadow-sensitive uses in the immediate vicinity of the Project as the residential apartments on the south side of Beatrice Street. Contrary to the comment, the "outdoor gathering/seating/eating location" associated with the adjacent office use is not considered a shadow sensitive use. According to the *L.A. CEQA Thresholds Guide*, shadow sensitive uses are "facilities and operations sensitive to the effects of shading include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors." (*L.A. CEQA Thresholds Guide*, 2006, Page A.3-1) Outdoor

gathering/seating/eating locations associated with office uses are not considered shadow sensitive uses according to the *L.A. CEQA Thresholds Guide*. (Initial Study Checklist & Evaluation, Page 3-4.)

### **COMMENT 3-15**

#### *3.3 Air Quality*

The Air Quality Section contains numerous errors, inconsistencies, omissions, and incorrect assumptions and conclusions. They are summarized here.

#### Construction Air Quality Impacts

- Regarding construction impacts, numerous errors were made with respect to the CalEEMod analysis. These errors resulted in construction air quality impacts being understated. The CalEEMod analysis should be redone using assumptions more consistent with industry standards. Errors and improper assumptions include the following.
  - The construction phasing in the CalEEMod analysis conflicts with the Project Description. As identified in the MND, early infrastructure work (e.g., storm drain line, retaining wall, shoring) would precede a 22-month construction period. The CalEEMod analysis uses a 22-month process after the initial infrastructure shoring period. Why is that? What effect does this have on the modeled emissions? Are they lower or higher? This must be explained.
  - The CalEEMod air quality analysis assumes a very low level of equipment associated with the construction phases.

### **RESPONSE 3-15**

To address the first element of the comment, the entirety of the MND was reviewed and a text search was performed to identify instances of the use of “storm drain,” “retaining wall,” and “shoring.” The phrase “storm drain” does not appear in the Project Description, and is only used in the Hydrology and Water Quality topical discussion (Initial Study Checklist & Evaluation, Page 3-33—3-34) and the Utilities and Service Systems topical discussion (Initial Study Checklist & Evaluation, Page 3-61) of the MND. There is no mention of any storm drain installation that would occur prior to the commencement of demolition activities on the Project Site. This comment is not corroborated by the contents of the MND, as it refers to elements of the project description that do not exist.

The phrases “retaining wall” and “shoring” do not appear at all in the entire document. The Project Description does not describe any construction activities on the Project Site prior to demolition of existing structures. It is unclear where the comment originates as the phrases referred to are not included in the Project Description, description of construction activities, or anywhere else in the IS/MND document. This comment is unsubstantiated and inaccurate.

The latter portion of this comment asserts that the construction equipment inventory utilized in the CalEEMod emissions modeling was too minimal. Minor adjustments were made to the equipment inventory based on Project-specific information describing the types of activities that would occur on the Project Site. However, in reviewing the CalEEMod files, it was determined that the Project equipment inventory was adjusted in the following ways:

Phase	Default Inventory (Number of Equipment)	Project Inventory (Number of Equipment)	Net Change (Number of Equipment)
Demolition	5	9	+4
Site Prep/Clearing	3	3	0
Excavation/Grading	4	7	+3
Building Construction	8	15	+7
Architectural Coating	1	1	0

Review of the CalEEMod files revealed that the Project inventory actually included 17 additional pieces of equipment relative to the default inventory for a Project Site between two and three acres in size. If anything, the analysis represents a conservative estimate of the maximum daily equipment activity during construction of the proposed Project. The comment is unsubstantiated and inaccurate, and reflects a misinterpretation of the emissions modeling for the proposed Project.

**COMMENT 3-16**

- Haul trucks are proposed to stage at Jefferson Boulevard south of the Project Site. A CO hot-spot analysis should have been conducted for this staging location, which is adjacent to heavily congested intersections along Jefferson Boulevard.

**RESPONSE 3-16**

This comment suggests that a carbon monoxide (CO) hot-spot analysis should have been conducted for the staging area along Jefferson Boulevard south of the Project Site. Typically, CO hot-spot analyses are no longer required by the SCAQMD and other Lead Agencies due to improvements in vehicle exhaust emissions resulting from programs established by the California Air Resources Board (CARB) to reduce mobile source emissions of criteria pollutants.

In 2003, as part of formulation of the 2003 AQMP, the SCAQMD conducted research on CO concentrations at the most congested intersections within the City of Los Angeles. The SCAQMD determined that the intersection of Wilshire Boulevard and Veteran Avenue in Westwood was the most heavily trafficked at 100,000 daily vehicles, and generated a maximum 1-hour CO concentration of 4.6 ppm. The applicable 1-hour ambient air quality standard (AAQS) for 1-hour CO concentrations is 20 ppm. Therefore, by extrapolation, over 400,000 daily vehicles would need to pass through an intersection in order to exceed the 1-hour CO AAQS. It should be noted that since 2003, vehicle engine emissions have been reduced substantially as a result of CARB program implementation.

The industry standard for traffic impact assessment assumes that approximately 8 to 12 percent of daily vehicle volumes occur during a peak hour, in either the AM or the PM. Based on review of the Traffic Impact Study for the proposed Project, the Existing Traffic Volumes for the study area yielded a maximum AM peak hour vehicle volume of 4,670 and a maximum PM peak hour vehicle volume of 5,101 along Jefferson Boulevard at the intersection of Centinela. Conservatively assuming that the PM peak hour volume only represents approximately 5 percent of daily volumes, the maximum daily traffic at the intersection of Jefferson Boulevard and Centinela Avenue would extrapolate to 102,020 daily vehicles. This volume is within 2 percent of the maximum daily volume at the Wilshire Boulevard and Veteran Avenue intersection from the SCAQMD 2003 AQMP. Therefore, it is unlikely that maximum 1-hour CO concentrations at any intersection within the Project area exceed 5 ppm, which is only 25 percent of the 1-hour CO AAQS.

Construction of the proposed Project would require a maximum of 75 haul trucks per day during excavation and grading activities. (Initial Study Checklist & Evaluation, Page 2-13.) It is unlikely that maximum hourly truck volumes would exceed 10 trucks per hour. The addition of 10 heavy duty trucks to

an intersection that experiences a maximum peak hour volume of 5,101 vehicles is not capable of quadrupling CO emissions at the intersection. The comment reflects a lack of understanding regarding current air quality assessment procedures, as the CO hot-spot analysis has become obsolete in recent years due to improvements in engine and fuel technologies and attainment of the AAQS. A CO hot-spot analysis was not and is not warranted for the proposed Project.

### **COMMENT 3-17**

- A health risk assessment should have been conducted to assess potential impacts to neighboring schools. Although the elementary school is greater than 100-feet from the Project Site, construction is anticipated to last 22 months, though could be longer. Given the high level of diesel emissions and the close proximity of an existing elementary school, a health risk assessment should have been completed. What was the reason for not completing one as part of the MND? Health risks to elementary school kids must be addressed.

### **RESPONSE 3-17**

This comment suggests that a health risk assessment should have been conducted to assess potential air quality impacts to neighboring schools surrounding the Project Site. The IS/MND discloses that there are several schools located in the project area, and specifically identifies the Playa del Rey Elementary School being the closest, located approximately 0.25 miles east of the Project Site (Initial Study Checklist & Evaluation, Page 3-30). The other schools near the Project Site are Playa Del Rey Elementary located approximately 0.25 miles east of the Project Site, Marina del Rey Middle School located approximately 0.3 miles north of the Project Site, and the Westside Neighborhood School located approximately 0.41 miles west of the Project Site.

The SCAQMD has prepared a list of land uses that constitute substantial sources of TAC emissions. The list includes: high-traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, perchloroethylene dry cleaners, and large gasoline dispensing facilities. These uses have been identified to generate TAC emissions that may cause air quality concerns for nearby sensitive land uses. Office and restaurant uses are not included in the list, as operation of these land uses does not generate substantial TAC emissions. Emissions of air pollutants disperse upon being released into the atmosphere, and SCAQMD research has shown that concentrations of diesel particulate matter (DPM) decrease by over 80 percent between a downwind distance of 20 meters (65 feet, 0.01 miles) and a downwind distance of 500 meters (0.31 miles) from the source of emissions.

The air quality impact assessment in the IS/MND demonstrated that maximum daily emissions of PM<sub>10</sub> from on-site sources (construction equipment) would not exceed the SCAQMD localized significance threshold (LST) values. (Initial Study Checklist & Evaluation, Table 3-1.) Furthermore, concentrations of diesel PM<sub>10</sub> would decrease by over 80 percent by the time emissions from construction activities reached the nearest school property. (Initial Study Checklist & Evaluation, Page 3-14.) Additionally, the California Air Pollution Control Officers' Association (CAPCOA) recommends a screening distance of 1,000 feet for school siting near substantial sources of air pollution such as distribution centers and rail yards. The schools nearest to the Project Site are located over 1,400 feet away from the Project Site. Therefore, a health risk assessment examining potential exposures of school children to toxic air contaminant emissions generated during construction activities is not warranted. The comment reflects a poor understanding of current air quality assessment guidance and recommendations regarding health risk assessments.

**COMMENT 3-18****Operational Air Impacts**

- Operational air impacts are largely the result of off-site mobile sources. The MND states that "[t]he estimate of total daily trips associated with the proposed Project was based on the Traffic Impact Analysis prepared ..." As discussed below, the Traffic Impact Study substantially understates the number of daily trips, since it uses solely an office use generation for its trips, when clearly there are restaurant and retail uses proposed. As a result, the emission volumes are also understated. Mobile emissions must be recalculated using the correct number of daily trips.

**RESPONSE 3-18**

It is common for office buildings (particularly larger office buildings) to provide tenant services (retail and food-serving uses). These tenant services would generate few, if any external trips because most patrons will likely be tenants from within the project, or walk-ins from nearby offices. Any such external trips are already accounted for in the office vehicle trip generation rates, which are derived based on driveway traffic counts conducted at existing office buildings. This is verified in the description of the office land use provided in the *Trip Generation* manual published by the Institute of Transportation Engineers.

For the office land use, it states within the *Trip Generation* manual: "An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers and tenant services, such as a bank or savings and loan institution, a restaurant or cafeteria and service retail facilities." (ITE, *Trip Generation Manual*, 9<sup>th</sup> Edition, 2012). Accordingly, there is no need to revise the trip generation forecast for the Project based on the provision for 3,400 s.f. of retail/café uses on-site as any external vehicle trips that may be generated by this area are already factored into the ITE office trip generation rates. Therefore, there is no need to revise operational mobile source emissions modeling and operational air quality impacts have not been understated.

**COMMENT 3-19:**

- The MND states that the proposed Project would not be a source of toxic air contaminants. This ignores the fact that there will be a substantial increase in truck deliveries to the Project Site as a result of the commercial uses that will now need to be serviced. Exposure to TACs is exacerbated by the Project sites location immediately Playa Vista and north of Jefferson Boulevard. The proposed Project contains office uses and restaurant uses, both sensitive land uses. Accordingly, a mobile health risk assessment should have been conducted for the Project's users to ensure that the proposed "Project is not exposing sensitive receptors to substantial concentrations of DPM." (Id.) Please include such an assessment in the MND or explain why it is not included.

**RESPONSE 3-19**

The comment suggests that the proposed Project would be a substantial source of toxic air contaminant (TAC) emissions. The SCAQMD has prepared a list of land uses that constitute substantial sources of TAC emissions. The list includes: high-traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, perchloroethylene dry cleaners, and large gasoline dispensing facilities. These uses have been identified to generate TAC emissions that may cause air quality concerns for nearby sensitive land uses. Office and restaurant uses are not included in the list, as operation of these land uses does not generate substantial TAC emissions. This comment reflects a misunderstanding of land uses that generate substantial TAC emissions and is not accurate.

The comment also suggests that office uses and restaurant uses are considered sensitive land uses. The SCAQMD has prepared a list of land uses that constitute sensitive receptors, which includes: schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, hospitals, retirement homes, residences. Offices and restaurants are not on this list, and are not considered sensitive land uses. The comment is inaccurate in its assertion that offices and restaurants are sensitive land uses, reflecting a misunderstanding of SCAQMD guidance on sensitive receptors. This comment is unfounded and invalid.

### **COMMENT 3-20**

- The Project could also result in a cumulative air quality impact, which was not disclosed for some reason. The proposed growth in population from the Project could exceed the 2020 projections for the City in the adopted 2012 AQMP. As such, the Project would conflict and obstruct implementation of the applicable, federally-approved air quality attainment plan for the region. This potential impact is not recognized. It should have been.

### **RESPONSE 3-20**

Population growth only results from introduction of new residential land uses to a region, which subsequently increases the number of people living in that region. The proposed Project would increase employment, but would not directly increase population. (Initial Study Checklist & Evaluation, Page 3-48.) There is no evidence to substantiate the assertion that implementation of the proposed Project would cause population growth and there is no element of the proposed Project that involves residential development. Therefore, it is not possible that implementation of the proposed Project would induce population growth capable of exceeding projections in the 2012 AQMP or the 2016 AQMP, and there is no potential for a cumulative air quality impact. This comment fails to provide any evidence that the Project development would directly contribute to population growth.

### **COMMENT 3-21**

#### *3.5 Cultural Resources*

The Cultural Resources Section does not provide adequate mitigation to reduce a potential impact to a less than significant level - ultimately failing as an informational document.

The proposed MND mitigation mentions that if cultural resources (including archaeological and paleontological resources) are found on-site during grading and excavation, then a qualified archaeologist/paleontologist will evaluate the find. Given the cultural resources environment near the Playa Vista development south of the Project Site (and surrounding area), this mitigation measure is insufficient to mitigate impacts to a less than significant impact. As found in the Village at Playa Vista Final RS-EIR (August 2009), the longer-term placement of buildings in the area would limit future access to the soils underling the Play Vista Site that have been rated as having archaeologically and paleontologically high impact significance. With this, mitigation measures were required regarding the location of any potential resources to be included in and archived as pan of the treatment plan prior to earthwork being performed. Effective mitigation measures should include an on-site monitor during all building and excavation activities. Similarly, a qualified Archaeologist and Paleontologist should be retained to develop and implement a monitoring program for construction activities that could possibly encounter older sedimentary deposits and/or human remains. The qualified Archaeologist and Paleontologist should also attend a pre-grading/excavation meeting to discuss a monitoring program prior to any earthwork being performed. If cultural resources are found, a qualified Archaeologist and Paleontologist must be required to prepare a report regarding the find and its treatment effort to be

submitted to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies. This report must include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register.

### **RESPONSE 3-21:**

Contrary to the comment, the IS/MND adequately addressed cultural resources. (Initial Study Checklist & Evaluation, Page 3-19—3-21.). In addition, the IS/MND included regulatory compliance and mitigation measures sufficient to reduce impacts related to archaeological and paleontological resources to less-than-significant levels. These included Regulatory Compliance Measures **RC-CR-1** through **RC-CR-3**, which stated how potential archaeological, paleontological, and human remain resources that may be discovered during excavation will be dealt with in accordance with federal, State and local guidelines. In addition, Mitigation Measure **CR-1** also requires an approved Native American monitor will be present during ground disturbing proceedings to further protect and identify archaeological resources. These Regulatory Compliance Measures and Mitigation Measures will mitigate any potential cultural resources impacts to less than significant levels.

### **COMMENT 3-22**

#### *3.6 Geology and Soils*

The Geology and Soils Section has many inconsistencies, as detailed below:

- Per the MND, it is unclear if the proposed grading (and subsequent disturbances to existing soil) are fully detailed and explained in the analysis. As proposed, the Project would excavate soil up to 20-feet in depth. This seems unrealistic for a development that is proposing two-levels of underground parking. Each level would typically be roughly 10-feet in depth. This 20-foot depth number seems to not take into account footings and related structural items needed to support a building of the size proposed. What's more, the Geology section states that groundwater may be encountered less than 30-feet in depth, but provides no mitigation in case groundwater is encountered. This seems confusing and misleading. Also, with these inconsistencies, how are we supposed to know if loss of topsoil and ground surface disturbances are accurately disclosed and presented in the MND? This needs to be discussed in more detail in the MND.

### **RESPONSE 3-22**

The IS/MND described and analyzed the estimated volume of export required for implementation of the proposed Project. In particular, the IS/MND states the proposed Project would include two subterranean level of parking, which would require excavation to a maximum depth of 20 feet (including excavation for project footings and foundations). (Initial Study Checklist & Evaluation, Page 2-13.) The excavation depth of 20 feet refers to the extent of sub-grade disturbance, scraping and re-compaction as required below the column footings, and not all excavated material would be exported off-site. As shown in Figures 2-5 to 2-7 of the IS/MND, both parking levels would be approximately 10 feet in depth. However, parking level 0 would be 5 feet above grade and 5 feet below grade, while parking level 00 would be 10 feet below grade, amounting to 15 feet in total below grade for parking (Project Description, Figures 2-6 and 2-7). The extra 5 feet in excavation from 15 feet takes into account excavation for Project footings and foundations.

As stated in the IS/MND, during construction, excavation to accommodate subterranean levels may result in penetration of the existing water table and require dewatering. (Initial Study Checklist & Evaluation, Page 3-33.) Any temporary or permanent dewatering program would need to comply with all applicable City and State regulations, in addition to Regulatory Compliance Measures **RC-HWQ-1**, **RC-HWQ-2**,

and **RC-HWQ-3**. (Initial Study Checklist & Evaluation, Page 3-33). Therefore, impacts related to groundwater would be reduced to less than significant.

**RC-HWQ-1** Prior to issuance of a grading permit, the applicant shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System No. CAS000002) (Construction General Permit). The applicant shall provide the Waste Discharge Identification Number to the City of Los Angeles to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan shall be prepared and implemented in compliance with the requirements of the Construction General Permit. The Storm Water Pollution Prevention Plan shall identify construction Best Management Practices to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants to stormwater runoff as a result of construction activities.

**RC-HWQ-2** Prior to issuance of grading permits, the Applicant shall submit a Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan to the City of Los Angeles Bureau of Sanitation Watershed Protection Division for review and approval. The Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.

**RC-HWQ-3** The applicant shall comply with all mandatory storm water permit requirements (including, but not limited to National Pollutant Discharge Elimination System, Storm Water Pollution Prevention Plan and Standard Urban Stormwater Mitigation Plan, and Low Impact Development requirements) at the federal, State and local level.

### **COMMENT 3-23**

#### *3.7 Greenhouse Gas Emissions*

The Greenhouse Gas Emissions Section contains numerous errors, inconsistencies, omissions, incorrect assumptions, and incorrect conclusions - ultimately failing as an informational document. The MND fails to compare the Project's impacts against all applicable climate action plans and policies. When the MND compares the Project's greenhouse gas (GHG) emissions against a draft 2010 threshold of significance raised by SCAQMD Staff during a working group process, it fails to properly conclude that the Project would exceed that draft threshold. The input assumptions used in the CalEEMod analysis also understate potential construction impacts and require updated modeling to properly disclose construction-related impacts. Specific comments are as follows.

- The Regulatory Setting Section of the MND is cursory, outdated, and inaccurate. Some examples are provided below:
- The MND fails as an informational document because it does not analyze the Project's consistency with Executive Orders S-03-05 and B-30-15. These Executive Orders establish mid-term (2030) and long-term (2050) emission reduction targets for the State. The failure to consider the Project's consistency with the State's climate policy of ongoing emissions reductions reflected in the Executive Orders, which importantly are tied to the atmospheric concentrations of GHGs necessary to stabilize the climate, frustrates the State's climate policy and renders the MND legally deficient and inadequate as an informational document. This analysis must be completed.

- The analysis fails to describe whether the Project incorporates sustainability design features in accordance with regulatory compliance measures to reduce vehicle miles traveled and the Project's potential impact.
- Methane (CH<sub>4</sub>) is generally emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from the decomposition of organic waste in solid waste landfills, raising livestock, natural gas and petroleum systems, stationary and mobile combustion and wastewater treatment. Mobile sources represent 0.5 percent of overall methane emissions.<sup>1</sup> With this, for most nonindustrial development projects, motor vehicles make up the bulk of GHG emissions, particularly carbon dioxide, methane, nitrous oxide, and HFCs.: Since the Project is in a Methane Zone per ZIMAS, the Greenhouse Gas Emissions section should look closer at this issue and provide additional analysis.
- Similar to the Air Quality section of the MND, the CalEEMod estimates are based on inconsistent activity data for mobile sources that should be resolved. These items include:
  - As noted above, the construction phasing in the CalEEMod analysis conflicts with information in the Project Description under the MND.
  - As noted previously, the CalEEMod GHG analysis assumes a very low level of equipment associated with the construction phases.
  - Several consistency statements mention that the Project is providing many retail and commercial uses, all of which would contribute to the policies of encouraging the creation of jobs. Similar to other comments that have been presented, the MND conveniently picks and chooses when to mention that they are proposing commercial uses, when in fact, the Project Description illustrates very little retail.
- The Proposed Project's cumulative contribution to GHG emissions needs to be calculated and presented. As it is written, there is no reasoned analysis or substantial evidence to support the MND's claims that impacts would be less than significant.

### **RESPONSE 3-23**

This comment suggests that the GHG emissions assessment contained numerous methodological errors, which can be addressed topically as follows:

- The MND fails to compare the Project's impacts against all applicable climate action plans and policies.

There is no prescriptive guidance stating that an individual project's GHG emissions must be assessed in the context of all relevant climate action plans and policies. The effects of GHG emissions on climate change are regionally cumulative in nature and an individual project's incremental influence on regional GHG emissions and climate change cannot be effectively measured. Climate action plans are written to guide regional efforts in reducing GHG emissions and improving sustainability through goals, objectives, and strategies that are implemented regionally. The State of California and the City of Los Angeles have adopted policies aimed at reducing GHG emissions and improving energy efficiency in commercial buildings. The MND includes a discussion of building design standards to which the proposed Project will adhere, as well as additional features that will be incorporated to enhance the proposed Project with regards to energy efficiency (Initial Study Checklist & Evaluation, Page 3-27). The discussion and analysis contained in the MND is sufficient.

- The MND compares project emissions to the SCAQMD draft 2010 threshold of significance but does not conclude that the project would exceed the threshold.

This comment is inaccurate in that the GHG emissions analysis in the MND does not compare the GHG emissions generated by the proposed Project to the draft 2010 SCAQMD staff threshold of significance.

(Initial Study Checklist & Evaluation, Table 3.7, Page 3-25.) The draft 2010 SCAQMD staff recommendation is discussed to demonstrate that the SCAQMD has not officially promulgated a quantitative GHG emissions threshold for non-industrial projects. The City has also not adopted a quantitative threshold for GHG emissions. Therefore, there is no applicable quantitative threshold for comparison from a regulatory perspective. This comment is inaccurate in suggesting that a comparison was made to the 2010 draft SCAQMD threshold.

- The input assumptions in CalEEMod understate potential construction impacts.

This comment asserts that assumptions in the CalEEMod analysis resulted in construction GHG emissions being understated. Minor adjustments were made to the equipment inventory based on Project-specific information describing the types of activities that would occur on the Project Site. However, in reviewing the CalEEMod files, it was determined that the Project equipment inventory was adjusted in the following ways:

Phase	Default Inventory (Number of Equipment)	Project Inventory (Number of Equipment)	Net Change (Number of Equipment)
Demolition	5	9	+4
Site Prep/Clearing	3	3	0
Excavation/Grading	4	7	+3
Building Construction	8	15	+7
Architectural Coating	1	1	0

Review of the CalEEMod files revealed that the Project inventory actually included 17 additional pieces of equipment relative to the default inventory for a Project Site between two and three acres in size. If anything, the analysis represents a conservative estimate of the maximum daily equipment activity during construction of the proposed Project. The comment is unsubstantiated and inaccurate and reflects a misinterpretation of the emissions modeling for the proposed Project.

- The Regulatory Setting section of the MND is cursory, outdated, and inaccurate.

This comment reflects a misunderstanding of the scope of MND requirements pertaining to regulatory settings discussion. It is not customary to include an extensive discussion of the regulatory setting under each impact assessment topic at the MND level. The regulations included in the assessment of GHG emissions were provided to give context as to why and how GHG emissions are of environmental concern. AB 32 is the foundation upon which GHG emissions assessment within California was developed. State and City policies such as the Title 24 energy efficiency standards and the LA Green Building Code have evolved from the objective of reducing GHG emissions. The consideration of applicable regulations and policies in the MND is adequate and satisfies all requirements for context under CEQA.

- The MND does not analyze the project’s consistency with EO S-03-05 and B-30-15.

Executive Orders S-03-05 (2005) and B-30-15 (2015) contain mandates committing the State of California to reduce its statewide GHG emissions inventory to 1990 levels by 2020 and to 40 percent below 1990 levels by 2030, respectively. GHG emissions are cumulative in nature, and emissions reductions are achieved through large-scale enforcement of policies and initiatives to improve sustainability and energy efficiency. To support the requirements of S-03-05 and B-30-15, California continues to improve its statewide CALGreen Code and Title 24 standards for energy efficiency in buildings. Additionally, the City of Los Angeles has promulgated its own LA Green Building Code that is even more aggressive in enhancing sustainability than the statewide programs.

As stated in the MND, the proposed Project will adhere to the requirements of the CALGreen Code and the LA Green Building Code, and will provide electric vehicle (EV) charging stations, energy efficient lighting and plumbing fixtures, and a 20 percent reduction in potable water use. (Initial Study Checklist & Evaluation, Page 3-26.) All of these design features are consistent with statewide and regional programs to reduce GHG emissions, including Executive Orders S-03-05 and B-30-15. Collectively, individual projects embracing these GHG emissions reductions strategies, in combination with City and public transit programs to improve sustainability, will achieve the GHG emissions reductions set forth at the statewide level. It is not appropriate to evaluate an individual project in the context of these Executive Orders, and therefore the comment is not relevant.

- The MND fails to describe whether the project incorporates sustainability design features in accordance with regulatory compliance measures to reduce VMT and the potential impact.

There is no prescriptive guidance requiring that assessment of GHG emissions from individual projects demonstrate a reduction in VMT. There is also no standard regulatory compliance measure requiring that an individual project reduce VMT. The discussion of GHG emissions assessment acknowledges that the proposed Project will be located in close proximity to numerous public transit opportunities. (3.0 Initial Study & Checklist, Page 3-29.) The potential reduction in VMT due to transit accessibility was not included in the scope of the Traffic Study for the proposed Project. Consequently, the VMT associated with the proposed Project represents a conservative estimate as it does not factor in the number of future employees that may opt to use public transit as a means of commuting. The comment is baseless in that no regulatory compliance measures require demonstrated reductions in VMT regardless of land use type.

- The project is in a Methane Zone according to ZIMAS and therefore the GHG emissions section should be expanded to address naturally occurring methane.

Mobile source GHG emissions associated with the proposed Project were estimated using CalEEMod. The location of the Project Site in a Methane Zone does not have any effect on the quantification of GHG emissions that would be generated by construction activities or future operation of the proposed Project. There is no connection between potential methane hazards in the subsurface and mobile source GHG emissions that would be generated by the proposed Project, which the comment identifies as the primary sources of operational emissions. This comment attempts to draw a connection between two unrelated topics. The comment regarding the Methane Zone discussion should alternatively be directed towards Hazards and Hazardous Materials. Please see Response 3-2 for a discussion of the Methane Zone analysis.

- The construction phasing in the CalEEMod analysis conflicts with the Project Description.

To address this comment, the entirety of the MND was reviewed and a text search was performed to identify instances of the use of “storm drain,” “retaining wall,” and “shoring.” The phrase “storm drain” does not appear in the Project Description, and is only used in the Hydrology and Water Quality topical discussion (3.0 Initial Study Checklist & Evaluation, Page 3-33, 3-34) and the Utilities and Service Systems topical discussion (3.0 Initial Study Checklist & Evaluation, page 3-61) of the MND. There is no mention of any storm drain installation that would occur prior to the commencement of demolition activities on the Project Site. This comment is not corroborated by the contents of the MND, as it refers to elements of the project description that do not exist.

The phrases “retaining wall” and “shoring” do not appear at all in the entire document. The Project Description does not describe any construction activities on the Project Site prior to demolition of existing structures. It is unclear where the comment originates as the phrases referred to are not included in the Project Description, description of construction activities, or anywhere else in the MND document. The

phases outlined in the CalEEMod analysis are consistent with the Project Description. This comment is unsubstantiated and inaccurate.

- The GHG emissions analysis assumes a very low level of equipment associated with the construction phases.

This comment asserts that the construction equipment inventory utilized in the CalEEMod emissions modeling was too minimal. Minor adjustments were made to the equipment inventory based on Project-specific information describing the types of activities that would occur on the Project Site. However, in reviewing the CalEEMod files, it was determined that the Project equipment inventory was adjusted in the following ways:

Phase	Default Inventory (Number of Equipment)	Project Inventory (Number of Equipment)	Net Change (Number of Equipment)
Demolition	5	9	+4
Site Prep/Clearing	3	3	0
Excavation/Grading	4	7	+3
Building Construction	8	15	+7
Architectural Coating	1	1	0

Review of the CalEEMod files revealed that the Project inventory actually included 17 additional pieces of equipment relative to the default inventory for a Project Site between two and three acres in size. If anything, the analysis represents a conservative estimate of the maximum daily equipment activity during construction of the proposed Project. The comment is unsubstantiated and inaccurate and reflects a misinterpretation of the emissions modeling for the proposed Project.

- The MND states that the project is providing many retail and commercial uses, but the Project Description illustrates very little retail.

The number and size of the retail and commercial uses is not pertinent to the quantification of GHG emissions or the assessment of those emissions in a regulatory context. The Project Description provides an accurate overview of the types of uses that comprise the proposed Project. Additionally, the non-commercial uses will be used predominantly by the employees of the office building component of the project. There is not an inconsistency between the MND and the Project Description and this comment is not relevant to the assessment of GHG emissions associated with the proposed Project.

**COMMENT 3-24**

*3.8 Hazards and Hazardous Materials*

As mentioned earlier, the MND does not address methane zone impacts. The Project Site is located within the City of Los Angeles Methane Zone based on the City of Los Angeles Department of City Planning, Zone Information and Map Access System. These areas have a risk of methane intrusion emanating from geologic formations. The areas have developmental regulations that are required by the City of Los Angeles pertaining to ventilation and methane gas detection systems depending on designation category. A Methane Gas Investigation Report should be conducted.

The investigation should evaluate existing methane conditions. According to the LADBS, methane mitigation is required for all sites located in a Methane Zone or a Methane Buffer Zone, regardless of results obtained in a methane investigation. The Site is located in a Methane Zone, as discussed above, and appropriate mitigation should be listed to reduce potential impacts. By failing to include this

CEQA category from the MND's analysis, the public and decisionmakers are prevented from imposing potentially valuable mitigation measures to reduce the scope of such methane impacts.

### **RESPONSE 3-24**

Please see Response 3-2. Although the proposed Project is located in a Methane Hazard Zone, many heavily developed parts of the City are located in Methane Hazard Zones or Methane Buffer Zones. As such, the City has enacted Ordinance No. 175790 and Ordinance No. 180619, which are designed to provide standard measures to control a common hazard in the City. Measures include site testing, detection systems, and venting, which are required as part of the LAMC. Site testing standards for methane are set as part of the LABC. The proposed Project would comply with the LAMC and LABC, and impact determinations regarding hazards would not change.

### **COMMENT 3-25**

#### *3.10 Land Use Planning*

In general, the MND fails to provide a sufficient level of detail or explanation in order to adequately inform the public and decisionmakers of the Project's consistency with the Land Use Policies and Goals. Most of the consistency findings are limited to a few sentences total. A deeper level of consistency should have been developed and thoroughly explored within the MND, especially for a development of this size and scope.

For example, the MND concludes that the Project is consistent with respect to the Land Use and Conservation Elements based primarily on the conclusion that it would not increase impacts as to these Elements over and above those resulting from the existing uses at the Project Site, or based on the fact that the Project is similar to existing uses. What's more, Objective 2-1.1 is listed as a consistent approach to commercial development; however, the proposed Project is mostly Office related uses and does not provide new services to the existing community.

More glaring, it seems that many land use plans and policy documents were left out of the analysis. The table provided in the MND mentions strictly those goals and objectives of the related Community Plan for the area. No mention of the City's Land Use Element, Open Space Element, Safety Element, Public Services Element, and Do Real Planning Guidelines were listed and disclosed. This is a huge oversight. Where is the consistency analysis with the Regional Comprehensive Plan, South Coast Air Quality Management Plan, and others? Also, there is no mention of consistency with the City's LAMC regarding Floor Area Ratio, Open Space, density, parking, and etc.

These are the types of issues that appear to be missing from and improperly addressed under the analysis in the MND that should be disclosed and considered as part of the land use impact analysis.

### **RESPONSE 3-25**

The policies, objectives, and goals within the City of Los Angeles General Plan Land Use Element sets forth long-range guidance for future development of the City, and the Community Plans guide the physical development by establishing land use goals and policies at the neighborhood level. (Initial Study Checklist & Evaluation, Page 3-36.)

The Project is located within the Palms-Mar Vista-Del Rey Community Plan (Community Plan). The MND provides a detailed analysis of the Project's consistency with Community Plan policies. (Initial Study Checklist & Evaluation, Table 3-4.) The comment implies that the Project is inconsistent with

Community Plan policies and objectives but does not provide specific examples. With respect to Objective 2-1.1, the comment incorrectly states that the objective requires that the Project “provide new services to the existing community.” In fact, Objective 2-1.1 seeks only to “provide additional opportunities for new commercial development and services within existing commercial areas,” which describes the Project exactly as it brings additional office development (commercial) as well as ground floor retail and café uses (services) to an existing commercial area. The comment incorrectly implies that the Objective seeks “community-serving services” which it does not. However, in fact, in response to input from the community, including the Del Rey Neighborhood Council, the Project includes approximately 2,500 SF of ground level retail, service and café uses which are specifically designed to cater to the office workers, tenants and residents in the immediate area.

The Project is also consistent with applicable LAMC provisions. The Floor Area Ratio (FAR) is 1:46:1, while the maximum floor area based on the zoning for the Project Site is 1.5:1, as shown in the City of Los Angeles Cover Page for the proposed Project. As stated in the IS/MND, the proposed Project would provide two levels of subterranean parking and three above ground parking levels with a total of 845 parking spaces. The 845 provided parking spaces would exceed the number of parking spaces required by the LAMC by 269 spaces. (Project Description, Pages 2-8.) Per comments received on the public hearing for the proposed Project on June 6, 2017, square footages of the proposed Project was revised and parking requirements per LAMC were recalculated. As such, the proposed Project would now exceed the parking spaces required by the LAMC by 259 spaces. Nonetheless, the proposed Project would be consistent with the LAMC.

Pursuant to the LAMC, Open Space is required for projects with 6 or more residential units in accordance with Section 12.21 G of the Zoning Code. As the proposed Project is a commercial office space, there is no open space requirement. In addition, the SCAQMD AQMP is related to air quality and is addressed in the Air Quality section of the IS/MND. (Initial Study Checklist & Evaluation, Page 3-10.) After stating the AQMP is designed to meet applicable federal and State requirements, including attainment of ambient air quality standards, the IS/MND evaluates the proposed Project’s compliance with the AQMP. In particular, the IS/MND states the proposed Project does not include a housing element and would not contribute to population growth.

In sum, the IS/MND adequately addresses applicable land use plans and therefore impacts will be less than significant.

### **COMMENT 3-26**

#### *3.12 Noise and Vibration*

The MND utterly fails to address the fact that there are sensitive receptors that will be significantly impacted from construction noise including the underestimated volume of excavation and the operation of a large parking facility, the loading area and mobile noise from all of the likely vehicles that will have to turn around at the end of the cul-de-sac. To make matters worse, the MND proposes an utterly deficient mitigation measure to address construction noise - Noise XII-27; as complaint line mitigates nothing.

### **RESPONSE 3-26**

Contrary to the comment, the IS/MND identifies the following sensitive receptors within the vicinity of the Project Site:

- Multi-family residences located 50 feet to the south across Beatrice Street;

- Single-family residences located approximately 300 feet to the east of the Project Site but approximately 600 feet east of the construction zone;
- 740 Sound Design located adjacent to the Project Site but 350 feet east of the construction zone; and
- Digital Domain located approximately 300 feet west to the west. (Initial Study Checklist & Evaluation, Page 3-40.)

The IS/MND notes that additional sensitive receptors are located within 500 feet of the Project Site; however, these receptors were determined to be somewhat shielded from construction activity by the buildings immediately surrounding the Project Site and that the sensitive receptors identified above represent the nearest sensitive with the potential to be impacted by the proposed Project. (Initial Study Checklist & Evaluation, Pages 3-40—3-41.) The noise analysis included a detailed discussion of construction noise levels that would occur at these sensitive receptors. (Initial Study Checklist & Evaluation, Pages 3-39—3-48.)

The Project's parking noise and its potential to increase ambient noise levels is assessed at sensitive receptors in the IS/MND. (Initial Study Checklist & Evaluation, Page 3-44, Table 3-11.) The subterranean level parking would be partially enclosed, and vehicle noise generated within the structure would not be audible beyond the property line. In addition, parking would be fully screened which would further reduce noise levels. The loading area is located in the proposed Project's northeast corner next to commercial and industrial land uses. These types of land uses are not considered sensitive to noise and the design of the proposed Project took careful consideration to locate noise generating aspects away from sensitive receptors. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas are considered sensitive receptors.

In regards to mobile noise along the cul-de-sac, the nearest sensitive receptor is located approximately 400 feet to the south and the uses immediately surrounding it are commercial and industrial uses. The majority of mobile noise is generated by vehicles pushing air out of the way as they pass at high speeds. Vehicles travelling along Jandy Place would be at low speeds entering and exiting driveways and would generate minimal noise levels. Furthermore the uses adjacent to the cul-de-sac are located approximately 220 feet south of State Route 90, with vehicles travelling at speeds in excess of 65 miles per hour. Mobile noise generated by the highway would overshadow mobile noise generated by vehicles travelling along Jandy Place. Furthermore, the roadways analyzed in the mobile noise analysis were those identified by the Traffic Impact Study to have the potential to have impacts in the AM or PM peak hour. (Initial Study Checklist & Evaluation, Table 3-10, Page 3-43.) Jandy Place was not identified as an impacted roadway and would operate at a good level of service under Future Cumulative with Project Conditions. (Appendix H – Traffic Impact Study, Page 59; Appendix H – Driveway Traffic Analysis Addendum, Page 3.)

In addition, the IS/MND described and analyzed the estimated volume of export required for implementation of the proposed Project. In particular, the IS/MND states the proposed Project would include two subterranean levels of parking, which would require excavation to a maximum depth of 20 feet (including excavation for project footings and foundations). The excavation depth of 20 feet refers to the extent of sub-grade disturbance, scraping and re-compaction as required below the column footings, and not all excavated material would be exported off-site. Approximately 6,662 tons of demolition debris and 42,000 cubic yards of excavated materials would be exported from the site. (Project Description, Page 2-13.) The estimated volume of export is reasonably derived from estimates based on Project plan sets. The export volume was factored into the noise analysis set forth in the IS/MND and it was assumed export activities would happen at the worst traffic hour. In particular, noise levels for the excavation phase assumed 19 haul trucks per hour, and accounted for construction worker trips and delivery truck trips occurring at the same time. This analysis reflects the most conservative, worst case scenario. (Initial Study Checklist & Evaluation, Page 3-43.)

Pursuant to LAMC Section 112.05, construction noise levels are exempt from the 75 dBA noise threshold if all technically feasible noise attenuation measures are implemented. The Project Applicant would be required to comply with the City's Standard Conditions of Approval (Regulatory Compliance Measures **RC-NO-1** through **RC-NO-3**) and implement Mitigation Measures **XII-20** through **XII-27**, which are feasible measures to control noise levels, including installation of engine mufflers, noise blanket barriers, and use of quieter electric equipment. Mitigation Measures **XII-27** is intended as a notification measure to inform residents and tenants of construction and to provide an avenue to address public complaints; as such, the measure can allow affected individuals to reschedule activities or otherwise avoid unexpected noise levels. Mitigation Measures **XII-20** through **XII-26** would provide a quantitative reduction in noise levels and are more than adequate to minimize impacts on the surrounding sensitive receptors. Therefore, the IS/MND concludes that noise impacts would be less than significant with implementation of mitigation measures. (Initial Study Checklist & Evaluation, Page 3-42.)

### **COMMENT 3-27**

#### *3.14 Public Services*

With regard to Fire Protection Services, the MND falls flat and does not disclose true potential impacts. In particular, is the Project considered a high-rise structure per LAMC requirements? This is not discussed nor disclosed. This is important since many fire code requirements need to be implemented into the overall design of the Project building. Is a Heli-Pad needed, since the buildings may be considered a high-rise structure? Also, since the Fire Protection Services sections does not provide sufficient detail on existing equipment mix of existing fire stations, are new ladder trucks needed, and if so, how many would be required? This could be a potentially significant impact prior to mitigation measures being incorporated. This needs to be disclosed. With this, are sprinklers required on each floor of the building, due to the overall height of the building and distance to the nearest fire station? It seems the MND is deficient in this area and needs to be revised accordingly.

### **RESPONSE 3-27**

Per LAMC Section 91.8604.6.3, a high-rise building is a building of any type of construction having floors (as measured from the top of the floor surface) that may be used for human occupancy located more than 75 feet above the lowest floor level having building access. As such, the proposed Project would be considered a high-rise building. The heli-pad requirement was removed from the LAMC and is not required for the proposed Project. The proposed Project would comply with all applicable standards regarding LAFD fire protection services (Regulatory Compliance Measure **RC-PS-1** through **RC-PS-8**). (Initial Study Checklist & Evaluation, Page 3-49). The building would incorporate automatic sprinkler systems on every level per requirements set by LAFD. The Project plans will be subject to all requirements of the Building and Safety plan check process, and all required fire protection measures will be implemented prior to issuance of building permit. Thus, with incorporation of the below Regulatory Compliance Measures the Project would have a less than significant impact related to fire protection services.

- RC-PS-1**      The proposed Project shall comply with the 2014 Fire Code and any subsequent codes at the time of building permits, including the requirements for automatic fire sprinkler systems and any other fire protection devices deemed necessary by the Fire Chief (e.g., fire signaling systems, fire extinguishers, smoke removal systems, etc.).
- RC-PS-2**      The plot plan shall be submitted to the Los Angeles Fire Department (LAFD) for review and approval, and shall include the following minimum design features: fire lanes, where

required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant.

- RC-PS-3** A plot plan shall be submitted to the LAFD for review and approval prior to occupancy of the proposed Project, which shall provide the capacity of the fire mains serving the Project Site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project
- RC-PS-4** Prior to occupancy of the proposed Project, an emergency response plan shall be submitted to the LAFD. The emergency response plan would include, but not be limited to, the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire stations. Any required modifications shall be identified and implemented prior to occupancy of the proposed Project.
- RC-PS-5** The construction contractors and work crews shall (1) properly maintain the mechanical equipment according to best practices and the manufacturers' procedures; (2) ensure proper storage of flammable materials; and (3) cleanup of spills of flammable liquid.
- RC-PS-6** If there are partial closures to streets surrounding the Project Site, flagmen shall be used to facilitate the traffic flow until the street closure around the construction is complete.
- RC-PS-7** During demolition and construction, LAFD access from major roadways shall remain clear and unobstructed.
- RC-PS-8** The design of the Project Site shall provide adequate access for LAFD equipment and personnel to the structures.

**COMMENT 3-28:**

*3.18 Utilities and Service Systems*

The Utilities and Service Systems Section does not provide adequate information and is ultimately failing as an informational document. Our firm's comments on the MND are listed below:

- Projected water during construction use must be calculated based on total water usage and not average daily consumption, similar to how Air Quality impacts are calculated. Since the time period required for construction has been extended, construction activities associated with construction will require greater water consumption.
- Not only has the duration of construction is confusing, but the extent and intensity of construction is also unclear. There is no analysis regarding the potential for the increased levels of water demand required for the increased amount of excavation required for the Project.
- The forecasted water supplies assume that state mandated conservation requirements will continue to apply throughout the life of the Project. Please provide an analysis of what happens if the current State mandated measures are relaxed or eliminated.

**RESPONSE 3-28**

The duration of construction is 22 months and it has not been extended. (See Response 3-11 and 3-15, above.) The excavation has not increased since the time of completion of the Air Quality analysis. Neither water consumption from daily construction or excavation would increase, as the construction time period has not increased. Water used during the construction would be minimal and would not cause any significant impacts on water supply. No new evidence has been provided to contradict the assumptions in the IS/MND.

The forecasted water supply in the IS/MND is based off of Los Angeles Department of Water and Power's (LADWP) Urban Water Management Plan (UWMP). UWMPs are prepared by California's urban water suppliers to support their long-term resource planning, and ensure adequate water supplies are available to meet existing and future water demands. Planning is done over a 20 year horizon, with new plans being released every five years. As such, the current forecasted water supplies are applicable up to the year 2030. (California Department of Water Resources, Urban Water Management Plans.) Furthermore, these plans account for any foreseeable changes in State mandated measures or legislation that would affect the water supply.

As stated in the IS/MND, LADWP conducts water planning based on a econometric water demand forecasting approach. Water demand is projected by major category (single-family, multi-family, commercial, industrial, and government) as well as weather conditions.<sup>2</sup> From 2015 to 2025 the City's water demand is expected to grow by 60,800 acre-feet, with water supplies matching this number.<sup>3</sup> Accordingly, the 257,600 gpd increase in water usage resulting from the proposed Project would not be considered substantial in consideration of anticipated growth. (Initial Study Checklist & Evaluation, Pages 3-60 to 3-61.)

### **COMMENT 3-29**

#### **III. CONCLUSION**

In our expert opinion, the MND contains substantial inaccuracies and misleads the reader as to the scale and scope of the proposed Project's environmental impacts. Several CEQA sections are absent or non-disclosed; CEQA required sections within the Project Description are missing, along many other things, as discoursed in detail above. Additionally, substantial evidence indicates that the Project may have significant environmental effects on the environment. As a result, an Environmental Impact Report should be required, or, at the very least, the MND should be substantially revised in accordance with our comments and recirculated for further review, consistent with the requirements of CEQA.

### **RESPONSE 3-29**

The IS/MND addressed all of the required Appendix G thresholds. Detailed responses to concerns raised by the reviewer have been addressed above. In sum, all impacts associated with the Project following mitigation will be less than significant.

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<sup>2</sup>LADWP, *2010 Urban Water Management Plan*, 2010.

<sup>3</sup>One acre-foot is equivalent to 325,851 gallons.

**LETTER 4: KIMLEY-HORN**

The following responses are taken from the LLG Response to Kimley-Horn Comment Memo, dated June 22, 2017 (Attachment B).

**COMMENT 4-1**

Kimley-Horn reviewed the Traffic Impact Study for 12575 Beatrice Street Office Project (NSB Project) dated July 11, 2016, which was prepared by Linscott, Law & Greenspan, Engineers (LLG). This brief review was completed for Karney Management. The NSB project is expected to generate 1,946 daily trips with 275 AM peak hour trips and 334 PM peak hour trips. Primary access is being proposed on Jandy Place, which is a two-lane local street cul-de-sac with very limited ability to handle high vehicular traffic.

The study indicates that 75 percent of the project traffic will be utilizing Jandy Place. It is also understood that all the project delivery and truck access will be off Jandy Place in addition to the proposed food trucks area. It is anticipated that Jandy Place will experience severe congestion during the AM and PM peak periods, potentially creating a hazardous situation including possibly blocking access to emergency vehicles.

A thorough analysis of this short street segment, as well as Beatrice and Westlawn, should be completed to understand if there are any adverse effects from the proposed Project on traffic, pedestrian, and emergency vehicle access. Below is a summary of the traffic study.

**RESPONSE 4-1**

The comment restates the Project trip generation provided in Table 7-1, Page 31 of the LLG traffic study. The statement in the K-H memo regarding "...75 percent of project traffic will be utilizing Jandy Place..." is not correct. The assignment of project traffic as provided in the LLG traffic study was augmented by the LLG supplemental traffic analysis, which evaluated the currently proposed Project design feature which will provide two driveways on Beatrice Street and two driveways on Jandy Place. It is expected that project traffic will equally utilize the driveways on Beatrice Street and Jandy Place (i.e., a 50/50 split of Project traffic between Beatrice Street and Jandy Place).

The comment accurately states that project delivery and truck access will be off of Jandy Place. This truck access will be through a drive aisle shielded from neighboring uses and provides adequate space for trucks to turn around.

The claim in the comment that Jandy Place "...will experience severe congestion during the AM and PM peak periods, potentially creating a hazardous situation including possibly blocking access to emergency vehicles..." is a mere assertion made without data or analysis to support this assertion. This assertion also does not reflect the thorough analysis provided in the LLG traffic study and LLG supplemental traffic analysis.

Based on traffic count data provided in Appendix C of the LLG traffic study, currently 69 cars (61 northbound, 8 southbound) use Jandy Place in the AM peak hour. Similarly, 83 cars currently use Jandy Place in the PM peak hour (14 northbound, 69 southbound). The Project is forecast to add 138 trips to Jandy Place in the AM peak hour (121 inbound, 17 outbound) and 167 trips in the PM peak hour (28 northbound, 139 southbound).

In total, Jandy Place is forecast to accommodate 207 trips in the AM peak hour and 250 trips in the PM peak hour. This is equivalent to approximately 4 cars per minute using Jandy Place during the peak hours of traffic following construction and occupancy of the Project. The potential use of Jandy Place by one

car every approximately 15 seconds does not constitute a “hazardous situation” or an impediment to emergency vehicle access as asserted in the K-H memo.

Further, Table 1 within the LLG supplemental traffic analysis provides a summary of the Level of Service calculations for the Project’s Jandy Place driveways in the Existing + Project and Future + Project conditions. As shown in Table 1, a driveway balance assuming a 50/50 split of Project traffic to Jandy Place and Beatrice Street would result in LOS A and B conditions at the Jandy Place driveways during the weekday AM and PM peak hours, respectively. The average wait time for a motorist exiting the garage onto Jandy Place would be less than 10 seconds in the AM peak hour and less than 11 seconds during the PM peak hour in the Future + Project condition. This rate of egress does not constitute “severe congestion” as asserted in the K-H memo.

In addition, LADOT has recommended implementation of the Applicant’s proposed voluntary safety measure to close the Jandy Place ingress and egress during peak weekday lunch hours. To enhance pedestrian safety along Jandy Place, the Project’s Jandy Place ingress and egress will be closed weekdays between 12:30 PM and 1:30 PM. Also, in connection with the already-agreed upon future traffic signal warrant analysis, the Applicant has agreed to submit an analysis of Jandy Place driveway operations after one year of Project operation to assess peak hour traffic flows, obtain LADOT review, and adjust driveway operations if warranted.<sup>5</sup>

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1. *Supplemental Traffic Measures Memorandum for the Proposed Office Project to be Located at 12575 Beatrice Street*, LADOT, June 6, 2017.

#### **COMMENT 4-2**

1. Study Intersections - The study Included analysis of internal intersections adjacent to the Project Site as well as the following additional intersections.
  - Lincoln Boulevard / Marina Pointe Drive - Maxella Avenue
  - Lincoln Boulevard / SR-90 Ramps
  - Mindanao Way / SR-90 WB Ramps
  - Mindanao Way / SR-9D EB Ramps
  - Westlawn Avenue / Bluff Creek Drive

#### **RESPONSE 4-2**

The comment lists five of the study intersections evaluated in the LLG traffic study. In fact, the potential traffic impacts of the Project were evaluated at 26 off-site intersections, plus two additional intersections (Jandy Place/Beatrice Street and Westlawn Avenue/Beatrice Street) for traffic signal warrants. Thus, a total of 28 intersections were comprehensively evaluated within the LLG traffic study. The list of study intersections is provided on Pages 7 and 8 of the LLG traffic study.

#### **COMMENT 4-3**

2. NSB site plan shows 3 proposed driveways.
  - Per NSB Project Site plan, the driveway along Beatrice Street is approx. 100' due west of Westlawn Avenue. There is no driveway at Beatrice/Westlawn.
  - The driveways along Jandy Place seem to be directly opposing the proposed driveway for Jandy project. They do show that these driveways are the primary access driveways (75 percent of their project traffic uses this driveway to enter and exit site)

- There is a service driveway at the end of their site on Jandy within the cul-de-sac area but no additional information such as frequency of service vehicles, size of vehicles, etc has been included.

#### **RESPONSE 4-3**

The comment provides a discussion of the Project driveways. See Response to Comment 4-1, above, which clarifies that the current Project site plan includes two driveways on Jandy Place and two driveways on Beatrice Street, resulting in a forecast assignment of 50 percent of Project traffic to Beatrice Street. Contrary to the statement in the comment regarding service vehicle access, the LLG traffic study (Page 6) provides a discussion regarding access for service vehicles, including anticipated size and type of vehicles. While the precise number of service vehicles cannot be forecast, it is reasonable to expect that the number of vehicles would be similar to an office building of similar size.

#### **COMMENT 4-4**

3. Signal Warrant- NSB traffic study Includes four hour and peak hour warrants. The study indicates the following:
  - At Jandy/Beatrice, peak hour warrant is met for Future plus Project conditions
  - At Westlawn/Beatrice, four-hour warrant is met for Future plus Project conditions

#### **RESPONSE 4-4**

The comment correctly summarizes the analysis and findings of the traffic signal warrants analysis provided in the LLG traffic study prepared for the Jandy Place/Beatrice Street and Westlawn Avenue/Beatrice Street intersections (see, for example, Table 13-1 on Page 63 of the LLG traffic study). Further, LADOT recommended on Page 4 of its assessment letter<sup>6</sup> prepared for the Project that the two intersections should be monitored for a period of three years following 80 percent occupancy of the Project, with a traffic signal installed at one or both locations if determined to be warranted by LADOT.

#### **COMMENT 4-5**

4. Impacts - NSB study indicates significant project impacts at 3 study intersections. Proposed mitigation measure includes re-striping and signal timing improvements
  - Westlawn/Jefferson
  - Grosvenor/Jefferson
  - Centinela/Campus Center Dr (Jefferson)

#### **RESPONSE 4-5**

The comment correctly summarizes the analysis and findings of the off-site traffic impact analysis provided in the LLG traffic study prepared for the 28 study intersections (see, for example, Table 9-1 on Pages 39 and 40 of the LLG traffic study). The LLG traffic study identifies significant traffic impacts due to the Project at the three intersections listed in the comment. Mitigation measures for the three intersections are provided in the LLG traffic study on Page 52 through 56, and incorporated into the Mitigated Negative Declaration prepared for the Project. The mitigation measures are also restated on Page 4 of the LADOT assessment letter. With implementation of the recommended traffic mitigation measures, the traffic impacts of the Project would be reduced to levels of insignificance.

**LETTER 5: DIGITAL DOMAIN****COMMENT 5-1**

Digital Domain hereby objects to the massively out of scale project presented by NSB Associates, Inc. at 12575 Beatrice Street: Height:

1. **Height.** The project's height is unlike any other building in this commercial neighborhood where the vast majority of buildings are one to three stories in height. The building occupied by Digital Domain, a 12641 Beatrice Street, is a single-story industrial building, consistent with the other buildings surrounding it.

**RESPONSE 5-1**

While it is correct that many of the buildings in the surrounding area are two to three stories tall, there is a five-story apartment building located on the southwestern side of the Project Site across Beatrice Street, and there is a six-level parking structure located adjacent to the Project Site's northeastern side. (Project Description, Page 2-1; Aesthetics, Page 3-2—3-3.) The IS/MND determined that impacts related to visual character and quality would be less than significant, because the design of the proposed building would enhance the visual quality and pedestrian experience of the surrounding area and streetscape by adding an architectural building with fully screened parking, ample setbacks, and enhanced landscaping throughout. (Initial Study Checklist & Evaluation, Page 3-2.) Specifically, the proposed Project would provide approximately 48,584 square feet of landscape (e.g., trees, green space, etc.) and 47,198 square feet of hardscape (e.g., courtyards, pathways, etc.) throughout the Project Site and on the new building's terraces on the upper levels. The Project also maintains and incorporates an existing low-scale creative office building on the Project Site. (Initial Study Checklist & Evaluation, Pages 1-1; 2-1; and Figure 2-5.)

**COMMENT 5-2**

2. **Character.** This neighborhood, made up of low height creative industrial/commercial office spaces, which is what attracted Digital Domain to this space. If the project is constructed at its proposed mass and height it will permanently change the character of the established community

**RESPONSE 5-2**

The existing neighborhood is in transition and is developing as commercial and creative hub. The IS/MND provides a detailed discussion of the building's height and an analysis of the proposed Project's impact on the visual character or quality of the surrounding area. (Initial Study Checklist & Evaluation, Page 3-2—3-8.) As stated above, the proposed structure would be up to a maximum of eight stories in height and would increase massing and scale of the site compared to existing conditions. (Initial Study Checklist & Evaluation, Page 2-8.)<sup>4</sup> However, the IS/MND determined that impacts related to visual character would be less than significant, because the design of the proposed building would enhance the visual quality and pedestrian experience of the surrounding area and streetscape by adding an architectural building with fully screened parking, ample setbacks, and enhanced landscaping throughout. (Initial Study Checklist & Evaluation, Page 3-2.)

**COMMENT 5-3**

3. **Traffic.** The current traffic situation along Jandy and Beatrice is far from ideal. The introduction of so much extra traffic will cause further traffic congestion along these streets, both of which are small and

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<sup>4</sup>References to the Project as a "10-story" building in the IS/MND at Pages 1-1 and 3-3 are in error and should be corrected to "8-story." This change does not change any analysis, conclusions or impacts discussed in the IS/MND.

end in cul-de-sacs. There is no feasible means to minimize these inevitable traffic impacts but to decrease the number of new vehicles by scaling down the size of the project.

**RESPONSE 5-3**

The Traffic Impact Study conducted for the proposed Project assessed potential impacts using the impact criteria set forth in LADOT’s Traffic Study Policies and Procedures, as well as in coordination with the City of Culver City’s Planning Division. LADOT reviewed and approved the Traffic Impact Study and issued the LADOT TIA Letter concurring with the Traffic Impact Study analysis and conclusions. (Initial Study Checklist & Evaluation, Appendix I.)

On June 6, 2017, LADOT revised the November 2016, TIA and issued a revised TIA Letter dated June 6, 2017 with required traffic mitigation to ensure full mitigation of traffic impacts (Attachment C). In order to insure full and appropriate redress for potential access/circulation conditions, the Project shall covenant and implement traffic signalization at Jandy Place and Beatrice Street as well as Westlawn Avenue and Beatrice Street if deemed warranted by LADOT after submittal of annual traffic signal warrant analyses for three consecutive years after Project completion. The traffic signal implementation mitigation measure, as issued by the June 6, 2017 TIA Letter from LADOT is included below and has been added to Mitigation Measure TT-1.

**Mitigation Measure TT-1**

Traffic Signal Implementation - In order to insure full and appropriate redress for potential access / circulation conditions, the Project shall covenant and agree to implement traffic signalization at the following locations:

- a. Jandy Place & Beatrice Street
- b. Westlawn Avenue & Beatrice Street

The term of the covenant shall begin with the Project’s first year of 80 percent occupancy and shall continue for three consecutive years (of minimum 80 percent occupancy). The Project shall conduct and submit annual supplemental traffic signal warrant analyses, for each location, to LADOT for review. If deemed warranted, the Project shall assume full responsibility for implementing the signal(s), subject to the Shared Mitigation provision below at Paragraph D.

**COMMENT 5-4**

In addition to congestion, all of this extra traffic will introduce enormous levels of extra noise and exhaustion fumes.

**RESPONSE 5-4**

In regards to mobile noise, the majority of mobile noise is generated by vehicles pushing air out of the way as they pass at high speeds. Vehicles travelling local roadways, such as Jandy Place or Beatrice Street, with average speeds limits of 25 miles per hour would generate minimal noise levels. A detailed mobile noise analysis was conducted for the proposed Project. The greatest Project-related noise increase would be 3.6 dBA and would occur along Westlawn Avenue between Jefferson Boulevard and Beatrice Street. This incremental noise level increase would not exceed 5 dBA, which is an indicator of a noticeable increase that may evoke a community reaction. Vehicle noise would not expose people to, or generate, noise levels in excess of applicable standards, or result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the proposed Project. (Initial Study Checklist & Evaluation, Pages 3-43 and 3-44).

The comment suggests that the proposed Project would be a substantial source of toxic air contaminant (TAC) emissions. The SCAQMD has prepared a list of land uses that constitute substantial sources of TAC emissions. The list includes: high-traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, perchloroethylene dry cleaners, and large gasoline dispensing facilities. These uses have been identified to generate TAC emissions that may cause air quality concerns for nearby sensitive land uses. Office and restaurant uses are not included in the list, as operation of these land uses does not generate substantial TAC emissions.

#### **COMMENT 5-5**

4. Neighborhood Development. At the end of Beatrice, 12777 West Jefferson was recently sold. The new owners are building an additional 55,000 sq. ft. building and a 609 stall parking garage. While all their traffic has come in and out of Jefferson, they plan to access the new parking garage from Beatrice, further adding hundreds of new car trips to our street.

#### **RESPONSE 5-5**

The referenced project at 12777 West Jefferson was identified in the Traffic Impact Study as related project LA6. (Appendix H, Traffic Impact Study and Supplemental Analyses, Page 23). This project is the final phase of an existing multi-building office complex. The parking garage for this office development is existing and takes access from both Jefferson Boulevard and Beatrice Street. Cumulative traffic from this project was considered in the traffic analysis, along with Related Project LA15, which assumes an additional 250,000 square feet of future office development on Jandy Place as a worst case assumption. As stated above, any impacts to Beatrice Street from additional traffic directed to Beatrice Street will not change the results of the traffic analysis. As stated above in Response 5-3, Mitigation Measure TT-2, the traffic signal implementation mitigation measure, would provide full mitigation for traffic impacts at Beatrice Street and Westlawn Avenue and Beatrice Street and Jandy Place should they occur with implementation of the Project.

#### **COMMENT 5-6**

5. Above-Grade Parking. The proposed three stories of above-grade parking will expose all of our customers, employees and visitors to constant noise and toxic exhaust emissions. It will create an eyesore for all persons using/enjoying the outdoor spaces in this area. There is no reason that NSB's desire to maximize profits should outweigh the detriment to surrounding owners' use and enjoyment of their properties.

#### **RESPONSE 5-6**

The Project's parking noise and its potential impacts to sensitive receptors is assessed in the IS/MND. (Initial Study Checklist & Evaluation, Page 3-44, Table 3-11.) The two subterranean level parking would be partially enclosed, and vehicle noise generated within the structure would not be audible beyond the property line. In addition, as discussed in the IS/MND, the three above-grade levels of the parking area would be fully screened and landscaped which would further reduce noise levels. The loading area is located in the northeast corner of the Project Site next to commercial and industrial land uses. These types of land uses are not considered sensitive to noise and the design of the proposed Project took careful consideration to locate noise generating aspects away from sensitive receptors. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas are considered sensitive receptors. The parking garage would be screened and in compliance with Mitigation Measure I-200 to minimize visual impacts and noise impact. (Initial Study Checklist & Evaluation, Page 3-3.).

See Response 5-5 above for a discussion of toxic exhaust emissions.

**COMMENT 5-7**

6. Shade/Shadow. The height of the building will overshadow the existing spaces.

**RESPONSE 5-7**

A detailed shadow analysis was conducted to determine if the proposed Project would shade uses that are sensitive to the effect of shading within the project's vicinity. (Initial Study Checklist & Evaluation, Page 3-3-3-7). As stated in the IS/MND, the *L.A. CEQA Thresholds Guide* lists facilities and operations that are sensitive to the effects of shading, which include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor seating areas; nurseries; and existing solar collectors. These uses are considered sensitive because sunlight is important to function, physical comfort, or commerce. (Initial Study Checklist & Evaluation, Page 3-3). Shadow-sensitive uses in the immediate vicinity of the Project Site include the residential apartments on the south side of Beatrice Street. No other shadow-sensitive uses are located in the surrounding area, as all properties to the north, east and west are industrial/office uses. The proposed Project would not cast shadows that would affect shadow-sensitive uses of the adjoining residential apartment buildings to the south and southeast of the Project Site. (Initial Study Checklist & Evaluation, Page 3-4).

**LETTER 6: JAY FARBSTEIN**

**COMMENT 6-1**

I am writing in strong opposition to the 155-foot high office building proposed at 12575 Beatrice Street.

My family and our partners have owned the properties at 5415 Jandy and 12615 Beatrice —directly across the street from the Project —for almost 50 years. My father, Milton Farbstein, built the buildings with his partner David Karney in 1969. Since that time, we have owned and operated the buildings, taking pride in what our fathers created. I personally decided to become an architect as a result of the passion for building this legacy instilled in me. As part of my practice, I am a consultant to the Rudy Bruner Award in Urban Excellence, which I helped to conceive and conduct for over 30 years. I know what good urban design is about (and participated in granting a Silver Medal to one of this architect's projects in Chicago) —and it is my firm and considered opinion that the proposed Project violates fundamental planning and design principles.

**RESPONSE 6-1**

The comment contains introductory information, and the Commenter's opposition to the proposed Project is noted for the record.

**COMMENT 6-2**

This neighborhood is in transition in a very positive way and is attracting much more creative functions and users. The "creative class" will be appalled by the out-of-scale insult that is proposed. At 155 feet tall and with a massive quantity of space, occupants and cars, the Project will contribute to destroying the attraction that has developed over recent years and devalue our property, destroying the emerging creative community character.

Despite being designed by a quintessentially famous architect, this project is grossly out of scale with the neighborhood and is poorly conceived in terms of massing, location of functions, and how it meets the street (for example, our properties will face a three level parking garage). Its scale and massing speak of one thing only and that is greed —trying to get far more building than should ever be allowed on this site. The architect should go back to the drawing board and redesign a project in harmony with its surroundings, based on sound planning principles. We all know that the architect can do this if the developers will let him —and it's up to you, Commissioners, to hold their feet to the fire. One way you can do that is to require a normal environmental review and not agree to a short-cut Negative Declaration that would be outrageously applied to a project with the massive negative impacts that this one obviously will inflict on its surroundings. The other is by rejecting out of hand the Project as proposed.

Therefore, I ask that the Commission preserve this low scale, industrial/creative community that my family has worked so hard to create and deny this Project.

**RESPONSE 6-2**

The Project Site is located within a low- and medium-rise mixed-use, primarily industrial neighborhood. While many of the buildings in the surrounding area are two to three stories tall, there is a five-story apartment building located on the southwestern side of the Project Site across Beatrice Street, and there is a six-level parking structure located adjacent to the Project Site's northeastern side. (Project Description, Page 2-1; Aesthetics, Page 3-2—3-3.) The Project proposes a varied roofline with a maximum height of 135 feet with up to 20 feet for mechanical penthouse. (Initial Study Checklist & Evaluation, Figure 2-6.) The Project also maintains and incorporates an existing low-scale creative office building on the Project

Site. (Initial Study Checklist & Evaluation, Figure 2-5.) The IS/MND determined that impacts related to visual character and quality would be less than significant, because the design of the proposed building would enhance the visual quality and pedestrian experience of the surrounding area and streetscape by adding an architectural building with fully screened parking, ample setbacks, and enhanced landscaping throughout. (Initial Study Checklist & Evaluation, Page 3-2.) Specifically, the proposed Project would provide approximately 48,584 square feet of landscape (e.g., trees, green space, etc.) and 47,198 square feet of hardscape (e.g., courtyards, pathways, etc.) throughout the Project Site and on the new building's terraces on the upper levels. Pedestrian level landscaping, setbacks and amenities are provided on Jandy Place and Beatrice Street, and the upper parking levels are fully integrated into the architectural design and are landscaped. In addition, potential light and glare impacts would be mitigated through Mitigation Measures **I-120** and **I-130**, and the parking garage would be screened and in compliance with Mitigation Measure **I-200**. (Initial Study Checklist & Evaluation, Page 3-3.)

## **LETTER 7: DEL REY RESIDENTS ASSOCIATION**

### **COMMENT 7-1**

Representatives of the applicant first presented the project to our board in March 2016, and on May 1, 2017, they presented the revised design. Although there are some redeeming qualities offered by this development, the Del Rey Residents Association opposes this project for the following reasons:

### **RESPONSE 7-1**

The comment contains general introductory information, and the Commenter's opposition to the proposed Project is noted for the record.

### **COMMENT 7-2**

1. **Height.** Although the revised design is not as tall as the initial design, at 135 feet it is still substantially taller than any other building in Del Rey or in neighboring Playa Vista. The result of allowing consolidation of five lots is that the height of this project is grossly incompatible with the neighborhood. It will be a striking and jarring contrast to nearby property and sets a very bad precedent for future developments, which are waiting to see what happens here.

This project needs to be constrained to a height that is no taller than the tallest building in the area, which is 88'. That project is the 12655 Jefferson Blvd. building, which the Applicant inaccurately presented to the community as 110' tall.

### **RESPONSE 7-2**

The IS/MND provides a detailed discussion of the building's height and an analysis of the proposed Project's impact on the visual character or quality of the surrounding area. (Initial Study Checklist & Evaluation, Pages 2-1-2-8; 3-2-3-8.) Elevation drawings, shade and shadows diagrams, and architectural renderings of the proposed Project are included in the IS/MND. (Initial Study Checklist & Evaluation, Pages 2-2-2-7; 3-5-3-7; Appendix A - Additional Architecture Drawings.) In regards to the 12655 Jefferson Boulevard building, the IS/MND includes a discussion of the surrounding uses and their relative height, but does not state the height of that building. As discussed, a five-story apartment building is located on the southwestern side of the Project Site, across Beatrice Street. Additionally, there are several commercial office and industrial buildings located to the west, north, and southeast of the Project Site. Adjacent to the eastern side of the Project Site are two (2) two-story commercial office/industrial buildings. Further east are single-family homes across Grosvenor Boulevard, filling the area from Hammock Street to Beatrice Street. A six-level parking structure is located adjacent to the Project Site's northeastern side. (Project Description, Page 2-1.)

### **COMMENT 7-3**

2. **Severe Population Growth.** Due to the size of this Project, it will add up to 1,000 new occupants to this neighborhood. Such drastic growth brings problems that cannot be mitigated because this area has very limited vehicular and transportation access. It has 3 dead-end streets and only 2 intersections that connect back into the local street system. Some of the problems that will come with the added population load are:

**RESPONSE 7-3**

As stated in the IS/MND, the proposed Project does not include a housing element and would not contribute to population growth. The proposed Project would result in the creation of approximately 641 new jobs (1 employee per 311 SF).<sup>5</sup> (Initial Study Checklist & Evaluation, Page 3-10; 3-48.) Traffic and access issues raised in this comment are discussed in Responses 7-4 and 7-5 below.

**COMMENT 7-4**

- a. **Traffic Load** - Even though traffic studies have been provided, we believe that the data is biased and that an impartial party should undertake a more objective study, which will reveal the real impact of this project in combination with all of the other recent and potential developments nearby.

**RESPONSE 7-4**

The potential traffic impacts of the Project were evaluated under City of Los Angeles and City of Culver City criteria in an extensive Traffic Impact Study prepared by traffic engineers Linscott, Law & Greenspan. (Initial Study Checklist & Evaluation, Appendix H.) The Traffic Impact Study evaluated potential impacts at 26 off-site intersections, plus two additional intersections (Jandy Place/Beatrice Street and Westlawn Avenue/Beatrice Street) for traffic signal warrants.

The LADOT reviewed and approved the Project Traffic Impact Study in a TIA memorandum dated November 6, 2016 (Initial Study Checklist & Evaluation, Appendix I), which contains project requirements to be adopted as conditions of approval that would be implemented as a part of the proposed Project. On June 6, 2017, LADOT issued a revised TIA memorandum, which included revised conditions of approval (Attachment C). In addition to the imposition of an estimated \$2,886,762 Transportation Impact Assessment Fee pursuant to the Coastal Transportation Corridor Specific Plan (CTCSP), the LADOT TIA memo requires physical street improvements and transportation management measures also required by the CTCSP. The updated conditions of approval are listed below. Implementation of these conditions would mitigate any potential traffic impacts associated with the proposed Project, as indicated by LADOT.

The proposed Project has also implemented additional traffic measures in order to alleviate concerns of the Jandy Place driveways, which are also included below (Attachment D).

**LADOT Conditions of Approval (revised 6/6/17)****Mitigation Measure TT-1**

The Project shall comply with all of the Project Requirements of the LADOT TIA memorandum dated June 6, 2017 (Attachment C), including:

- C. Pursuant to Section 5.D.2 of the CTCSP, the applicant may be required to implement the following improvements in order to fully mitigate the traffic impact identified at the following locations:
1. *Jefferson Boulevard & Westlawn Avenue*: Design and implement a dual left-turn operation for the southbound approach to the intersection. Re-stripe and modify the traffic signal operation of the intersection as needed.
  2. *Grosvenor Boulevard & Jefferson Boulevard*: Design and implement a dual left-turn operation for the southbound approach to the intersection. Final configuration for the approach would be 1 left-turn

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<sup>5</sup>SCAG, *Employment Density Study Summary Report*, October 31, 2001.

lane and 1 shared left-turn/right-turn lane. Re-stripe and modify the traffic signal operation of the intersection as needed.

3. *Campus Center Drive/Centinela Avenue & Jefferson Boulevard*: Design and implement a dual right-turn operation for the southbound approach to the intersection. Final configuration for the approach would be 2 left-turn lanes, 1 through lane and 2 right-turn lanes. Re-stripe and modify the traffic signal operation of the intersection as needed. Inasmuch as the southbound approach to the intersection resides primarily within the jurisdiction of Los Angeles County, the Applicant shall be responsible for securing written approval from said jurisdiction regarding the implementation of this improvement.
4. *Traffic Signal Implementation*: In order to insure full and appropriate redress for potential access / circulation conditions, the proposed Project shall covenant and agree to implement traffic signalization at the following locations:
  - a. Jandy Place & Beatrice Street
  - b. Westlawn Avenue & Beatrice Street

The term of the covenant shall begin with the project's first year of 80 percent occupancy and shall continue for three consecutive years (of minimum 80 percent occupancy). The proposed Project shall conduct and submit annual supplemental traffic signal warrant analyses, for each location, to LADOT for review. If deemed warranted, the proposed Project shall assume full responsibility for implementing the signal(s), subject to the Shared Mitigation provision below at Paragraph D.

#### **Additional Traffic Measures**

The Project shall implement the additional traffic measures recommended by LADOT in its June 6, 2017 "Assessment of Supplemental Traffic Measures for the Proposed Office Project to be Located at 12575 Beatrice Street," (Attachment D) including:

1. *Jandy Place Driveway Restrictions*: In order to enhance safety for pedestrians on Jandy Place, during the 60 minute lunch time period between 12:30 p.m. and 1:30 p.m. Monday through Friday, the ingress and egress to the proposed Project from Jandy Place shall be closed, and the only available ingress and egress shall be via Beatrice Street.
2. *Further Study of Jandy Place Driveway Restrictions*: In connection with the first annual supplemental traffic signal warrant analyses submitted pursuant to Project Requirement C.4 contained in our November 21, 2016 TIA, the Proposed Project shall also submit an analysis of operations of the Jandy Place driveways to determine if any restrictions should be imposed during the a.m. peak and p.m. peak hours to ensure that Project driveway operations do not cause a significant impact to traffic flow on Jandy Place at peak hours. This analysis may also review and recommend changes to the 60 minute lunch time Jandy Place driveway restrictions outlined in Recommendation 1 above. The analysis shall be submitted to LADOT for review. If deemed warranted by LADOT, the project shall implement additional driveway restrictions and/or make changes to the lunch time driveway restrictions.
3. *Funding for Pedestrian Crossing*: The applicant shall fund and install a yellow flashing signal at the existing striped crosswalk on Inglewood Boulevard at Beatrice Street. If, at the time of Project approval, this improvement has been funded by others, then LADOT shall require a similar nearby measure of equivalent value designed to enhance pedestrian and student safety in the vicinity of the proposed Project.

**COMMENT 7-5**

- b. **Traffic Management** - This project needs to provide and maintain a comprehensive TDM (Transportation Demand Management) plan. Although due to its size, it is not required, there are, however, special circumstances at this location to consider.

**RESPONSE 7-5**

Contrary to the Comment, the LADOT TIA Letter includes a detailed requirement for a Transportation Demand Management Plan and Monitoring Program (TDMP & MP) in compliance with the CTCSP. The TDMP & MP will be a condition of approval.

**COMMENT 7-6**

- c. **Emergency Evacuation** - Because of the street pattern here (Del Rey's Area 'H'), an impartial and comprehensive study of egress from this neighborhood in an emergency situation must be completed prior to any approval of this type.

**RESPONSE 7-6**

As stated in the IS/MND, the nearest emergency/disaster routes to the Project Site are Lincoln Boulevard (1.0 mile) to the west, SR 90 (0.1 mile) and Venice Boulevard (1.5 miles) to the north, Sepulveda Boulevard (1.2 miles) to the east, and Manchester Avenue (1.6 miles) to the south.<sup>6</sup> The proposed Project would not require the permanent closure of any public or private streets and would not impede emergency vehicle access to the Project Site or surrounding area. Project implementation is not expected to require street closure as emergency vehicle access will be maintained at all times during construction and operation of the proposed Project. Emergency access to and from the Project Site would be provided in accordance with requirements of the Los Angeles Fire Department (LAFD) Regulatory Compliance Measure **RC-HAZ-3**. (Initial Study Checklist & Evaluation, Page 3-31.) Furthermore, the proposed Project would be required to comply with **RC-PS-4**, which is submittal of an emergency response plan to LAFD, which would include an evacuation route. (Initial Study Checklist & Evaluation, Page 3-50.)

**RC-HAZ-3** Emergency access to and from the Project Site would be provided in accordance with requirements of the LAFD.

**RC-PS-4** Prior to occupancy of the proposed Project, an emergency response plan shall be submitted to the LAFD. The emergency response plan would include, but not be limited to, the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire stations. Any required modifications shall be identified and implemented prior to occupancy of the proposed Project.

**COMMENT 7-7**

- d. **Utilities/Infrastructure**. -The city's infrastructure cannot handle this much local population boom. There have been frequent power outages in this area. Roadways, specifically Jefferson Boulevard, are not maintained and improved properly. We are in a tenuous situation with future availability of water, and our water mains are aging. Until the City makes the commitment to upgrade our infrastructure to keep up with development, this project will dramatically add to our infrastructure crisis.

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<sup>6</sup>City of Los Angeles, *Safety Element of the Los Angeles City General Plan, Critical Facilities and Lifeline Systems*, Exhibit H, November 1996.

**RESPONSE 7-7**

As stated above in Response 7-3, the proposed Project does not include a housing element and would not contribute to population growth. Job creation would be approximately 641 jobs. (Initial Study Checklist & Evaluation, Pages 3-10; 3-48.) As stated in the IS/MND, approximately one percent of the proposed Project's energy will be obtained from solar panels installed on-site, per compliance with Section A5.211 of the Guide to the 2016 California Green Building Standards Code – Non-residential. (Project Description, Page 2-8.) This would be accomplished by 3,330 square feet of rooftop solar panels generating approximately 58 amps at 480V, which equals over one percent of the building's electrical service assuming a 5000A 277/480V service requirement. The proposed Project would also incorporate passive environmental lighting, and energy-efficient lighting would be incorporated into the Project's design. (Project Description, Page 2-8.) Overall the proposed Project would incorporate many features that would reduce its overall electricity consumption.

The forecasted water supply in the IS/MND is based off of Los Angeles Department of Water and Power's (LADWP) Urban Water Management Plan (UWMP). UWMPs are prepared by California's urban water suppliers to support their long-term resource planning, and ensure adequate water supplies are available to meet existing and future water demands. Planning is done over a 20 year horizon, with new plans being released every five years. As stated in the IS/MND, LADWP conducts water planning based on a econometric water demand forecasting approach. Water demand is projected by major category (single-family, multi-family, commercial, industrial, and government) as well as weather conditions.<sup>7</sup> From 2015 to 2025 the City's water demand is expected to grow by 60,800 acre-feet, with water supplies matching this number.<sup>8</sup> Accordingly, the 257,600 gallons per day increase in water usage resulting from the proposed Project would not be considered substantial in consideration of anticipated growth. (Initial Study Checklist & Evaluation, Pages 3-60-3-61.)

**COMMENT 7-8**

3. **Non-binding Restrictions.** We recognize that the developer is applying the allowable FAR from multiple adjoining parcels of land in order to allow this much development in this location. Our experience shows that Approval Conditions that limit future expansion are too easily overturned or not enforced. We have little confidence that the undeveloped portions of this property will not be developed later.

There must be a more permanent and binding way of guaranteeing that no further densification will occur on the other parcels that are part of this Project.

**RESPONSE 7-8**

The Project Site consists of the property currently occupied by buildings at 12575 Beatrice Street and 12541 Beatrice Street. After the lot line adjustment described in the IS/MND, the Project Site will total approximately 196,447 square feet. The Project includes the construction of a new office building at 12575 Beatrice Street, while the existing office building at 12541 Beatrice Street will remain and will be incorporated into the overall Project. (Initial Study Checklist & Evaluation, Page 1-1, 2-1 and Figure 2-5.) The overall building floor area for the two buildings will be approximately 287,381 square feet. Therefore, the FAR for the Project Site will be below that allowed by the zoning, which is an FAR of 1.5:1, or 294,670 square feet of maximum floor area.

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<sup>7</sup>LADWP, 2010 Urban Water Management Plan, 2010.

<sup>8</sup>One acre-foot is equivalent to 325,851 gallons.

The Project Site will be a single building site and no floor area above the overall 1.5:1 FAR will be permitted in accordance with the LAMC.

**COMMENT 7-9**

This letter was prepared by our Land Use and Planning Committee and approved by a quorum of our Board of Directors on May 15, 2017.

**RESPONSE 7-9**

The comment is informational.

**COMMENT 8-1**

**On-Site Construction Noise Impact: Compliance with regulatory standards does not by itself ensure a less than significant impact.**

Checklist Question 3.12(d) reads as follows:

Would the project result in ... [a] substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

In response to this checklist item on page 3-46, section (d), of the noise analysis, the analysis states that "[a]s discussed in Response to Checklist Question 3.12(a), the proposed project would result in a less than significant impact related to construction with implementation of Mitigation Measures XII-20 through XII-27 ." However, Checklist Question 3.12(a) only considers whether a project would generate noise or expose persons to noise "in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." However, the response to Checklist Question 3.12(a) never quantitatively or qualitatively demonstrates that the project would not cause a significant increase in noise levels at nearby sensitive receptors and inappropriately reasons that the project's construction noise impact would be less than significant because it would comply with LAMC Section 112.05 and other city regulations pertaining to construction activities. But compliance with regulatory requirements is compulsory, and compliance with local and other regulations does not by itself guarantee or prove that a project would not result in "substantial temporary or periodic" increases in ambient noise levels in the project vicinity, the matter raised by Checklist Question 3.12(d).

The City of Los Angeles has published guidance defining what constitutes significant construction noise impacts. According to the L.A. CEQA Thresholds Guide, "A project would normally have a significant impact on noise levels from construction if...[c]onstruction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use .... " The analysis has utilized a similar 5 dBA threshold to determine the significance of the project's off-site construction noise impacts from construction vehicles, and therefore considers a 5 dBA threshold to be appropriate for the evaluation of the project's construction noises. As such, the L.A. CEQA Thresholds Guide's 5 dBA threshold should be utilized to determine the significance of the project's construction noise impact with respect to Checklist Question 3.12(d).

**RESPONSE 8-1**

The IS/MND utilizes the Los Angeles Municipal Code (LAMC) noise regulation standard to assess construction noise, while it applies the 5 dBA noise increase threshold to noise from project operations. (IS/MND, p. 3-39.)

The L.A. CEQA Thresholds Guide (Thresholds Guide) is "a guidance document that draws together practical information useful to City staff, project proponents, and the public involved in the environmental review of projects subject to the California Environmental Quality Act (CEQA). The Thresholds Guide is a resource available to provide information to those interested in the CEQA process." (Thresholds Guide Introduction, p. 1.) The Thresholds Guide is not a binding document and has not been adopted by the City Council. Rather it is a reference guide for those interested in the CEQA process. The Thresholds Guide is not meant to "impact the existing discretionary authority of decisionmakers" and does not change the authority of the lead agency to "determine significance thresholds on a case-by-case basis dependent upon unique environments, evolving regulatory requirements, and the nature of projects encountered by each lead agency." (Thresholds Guide Introduction, p. 2.)

The Thresholds Guide was issued in 2006 and does not contain the most up-to-date information regarding noise impacts for construction equipment, as many types of mitigation and state of the art technologies have changed. Therefore, the Thresholds Guide is not the most recent or up to date guidance in all

situations. The Thresholds Guide is also not binding on the City, but rather the City has the discretion to utilize additional standards and practices to guide the measurement of potential noise impacts. With respect to construction noise, in Categorical Exemption and MND cases, the City uses a different standard when assessing potential noise impacts from in-fill development. According to City practice, compliance with regulatory measures including LAMC Chapter XI, Article 2, Section 112.05 for construction noise may be used to demonstrate that the project will not result in a significant impact. The LAMC noise regulations regulate a number of aspects of construction noise, including hours of operation, best practices, and noise levels. Under this standard, the IS/MND must demonstrate that the project as designed or mitigated will comply with LAMC Section 112.05, that all feasible noise mitigation will be required, and that construction noise as mitigated will not exceed the 75 dBA limitation within 50 feet. (See for example, CP-7828, Class 32 CE Specialized Instructions.)

Further, the Thresholds Guide includes an incorrect methodology for quantification of construction noise levels. The Thresholds Guide (p. I.1-3 to I.1-4) states that projected noise levels at the time of construction should be quantified as CNEL. CNEL is a weighted 24-hour measure of sound levels. CNEL includes a 10 dBA penalty for the hours of 10:00 p.m. to 7:00 a.m. and an additional 4.77 dBA penalty for the hours of 7:00 p.m. to 10:00 p.m. The use of this 24-hour metric would unfairly represent the short-term increase in noise levels expected from construction activity. The California Department of Transportation (Caltrans) has established a methodology to convert between CNEL and Leq and vice versa. However, it would be inaccurate to translate the stated 5 dBA CNEL threshold into an hourly noise level (Leq) increase and there are a number of assumptions that are necessary in order for the conversion to work. First, the assumption that each of the 24 hourly traffic mixes remains constant and that traffic speeds do not change. Second, the method assumes that the peak hour traffic coincides with the worst-hour Leq, which is often not true. Nevertheless, the methods of conversion discussed may be used if only average daily traffic (ADT) volumes are known and a reasonable estimate can be made of the percentage of peak hour traffic volume of the ADT. Another requirement is a reasonable estimate of the day and night traffic volume split for Ldn and day, evening, and night split for CNEL.<sup>9</sup> As such, as numeric thresholds and not measured noise levels, it is not possible to convert the 5 dBA CNEL threshold to an hourly Leq noise threshold.

With respect to construction noise, the City has concluded that it would be improper to utilize an incremental noise level increase of 5 dBA CNEL to assess construction noise from in-fill projects, in part because construction activity is inherently noisy and will always be clearly audible when adjacent to developed properties. To further reinforce the inaccuracy of using this metric, most major jurisdictions (City of Santa Monica, City of San Francisco, City of San Diego) within California do not use a CNEL incremental increase threshold because it is inaccurate for describing short-term noise impacts associated with construction noise.

Multiple recent examples of City precedent verify the City utilizes the LAMC noise regulations to assess construction noise impacts in the City. Recent examples of IS/MNDs that used compliance with the LAMC to assess short-term construction noise impacts are provided below for reference.

- Environmental Case: ENV-2016-3749-MND, published July 13, 2017. The Project would construct a 33-story, up to 450-foot tall mixed-use building, which would include a new hotel with up to 200 rooms, approximately 49,227 square feet of office space, approximately 28,490 square feet of retail/restaurant floor area, and up to 250 residential condominium units including 18 very-low income units. The proposed building's total gross area would be approximately 420,000 square feet. The Project would include approximately 27,070 square feet of open space, 279 residential parking spaces and 266 non-residential parking spaces, for a total of 545 parking spaces. The Project would provide 286 long-term bicycle storage lockers and 58 short-term bicycle storage spaces for a total of

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<sup>9</sup> Caltrans, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, p.2-55, September 2013.

344 bicycle parking spaces. The Project Site is approximately 100 feet northwest of the Metro Vermont/Wilshire rail station.

- Please see Pages IV-87 through IV-89 for the discussion and application of the City's noise regulations:  
[https://planning.lacity.org/staffrpt/mnd/Pub\\_071317/ENV-2016-3749.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_071317/ENV-2016-3749.pdf)
- Environmental Case ENV-2016-1414-MND, published October 27, 2016. The approximate 2.14-acre (93,632-square-foot) Project Site is currently developed with the existing Galleria Building, a 1-story porte cochere at the south side of the Galleria Building, and a 155-space (49,744 square-foot) surface parking lot. As part of the adaptive reuse of the Galleria Building, the Applicant would add approximately 8,708 square feet of floor area to the Galleria Building roof, to provide 14 hotel rooms and associated roof-top amenities, with 146 hotel rooms and associated improvements accommodated within the existing floor area of the Galleria Building. The new mixed-use buildings would be constructed within the existing surface parking lot. The 7-story mixed-use building would contain 190 condominium units and approximately 2,270 square feet of ground floor commercial uses, and the 35-story mixed use building would contain 355 condominium units and approximately 2,832 square feet of ground floor commercial uses.
  - Please see Pages B-83 through B-97 for the discussion and application of the City's noise regulations:  
[http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_102716/ENV-2016-1414.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_102716/ENV-2016-1414.pdf)
- Environmental Case ENV-2015-3277-MND, published March 3, 2016. Option A consists of 250 residential units, 1,700 square feet of commercial office space, and an ancillary 300 square-foot coffee bar for residents, office tenants, and park visitors within a 233,337 square-foot, variable height structure that varies from 54-feet at its lowest point to 85-feet tall at its highest point. Total proposed parking would be 368 spaces (360 residential parking spaces and 8 commercial office parking spaces) and 279 bike parking spaces. The proposed development would provide 28,817 square-feet of open space as well, which is a surplus of 1,317 square-feet over what is required. Option B proposes a mixed-use residential development with two separate buildings. The first building (Building 1) would be comprised of 165 condominium units, 10,000 square feet of commercial office space with a total floor area of 167,402 square feet within a 66-foot tall , building with four levels of residential over two levels of commercial space. Approximately 349 parking spaces and 185 bicycle parking spaces would be provided within Building 1. Building 2 would be an approximately 36,905 square foot self-storage building approximately 45 feet in height with three levels of storage over one level of on-grade parking with 25 parking stalls and 12 required bicycle parking spaces. The total proposed floor area for both buildings is 204,307 square feet.
  - Please see Pages IV-78 through IV-86 for the discussion and application of the City's noise regulations:  
<http://cityplanning.lacity.org/staffrpt/mnd/ENV-2015-3277.pdf>

## **COMMENT 8-2**

### **On-Site Construction Noise Impact: less than significant impact determination is unsubstantiated as the effectiveness of mitigation is unquantified.**

As shown in Table 3-8 of the noise analysis, four receptors are projected to experience construction related noise level increases in excess of the L.A. CEQA Thresholds Guide's 5 dBA noise increase threshold for construction activities lasting more than ten days in a three-month period. Table 3-8 does not include the two noise-sensitive receptors discussed above that were not identified and analyzed. According to the analysis, "Multi-family Residences to the south" are projected to experience a noise level increase of 26.9 dBA; Digital Domain, 11.6 dBA; 740 Sound Design, 10.4 dBA; and "Single-family Residences to the east," 13.0 dBA. The analysis finds that Regulatory Compliance Measures RC-NO-1

through RC-NO-4 and Mitigation Measures XII-20 through XII-27 would be capable of mitigating these noise increases to a less than significant degree, but offers limited evidence as to why these measures would suffice, failing to disclose the mitigated construction-related noise levels that would be experienced by receptors with the implementation of these measures.

Further, the analysis offers no further explanation of how the proposed regulatory compliance and mitigation measures would adequately mitigate the project's on-site construction noise impacts, failing to quantitatively or qualitatively demonstrate the effectiveness of the proposed mitigation. The analysis claims that "other mitigation measures, while difficult to quantify, will assist in controlling construction noise. Therefore, impacts related to on-site construction noise would be less than significant with mitigation incorporated." But just because these mitigation measures may "assist in controlling construction noise" does not at all mean that they would be capable of reducing construction noises to a less than significant impact.

For example, Mitigation Measure XII-20 additionally requires "state-of-the-art noise shielding," and Mitigation Measure XII-26 requires the placement of "flexible sound control curtains ... around all drilling apparatuses, drill rigs, and jackhammers." However, the analysis does not quantify the mitigating potential of this shielding in any way, let alone describe what a "state-of-the-art" noise barrier would even be. According to the Federal Transit Administration, sound barriers can be expected to attenuate noises by 5 to 15 decibels only.<sup>1</sup> Even considering a full 15 dBA of barrier mitigation and 3 dBA of muffler mitigation, the multi-family residences 50 feet south of the project would still be projected to experience a construction-related ambient noise level of 71.5 dBA Leq, an increase of 9.4 dBA above their existing ambient noise conditions; and 4.4 dBA above the L.A. CEQA Thresholds Guide's 5 dBA noise increase threshold for temporary construction activities lasting more than ten days in a three month period.

Further, this analysis does not consider that because these residences are 4-story multi-family structures, they would not be capable of obstructing the line of sight travel of on-site construction noises to upper-story residential units at all 40 feet in height unless the project's "state of the art noise shielding" and "flexible sound control curtains" were exceedingly tall. The incorporation of equipment mufflers and temporary sound barriers required by Mitigation Measures XII-20 and XII-26 would not be capable of mitigating the project's construction noise impact at this multi-family residence to below the L.A. CEQA Thresholds Guide's 5 dBA noise increase threshold.

Moreover, the total mitigation potential of these measures when combined with the project's other proposed measures could still be inadequate. Mitigation Measure XII-21 would only "prevent additional noise due to worn or improperly maintained parts," not reduce noise levels from properly functioning equipment.

Mitigation Measure XII-22 would require the construction contractor to "use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than metal-tracked equipment)." This measure is ambiguous and generally unenforceable, and the analysis fails to quantify the effect that it would have on construction noise levels.

Additionally, the analysis cites the reference noise levels of construction equipment in Table 3-6 of the noise analysis, as provided by the Federal Highway Administration's Roadway Construction Noise Model.

However, this database makes no distinction between the noise levels of rubber-tired versus steel-tracked equipment, as an equipment's noise level is primarily a product of its internal combustion engine noise. The EPA's Noise from Construction Equipment and Operations, Building Equipment and Home Appliances source cited in Table 3-7 also makes no such distinction. Use of smaller or otherwise less-effective equipment could even extend construction scheduling, lengthening the duration of the project's significant construction noise impacts.

Mitigation Measures XII-23 to XII-25 are similarly ambiguous or unenforceable and fail to establish how they would quantifiably reduce the project's on-site construction noise impacts to below the L.A. CEQA Thresholds Guide's 5 dBA noise increase threshold.

Mitigation Measure XII-26 would have no mitigating effect on the project's potential to result in significant noise impacts, as it would only address complaints after disturbances have already occurred, rather than prevent significant impacts from occurring in the first place. It is an end around to defer any mitigation of the project's significant impacts until after they have already occurred. Such a method placed the discretionary authority of who decides what constitutes as "reasonable measures" into the hands of the project itself.

1. Federal Transit Administration, Transit Noise and Vibration Impact Assessment. May 2006.
2. It should be noted that the California Department of Transportation (Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013) and the Federal Highway Administration (Noise Barrier Design Handbook.) concede that achieving 20 dBA of barrier attenuation is possible, though their design feasibility is considered "nearly impossible." Such a barrier would, at a minimum, require a transmission loss of 30 dBA or greater, achievable by materials such as concrete blocks. Needless to say, this would far exceed any realistic performance standard achievable by a temporary construction sound barrier, especially considering that it would have to fully obstruct the line of sight travel of sound between the project and its receptors. Even a barrier design capable of achieving 15 dBA of mitigation is considered "very difficult."

**RESPONSE 8-2**

As discussed in Response 1, above, the City utilizes the LAMC noise regulations as a threshold for construction noise for in-fill development in IS/MNDs rather than the 5 dBA CNEL incremental noise level cited in the Comment. Therefore, the commenter is applying the wrong threshold standard to this comment analysis. Pursuant to LAMC Section 112.05, maximum noise levels are limited to 75 dBA for construction equipment at a distance of 50 feet, where feasible. The 75 dBA at 50 feet noise limitation does not apply when all technically feasible mitigation has been applied, but compliance is still not attainable. It is important to note that the 75 dBA at 50 feet limitation relates to the noise generated at the equipment and not the noise level exposure at the off-site land uses. The noise levels shown in Table 3-8 of the IS/MND are shown for disclosure and not used for the impact determination.

Table 1 has been added to supplement the IS/MND to show potential quantitative decibel reductions for mitigation measures:

<b>TABLE 1: NOISE MITIGATION MEASURES AND DECIBEL REDUCTION</b>			
<b>Mitigation Measure</b>	<b>Description</b>	<b>Effectiveness</b>	<b>Notes</b>
Mufflers	Most construction noise originates from internal combustion engines. A large part of the noise emitted is due to the air intake and exhaust cycle. Specifying the use of adequate muffler systems can control much of this engine noise. ( <a href="https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook07.cfm">https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook07.cfm</a> )	Industrial Grade – 15 dBA <a href="https://www.nettinc.com/products/silencers-ver-2">https://www.nettinc.com/products/silencers-ver-2</a>	Highly variable by equipment and muffler grade. Existing CEQA Thresholds Guide takes a fleetwide 3 dBA Reduction
Sound Curtains	Sound curtains generally take the form of sound absorptive mats hung from the equipment or on frames	Sound curtains may achieve noise reductions up to 10 dBA. <a href="https://www.fhwa.dot.gov/Environ">https://www.fhwa.dot.gov/Environ</a>	Best used for stationary activity like pile driving and drilling.

	attached to the equipment. The aprons can be constructed of rubber, lead-filled fabric, or PVC layers with possibly sound absorptive material covering the side facing the machine. Sound curtains are useful when the shielding must be frequently removed or if only partial covering is possible. ( <a href="https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook07.cfm">https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook07.cfm</a> )	ment/noise/construction_noise/special_report/hcn04.cfm	
Soundwalls	Noise barriers can be constructed out of many materials, including wood and specialized acoustic materials.	5-20 dBA Professional experience and from soundwall company's specification sheets. <a href="https://www.acousticalsurfaces.com/temporary-barrier/echo-barrier.html">https://www.acousticalsurfaces.com/temporary-barrier/echo-barrier.html</a>	Highly variable depending on material, height, distance from the source to receptor, and line-of-site.
<b>SOURCE:</b> TAHA, 2017.			

In addition, LAMC Section 112.05 sets maximum noise levels of powered equipment in “any residential zone of the City or within 500 feet thereof.” The Project Site is not in a residential zone or within 500 feet thereof. The Project Site is zoned M2-1, which is a manufacturing zone. While there are residences within 500 feet of the Project Site, the residences are on property zoned (Q)C2-2, which is a commercial zone where residential uses are permitted under certain circumstances. Nevertheless, per RC-NO-1 (IS/MND, p. 3-47) in the IS/MND and the Project conditions, the Project will be bound by the LAMC Section 112.05 regulations to ensure mitigation of construction noise impacts. .

As demonstrated in the above **Table 1**, the IS/MND mitigation measures include a combination of mitigation measures that would quantitatively reduce noise levels and other measures designed to generally control noise. The combination of mitigation measures is reasonably anticipated to reduce equipment noise in compliance with LAMC Section 112.05.

Some measures are not capable or suited to quantitative analysis. For example, Mitigation Measure **XII-22** requires the construction contractor shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than metal-tracked equipment). The prohibition of metal-tracked equipment in favor of rubber-tired equipment would surely benefit adjacent land uses; however data on quantitative assessment is not available as the Federal Highway Administration’s Roadway Construction Noise Model does not include rubber-tired and metal-tracked noise levels for the same piece of equipment to use in a comparative analysis.

Similarly, Mitigation Measures **XII-21**, **XII-23**, **XII-25**, and **XII-27**, are designed to qualitatively control construction noise. Mitigation Measure **XII-21** provides the contractor will ensure proper maintenance of all construction equipment, which will prevent additional noise due to worn or improperly maintained parts. Also, Mitigation Measure **XII-23** ensures the contractor will minimize the use of equipment or methods with the greatest peak noise generation potential. This can be done by staggering noisier activities and equipment on different days or segments of days. Mitigation Measure **XII-25** will locate construction staging areas away from sensitive uses, including but not limited to multi-family residences across Beatrice Street and single-family residences east of the Project Site. Also Mitigation Measure **XII-27** will implement a construction noise disturbance coordinator to respond to any local noise complaints and ensure that all reasonable measures are taken to resolve potential complaints.

Mitigation Measure **XII-20** requires state-of-the-art noise shielding and mufflers. At the present time, after-market mufflers typically reduce noise levels by at least 15 dBA.<sup>10</sup> This is in contrast to the

<sup>10</sup> NETT Technologies Inc., *Silencers*, available at <https://www.nettinc.com/products/silencers-ver-2>.

outdated 2006 L.A. CEQA Thresholds Guide's very conservative assumption that mufflers only create a 3 dBA reduction. Use of more advanced present-day mufflers would reduce much of the equipment noise shown in Table 3-6 of the IS/MND to below 75 dBA at 50 feet (see **Table 1** for reduction). However, some equipment cannot be easily muffled, such as jackhammers. As a result, Mitigation Measure **XII-26** requires flexible sound curtains around jackhammers and drilling machines. Sound enclosures made of acoustical materials typically reduce noise levels by at least 10 dBA, while temporary sound walls can reduce noise levels by up to 20 dBA (**Table 1**).

Mitigation Measure **XII-24** prohibits gasoline powered generators, which are shown in Table 3-6 of the IS/MND to generate a noise level of 77.6 dBA at 50 feet. This measure would require use of quieter electric sources to further reduce construction noise impacts. Plug in electric and solar powered generators do not generate audible noise like gasoline generators, as there is no combustion process involved in the production of electricity.

The comment letter notes that mitigating noise levels at the fourth level of adjacent land uses would be exceedingly difficult. The windows are over 40 feet high and overlook the Project Site. LAMC Sec. 112.05 is enforced at ground level at a distance of 50 feet from the noise source. It would not be technically feasible to mitigate noise levels at the multi-family residence as it is necessary to break the line-of-sight between a noise source and receptor in order to reduce noise levels when using a sound wall or sound curtain. A 40-foot tall sound wall or sound curtain is not a feasible option for mitigation. As discussed above, the IS/MND and Project conditions would include numerous mitigation measures that would reduce noise levels to the greatest extent technically feasible.

Again, all equipment will be operated intermittently during permitted construction hours and impacts are temporary. As such, so long as the equipment is operated in accordance with the LAMC regulations and with all mitigation applied, impacts are not anticipated to be significant.

### **COMMENT 8-3**

#### **On-Site Construction Noise Impact: Two studio receptors not identified and/or analyzed.**

On page 3-40 of the New Beatrice West Project Initial Study/Mitigated Negative Declaration, the noise analysis conducted identifies the following noise-sensitive receptors within 500 feet of the project:

- Multi-family residences located 50 feet to the south across Beatrice Street;
- Single-family residences located approximately 300 feet to the east of the project site but approximately 600 feet east of the construction zone;
- 740 Sound Design located adjacent to the project site but 350 feet east of the construction zone; and
- Digital Domain located approximately 300 feet west to the west. [sic]

The analysis goes on to note that "[t]he above sensitive receptors represent the nearest sensitive locations with the potential to be impacted by the proposed project. Additional sensitive receptors are located within 500 feet of the project site, but these receptors would be somewhat shielded from construction activity by the buildings immediately surrounding the project site." However, there are at least two additional noise-sensitive studio land uses exist within 500 feet of the project site, and neither would be shielded from the project's construction activities. ATN Stages is a studio land use located approximately 80 feet west of the project site at 5415 Jandy Place. Vista Studios is also a studio land use, and it is located approximately 110 feet west of the project site at 12615 Beatrice Street. No existing building, wall, or other structure would obstruct the line of sight travel of construction noise from the project to these noise-sensitive receptors.

On Thursday, May 25, 2017, from 3 to 4 P.M., DKA Planning measured ambient noise *levels* at ATN Stages and Vista Studios. ATN Stages was found to have an existing ambient noise level of 59.1 dBA 4q; Vista Studios, 61.0 dBA L<sub>eq</sub>.<sup>3</sup> Following the noise study's methodology for determining construction noise

impacts, ATN Stages would be projected to experience construction noise levels of 84.9 dBA  $L_{eq}$  during the project's grading/excavation and finishing phases, an increase of 25.8 dBA over this receptor's existing ambient noise conditions. This would far exceed the 5 dBA noise increase threshold considered to be a significant noise impact by the L.A. CEQA Thresholds Guide for construction activities lasting more than ten days in a three month period. Vista Studios would be projected to experience construction noise levels of 82.2 dBA  $L_{eq}$  during the project's grading/excavation and finishing phases, an increase of 21.2 dBA over existing ambient conditions. This would also exceed the L.A. CEQA Thresholds Guide's 5 dBA noise increase threshold. Even if the nearest measured ambient noise level of 62.1 dBA  $L_{eq}$  is used instead of those measured by DKA Planning, ATN Stages and Vista Studios would still be predicted to experience construction-related ambient noise level increases of and 22.8 dBA and 20.1 dBA, respectively.

### **RESPONSE 8-3**

This comment references the incorrect 5 dBA noise increase threshold taken from the Thresholds Guide (see Response 1). Using the methodology utilized in the IS/MND, it is not anticipated that significant adverse noise impacts will occur at the two locations identified in the comment.

It should be noted that the Thresholds Guide does not identify private studios or stages as “noise sensitive uses”. According to the Thresholds Guide, noise sensitive uses include “residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks.” However, most noise assessment guidance documents, such as the Federal Transit Administration’s (FTA) Transit Noise and Vibration Impact Assessment Manual, consider recording studios sensitive receptors. As such, the IS/MND analyzed 740 Sound Design and Digital Domain as potential sensitive receptors. The IS/MND concluded there would be no substantial noise impacts to these identified private sound studio uses.

In addition, the comment references ATN Stages and Vista Studios. Regarding ATN Stages, this business was not identified during site visits to the project site prior to release of the IS/MND. Multiple online business records searches (ReferenceUSA, Google, Los Angeles Department of Building and Safety) completed on August 10, 2017 showed no business by this name at the referenced location. A site visit on August 10, 2017 at this address showed a vacant storefront with locked doors and no furniture. Multiple employees and businesses from the surrounding area were asked if they knew of ATN Stages, but no one had heard of the company. This business does not appear to exist.

According to on-line sources, Vista Studios opened for business on May 15, 2017 (Facebook Post: Vista Studios). The IS/MND was published prior to this date on April 17, 2017. The project was not listed as a related project in the relevant list provided by the City of Los Angeles, and the Applicant had no reasonable way to know this future use was planned. The environmental baseline was set on April 17, 2017 and no additional analysis is required regarding this land use.

Furthermore, windows, walls, and insulation provide protection from prolonged noise exposure and interior noise levels are much lower than exterior noise levels. Closed single glazed windows for instance typically provide 25 dB of reduction from exterior noise levels.<sup>11</sup> It is assumed that a private studio which requires a quiet interior environment would include windows, walls, and insulation at a higher than average sound insulation level to provide protection from noise exposure. As stated on Vista Studio’s website, the four sound stages provide seven tons of Sound Transmission Class (STC) rated HVAC at their lowest and 30 tons of STC rated HVAC at their highest.<sup>12</sup> This would provide additional protection

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<sup>11</sup> Federal Highway Administration, *Analysis and Abatement Guidance, Table 6 Building Noise Reduction Factors*, available at [https://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/polguide02.cfm](https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/polguide02.cfm)

<sup>12</sup> Vista Studios, available at <http://www.thevistastudios.com/stages/>

from construction noise and business operations would not likely be affected by noise related to the Project. It is assumed that if ATN Stages exists, it would have similar noise insulation technology.

As discussed above, the combination of feasible mitigation measures imposed in the IS/MND and Project conditions, including the use of state of the art equipment, sound shields, sound curtains and mufflers, as well as the establishment of a noise disturbance coordinator to resolve any complaints, is anticipated to ensure that no significant construction noise impacts occur.

#### **COMMENT 8-4**

##### **On-Site Construction Noise Impact: Undisclosed potential significant health impact.**

According to the National Institute for Occupational Safety and Health (NIOSH), a federal agency under the Centers for Disease Control and Prevention (CDC), extended or repeated exposure to sounds at or above 85 dBA can cause hearing loss. In Table 3-8 of the noise analysis, the analysis projects the multifamily residential receptor located 50 feet south of the project site to experience a constructed-related noise level of 89.0 dBA Leq, without mitigation. Environmental exposure to this noise level would be considered hazardous after a duration of only 3 hours and 10 minutes, far shorter than a typical 8-hour construction work day.<sup>4</sup> The project's potential to expose nearby residents to hazardous levels of noise should be documented and further analyzed, especially given the questionable effectiveness of the proposed mitigation.

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3. Noise measurements were taken using a Quest Technologies SoundPro D1 Sound level Meter, the exact meter used to conduct their ambient noise measurements. The Sound Pro meter complies with the American National Standards Institute (ANSI) and International Electrotechnical Commission (IEC) for general environmental measurement instrumentation. The meter was equipped with an omni-directional microphone calibrated before the day's measurements and set 01 approximately five feet above the ground.

4. National Institute for Occupational Safety and Health. Occupational Noise Exposure. 1998.

#### **RESPONSE 8-4**

Health impacts associated with elevated noise levels are largely an occupational hazard due to prolonged exposure, rather than a hazard to the general public based on intermittent and short term exposure. As stated by the National Institute for Occupational Safety and Health (NIOSH), “The NIOSH REL is an *occupational* exposure limit, and was set to protect workers from developing hearing loss –substantial enough to make it difficult to hear or understand speech – over the course of a forty-year working career.”<sup>13</sup> As such it is clear the 85 dBA threshold being applied is incorrect for general environmental noise exposure.

In addition, all noise levels discussed in the MND are exterior noise levels, not accounting for insulation due to buildings, walls, insulation and windows. Further, noise levels decrease as the distance from the noise source to the receiver increases. The multi-family building 50 feet to the south of the Project Site would be exposed to noise levels of 89 dBA L<sub>eq</sub>, without mitigation, but this is exterior noise at the property line. Windows, walls, and insulation provide protection from prolonged noise exposure and interior noise levels are much lower than exterior noise levels. Closed single glazed windows for instance typically provide 25 dB of reduction from exterior noise levels.<sup>14</sup> In addition, mitigation is expected to conservatively reduce sound levels by 3 dBA, resulting in an exterior noise level of 87 dBA L<sub>eq</sub>. Therefore, the mitigated, interior noise level would be approximately 61 dBA, which is well below any

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<sup>13</sup> NIOSH, *Understanding Noise Exposure Limits: Occupational vs. General Environmental Noise*, February 8, 2016.

<sup>14</sup> Federal Highway Administration, *Analysis and Abatement Guidance, Page 2, Table 6 Building Noise Reduction Factors*, available at [https://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/polguide02.cfm](https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/polguide02.cfm)

level associated with hearing loss. It is likely the mitigated noise level would be lower as technology has improved significantly since the composition of the 2006 CEQA Thresholds Guide. However, it is difficult to quantify the mitigation as the 89 dBA  $L_{eq}$  noise level is a combined noise level and mitigation is applied on the individual equipment level. See **Table 1** for mitigation measures and possible decibel reductions.

Similarly, the single-family residences to the east of the Project Site would be exposed to noise levels of 67.6 dBA  $L_{eq}$ , without mitigation, but this is exterior noise at the property line. Windows, walls, and insulation provide protection from prolonged noise exposure and interior noise levels are much lower than exterior noise levels. Also, barriers such as buildings and berms, which break the line-of-sight between the source and the receiver greatly reduce noise levels. Noise levels are further attenuated with other absorptive surfaces, such as dirt, grass, and trees that separate single-family residences from the Project Site.

#### **COMMENT 8-5**

##### **Off-Site Construction Noise Impact: Undisclosed potential noise impact from concrete mixing and pumping activities.**

Contemporary construction frequently requires extensive concrete pumping activities to deliver concrete around construction sites for a variety of applications. This project could require additional concrete pumping or grout pumping for the installation of its auger cast displacement pile foundation, as recommended by Mitigation Measure GEO 1 of the project's geology and soils analysis.

To deliver concrete or grout on-site, diesel-powered pumping trucks pump concrete from mixing vehicles and transport it on-site with the use of extended booms. These vehicles are typically permitted to operate from public rights-of-way, closer to nearby receptors than construction activities that may occur on-site and behind any potential sound barriers. Concrete mixing vehicles may also form a queue on a public right-of-way while waiting to deliver their payload. For this reason, concrete pumping activities have an elevated potential to cause sustained and significant noise impacts at noise-sensitive receptors.

As shown in Table 3-6 of the project's noise analysis, concrete mixer trucks can produce a noise level of 74.8 dBA  $L_{eq}$  at a distance of 50 feet; concrete pump trucks, 74.8 dBA  $L_{eq}$ . Thus, a concrete pump truck and a single concrete mixer truck operating on Beatrice Street near the intersection of Jandy Place could produce a combined noise level of at least 77.6 dBA  $L_{eq}$  at the multi-family residence at that location. A queue of multiple concrete mixer trucks would exacerbate this noise level, especially because concrete mixer trucks must remain operational and mixing while carrying their payload. A queue of three concrete mixer trucks, not uncommon, would elevate this noise level to 80.7 dBA  $L_{eq}$  at the multi-family residence receptor. If concrete pump and mixing trucks were to operate from the Jandy Place right-of-way, similar impacts could occur at Vista Studios and ATN Stages. These impacts would exceed the L.A. CEQA Thresholds Guide's 5 dBA noise increase threshold. Given the unlikelihood that noise barriers or sound curtains could be installed on any public rights-of-way, it is questionable how these impacts could be mitigated at all. Clearly, more analysis is necessary with regard to this potentially significant impact.

#### **RESPONSE 8-5**

As discussed in Response 1, above, the City utilizes the LAMC noise regulations as a threshold for construction noise for in-fill development in IS/MNDs rather than the 5 dBA CNEL incremental noise level cited in the Comment. Therefore, the commenter is applying the wrong threshold standard to this comment analysis.

The IS/MND properly analyzed all construction related potential noise impacts, including maximum noise levels of a concrete mixing truck and a concrete pump truck. Pursuant to LAMC Section 112.05, maximum noise levels are limited to 75 dBA for construction equipment at a distance of 50 feet. As stated