

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE
*SUPPLEMENTAL
CF 18-1088-S1***

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
VTT-73568-1A	ENV-2015-2026-EIR SCH No. 2015101073	13 – O'Farrell
PROJECT ADDRESS:		
1540 – 1552 Highland Avenue, 6700 – 6760 Selma Avenue, 6663 – 6675 Selma Avenue, 6660 Selma Avenue, 1543 – 1553 McCadden Place, 1542 – 1546 McCadden Place, 1501 – 1573 Las Palmas Avenue, 1500-1570 Las Palmas Avenue, 1600 – 1608 Las Palmas Avenue, 6665 – 6713 ½ Sunset Boulevard		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
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NOTES / INSTRUCTION(S):	
<p>The attached contains the Department of City Planning's response to the appeals submitted for the proposed project.</p>	
TRANSMITTED BY:	TRANSMITTAL DATE:
Jenna Monterrosa	1/10/19

**DEPARTMENT OF
CITY PLANNING**

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January 10, 2019

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEALS OF CROSSROADS HOLLYWOOD; CF 18-1088; CF 18-1088-S1

At its meeting on September 13, 2018 the City Planning Commission denied an appeal and sustained the decision of the Deputy Advisory Agency in approving Vesting Tentative Tract Map No. 73568 for the Crossroads Hollywood Project ("Project") and certified the Crossroads Hollywood Project Environmental Impact Report (EIR). In addition, under Case No. CPC-2015-2025-DB-MCUP-CU-SPR, the City Planning Commission approved a Density Bonus Compliance Review with two On-Menu Incentives and one Off-Menu Incentive; a Master Conditional Use for alcohol; a Master Conditional Use to permit public dancing and live entertainment; a Major Development Project Conditional Use Permit; and a Site Plan Review for the Project.

Appeals of the City Planning Commission's action relative to VTT-73568-1A were filed by Douglas P. Carstens (on behalf of Livable LA) and Ellis Raskin (on behalf of Hollywood Media Center, LLC). Appeals of the City Planning Commission's action relative to Case No. CPC-2015-2025-DB-MCUP-CU-SPR were also filed by Douglas P. Carstens (on behalf of Livable LA) and Ellis Raskin (on behalf of Hollywood Media Center, LLC), as well as by Alex Frenkel.

On December 27, 2018, on behalf of Hollywood Media Center, LLC, Ellis Raskin withdrew their appeals of both VTT-73568-1A and CPC-2015-2025-DB-MCUP-CU-SPR.

As discussed below, upon careful consideration of the appellants' points, the appellants have failed to establish that the City erred or abused its agency discretion. In addition, no new substantial evidence was presented that City as erred in its actions relative to the EIR and the associated entitlements. The appellants have raised no new information to dispute the Findings of the EIR or the CPC's actions on this matter. Planning staff therefore respectfully recommends that the appeals of VTT-73568-1A and CPC-2015-2025-DB-MCUP-CU-SPR be denied.

Furthermore, notwithstanding the withdrawal of the appeals submitted by Hollywood Media Center, LLC, responses are also provided below to those appeal points.

APPEAL ANALYSIS: VTT-73568-1A; CPC-2015-2025-DB-MCUP-CU-SPR
Appellant: Livable LA / Douglas P. Carstens

The appeal points raised by appellant Livable LA are set forth below, followed by staff responses.

Comment 1: Livable LA asserts that a Transportation Plan approved by the CRA must be required.

Response to Comment 1

This comment is identical to Appeal Point 1-6 in the VTTM Appeal. The City's response to this comment can be found in Appeal Response 1-6 in the Staff Report for the CPC Hearing, at the following link:

https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir_Ex/StaffRpts_Determinations/files/VTT_73568_1A_Recommendation_Report.pdf.

Comment 2: Livable LA objects to Condition No. 14 of the October 31, 2018, Letter of Determination on the approval of CPC-2015-2025-DB-MCUP-CU-SPR (LOD), and its grant, on the terms stated in the condition, of a right of first refusal to existing tenants at the Project Site to rent the Project's new low-income units at the Project Site once completed, on the grounds that: (1) the lists for such units are closed so that the existing tenants cannot qualify for them; and (2) such units cannot be promised to any tenant because doing so would violate covenants of the Housing Authority of the City of Los Angeles (HACLA) for affordable housing and enable the Project Site's existing tenants priority over the waiting list of people waiting for affordable HCLA units.

Response to Comment 2

Contrary to the comment's assertion, the HACLA does not maintain a list of people waiting for privately owned affordable housing units and does not govern or oversee privately owned affordable housing units. While the Los Angeles Housing and Community Investment Department (HCIDLA) oversees private owners' compliance with land use covenants, including affordable housing covenants that are recorded against real property (LAMC § 11.5.11(d)), the private property owner itself is responsible for "tenant selection; certification of household income; preparation and enforcement of leases and rental agreements; affordable rent calculations; maintenance of a tenant waiting list..." among other responsibilities. (See <http://hcidla.lacity.org/Tenant-management-and-occupancy-monitoring>.) Therefore, in a privately owned building with affordable housing units, such as the Project will have, the owner maintains the right to select eligible tenants and maintain a waiting list, if any.

Comment 3: Livable LA asserts that the only legal option for providing a right of return to the existing tenants at the Project Site is for the developer to provide such a right without qualification, meaning: no background checks; rent to be held at the current rent paid and increased only every 12 months at the rate set by the HCIDLA for the Los Angeles Rent Stabilization Ordinance; no increase in deposit, and rent subsidies to be paid until the new units are available.

Response to Comment 3

Condition No. 14 of the LOD provides a mechanism by which the property owner shall offer a right of return not otherwise provided to existing tenants under the Ellis Act or by HCIDLA. There is no legal requirement whatsoever for a right to return. Neither the Ellis Act nor the City's Rent Stabilization Ordinance requires a right to return be provided to the tenants. As such, this is not a legal requirement but rather an option for the tenants provided for by the Applicant.

Comment 4: Livable LA asserts that the 60 families still residing at the Project Site must be provided this unqualified right of return, outside of the "affordable" units held for density bonus.

Response to Comment 4

As discussed in Response to Comment 3 above, Condition No. 14 of the LOD provides a mechanism by which the property owner shall offer a right of return not otherwise provided to existing tenants under the Ellis Act or by HCIDLA. There is no legal requirement whatsoever for a right to return. As this is not a legal requirement, the Applicant may determine the parameters of the right to return.

Comment 5: Livable LA objects in general terms that the issues raised in its August 23, 2018, Attachment (August 23 Attachment) to its appeal of the Advisory Agency's approval of the VTTM, which it attaches, were never adequately responded to.

Response to Comment 5

Complete and adequate responses to the comments and issues raised in Livable LA's August 23 Attachment were included in the Staff Report for the CPC Hearing on the appeal of the approval of the VTTM, beginning at page A-2, which is available to the public at the following link: https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir_Ex/StaffRpts_Determinations/files/VTT_73568_1A_Recommendation_Report.pdf.

Comment 6: Livable LA objects in general terms that its May 14, 2018, comment letter, which it attached, and in its July 25, 2018, comment letter, which it does not attach, to City Planning, addressed to Alejandro Huerta, were also not adequately responded to.

Response to Comment 6

Complete and adequate responses to the comments and issues raised in Livable LA's May 14, 2018, comment letter were included in the Staff Report for the CPC Hearing on the appeal of the approval of the VTTM, beginning at page A-2, which is available to the public at the following link: https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir_Ex/StaffRpts_Determinations/files/VTT_73568_1A_Recommendation_Report.pdf.

Complete and adequate responses to the May 14, 2018, comment letter can also be found in the Advisory Agency's Letter of Determination dated August 15, 2018, which can be accessed at the following link, beginning at page 65: https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir_Ex/StaffRpts_Determinations/files/2018.08.15_LOD_VTT_73568.pdf.

The July 25, 2018, comment letter was submitted during the circulation period for the Project's Draft EIR, and detailed responses to that letter are included in the Project's Final EIR, beginning at page II-271 of Section II, Responses to Comments. The Final EIR is available to the public at the following link: <https://planning.lacity.org/eir/CrossroadsHwd/FEIR/index.html>.

Conclusion

For the reasons stated in the Responses to the Comments provided above, Livable LA has failed to establish that the City erred or abused its discretion in approving the Project, including the VTTM and the MCUP, has failed to state adequate grounds on which to deny certification of the EIR, and has failed to show that the City erred and/or abused its discretion by denying Livable LA's appeal of the Advisory Agency's approval of the VTTM. In addition, Livable LA has presented no new substantial evidence and no new evidence that would require revision and recirculation of the EIR.

APPEAL ANALYSIS: CPC-2015-2025-DB-MCUP-CU-SPR
Appellant: Alex Frenkel

Comment 1: The appeal points raised by appellant Alex Frenkel assert that the Project has not sufficiently disclosed the cost of the proposed on-site affordable housing units. The appellant provides further general statements relative to new development in Hollywood and increasing housing costs in the area.

Response to Comment 1: With respect to the price of the Project's proposed affordable housing units, the Project proposes an 11 percent set aside for Very Low Income Households (105 units) pursuant to a Density Bonus under LAMC Section 12.22-A,25. Rent levels are ultimately determined by the Los Angeles Housing and Community Investment Department, with Very Low Income households typically defined as those making 50% of the Area Median Income. The appellant's comments relate to economic and social issues, but do not address an environmental impact of the Project. Upon careful consideration of the appellant's points, the appellant has failed to adequately disclose how the City erred or abused its agency discretion relative to the EIR and the associated entitlements. The appellant has raised no new information to dispute the Findings of the EIR or the CPC's actions on this matter.

APPEAL ANALYSIS: VTT-73568-1A; CPC-2015-2025-DB-MCUP-CU-SPR
Appellant: Hollywood Media Center, LLC / Ellis Raskin (Appeals withdrawn)

The appellant's appeal points raised by Hollywood Media Center (HMC) are set forth below, followed by staff responses.

Comment 1: Introductory Remarks/HMC Asserts that EIR is Defective

Response to Comment 1

Contrary to this comment, the EIR was prepared in full compliance with CEQA. As demonstrated by the responses below, the EIR provides a thorough analysis of the direct, indirect and cumulative impacts of the Project on the environment.

Comment 2: Previous Appeals Were Submitted/HMC Asserts that the City Abused Its Discretion by Certifying the EIR

Response to Comment 2

Detailed responses to the previous Appeals submitted by HMC and Livable LA were prepared in August 2018. As demonstrated by the responses, no new substantial evidence was presented to show that the City erred in its actions relative to the EIR and the associated entitlements. In particular, no new information was submitted that resulted in new environmental impacts or a substantial increase in the severity of a significant impact already identified in the EIR.

The Commenter is correct that after careful review of the record and receipt of public testimony, the City Planning Commission denied the appeals and approved the Project.

Comment 3: Background Information About HMC

Response to Comment 3

This comment provides a map of the 1540 N. McCadden Place property and notes its use as a creative artist space and recording studio. The comment also notes that a restaurant space is located at 1534 N. McCadden Place. Note that at the time of the Notice of Preparation of the Draft EIR, dated October 22, 2015, the HMC properties were vacant.

Comment 4: HMC asserts in general terms that the City failed to adequately disclose and analyze the Project's adverse environmental effects on the local community in the Project's EIR.

Response to Comment 4

The EIR is comprehensive and provides a detailed analysis of the potential impacts to the environment affecting the community, including potential impacts associated with noise, vibration, light, dust and other airborne pollutants, and public services and utilities. Refer to Sections IV.I, Noise; IV.A, Aesthetics; IV.B, Air Quality; IV.K, Public Services; and IV.M, Utilities, of the Draft EIR and Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. Sensitive receptors were identified based on the LA CEQA Thresholds Guide and impacts at the sensitive receptors were properly evaluated in the EIR.

Comment 5: HMC asserts in general terms that the City Planning Commission abused its discretion and failed to proceed in the manner required by CEQA by certifying a substantially inadequate EIR.

Response to Comment 5

As discussed in Response to Comment 1, the EIR was prepared in full compliance with CEQA and provides a thorough analysis of the direct, indirect and cumulative impacts of the Project on the environment. As such, the City Planning Commission did not abuse its discretion or fail to proceed in the manner required by CEQA regarding certification of the EIR.

Comment 6: HMC asserts that the EIR's Project Description is defective by failing to specify the following information, in addition to other information not identified in the comment, regarding the Project:

- Where the 22 alcohol-related uses will be located;
- The types, dimensions and locations of illuminated signs at the Project Site;
- Whether the Project buildings will utilize exterior cladding that minimizes the risk of bird collisions;
- To what extent the retail, restaurant and dining venues will be affordable to low- and moderate-income members of the community (citing an article on environmental justice)
- The direction of vehicular travel on McCadden Place during construction;
- Where on-street parking would be removed by the Project;
- Where taxis and ridesharing services would queue at the residential, hotel and entertainment facilities;
- How 176 boxed trees will be arranged on a single roof deck, citing page IV.K.5 19 of the Draft EIR;
- What the albedo of ground level and rooftop surfaces will be; and
- Whether the subsurface vacation of Las Palmas Avenue to construct subterranean parking for the Modified Project would require removal or relocation of the underground gas lines along Las Palmas, citing page IV.M.4-17 of the Draft EIR.

Response to Comment 6

The EIR contains a full and adequate description of the characteristics and components of the Project sufficient to enable the EIR to set forth the analyses of the Project's impacts required under CEQA. As stated in State CEQA Guidelines Section 15124, the EIR's "description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Responses to the specific questions posed by the comment follow:

- The 22 alcohol uses would be distributed throughout the Project Site. As stated on page II-58 in Section II, Project Description, and on pages IV.H 66 and IV.H 67 in Section IV.H, Land

Use, of the Draft EIR, and in Section II, Responses to Comments, of the Final EIR, in Topical Response No. 6, Master Conditional Use Permit Request, five of the alcohol uses would be located within the hotel and restaurants in the hotel, two for off-site sales of alcoholic beverages (for a wine shop or other similar use), and fifteen uses associated with the restaurants and bars throughout the 8.3-acre Project Site. Eight of these uses would include live entertainment and dancing. As part of the Project's entitlement process, the request would be considered by the City's decision-makers and approval, if granted, would be subject to specific conditions. In addition, each operator (i.e., restaurant, hotel, etc.) would be required to submit subsequent plan approval applications. A more precise description of the locations of such uses is not required to provide an adequate EIR.

- Section II, Project Description; Section IV.A, Aesthetics; and Section IV.H, Land Use, of the Draft EIR contain descriptions of the illuminated signs proposed as part of the Project. In addition, Appendix B of the Draft EIR contains a lighting study that describes the locations and sizes of the signs and determines the amount of light each sign will emit. That lighting study provides substantial evidence that, in part, supports the conclusions in Section IV.A, Aesthetics, and Section IV.H, Land Use and Planning, of the Draft EIR that the Project would comply with all regulatory requirements, including the requirements that are set forth by CalGreen and Title 24 that require the use of high performance lights with good color and good glare control. In addition, in accordance with the Project's Project Design Feature A-9, design elements would be incorporated to limit the direct view of the light source surface for all exterior light fixtures and to ensure that the light source cannot be seen from adjacent residential properties or the public right-of-way, and Project illuminated signs would not exceed 600 candelas per square meter during nighttime hours (with a maximum of 150 candelas per square meter along and facing Selma Avenue), pursuant to the requirements of the LAMC, the California Energy Code, and the CALGreen Code (Title 24, Part 6, and Part 11). Finally, the Project is also conditioned to comply with all applicable requirements. As stated repeatedly in Section IV.A, Aesthetics, of the Draft EIR, with the exceptions noted, the analyses of the Project's aesthetics impacts, are presented for informational purposes, only, since pursuant to Section 21099 of the Public Resources Code, a qualifying transit priority area project's impacts on aesthetics are not considered to be significant impacts on the environment.

- As stated in Section IV.A, Aesthetics, of the Draft EIR, the Project incorporates Project Design Feature A-8, which requires that glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare. As stated in the study on bird collisions discussed in the American Bird Conservancy article cited in footnote 5 in the appeal, high-rise buildings account for only 1 percent of bird collisions, with low-rise buildings and residences accounting for the remainder, and that the key to reducing bird collisions is to make glass less reflective, and, therefore, visible to birds. As such, the exterior surfaces of the Project's buildings would not create a substantial risk of bird collisions.

- The markets that would be served by the Project's ultimate retail, restaurant and dining venues relate to economic issues, not environmental issues that must be assessed in the EIR. See, e.g., *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 689–692; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715, fn. 3. Further, environmental justice is not a topic that CEQA requires be analyzed in an EIR.

- During construction, two-way vehicular traffic on McCadden Place would be maintained with a flagman in place. Refer to Figure 19 of the Traffic Study, which was reviewed and approved by LADOT and is provided as Appendix O to the Draft EIR.

- During construction, the Project would temporarily remove, in the aggregate, up to 64 parking spaces and 2 loading spaces on Highland Avenue, McCadden Place, Las Palmas Avenue, Selma Avenue, and Sunset Boulevard. Of those, three parking spaces would be

temporarily removed from McCadden Place. See the attached Construction Plan. Operation of the Project would require removal of all 32 parking spaces on Las Palmas. However, pursuant to Section 21099 of the Public Resources Code, a qualifying transit priority area project's impacts on parking are not considered to be significant impacts on the environment.

- Vehicular access to each of the Project buildings is described in Section II, Project Description, of the Draft EIR. Access to each of the Project's buildings is generally depicted in Figure III-2, Ground Level Plan, of Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, as modified by Appendix A, Site Plans, of the Errata to the Crossroads Hollywood Final Environmental Impact Report (Errata), depicting the Refined Project (although vehicular access to the Project's hotel would remain as described in the EIR). The hotel is currently designed with a separate valet/drop-off area that leads to the parking ramps.
- The proposed number of boxed trees cited is the total for all building roof decks, not a single roof deck, as depicted in the Project plans and set forth in Section II, Project Description, of the Draft EIR at page II-50.
- Regarding the albedo of roofs, as set forth on pages IV.A-26, IV.A-37 and IV.A-38, IV.A-40 and IV.A-41, and IV.A 72-74 of the Draft EIR, and pages III-46 and III-47 of Section III, Revisions, Clarification and Corrections to the Draft EIR, of the Final EIR, with the Project's incorporation of AES-PDF-5 (integration of the mechanical, electrical, and rooftop equipment into the Project's architectural design), AES-PDF-7 (lighting controls), AES-PDF-8 (non-reflective exterior building surfaces), and AES-PDF-9 (signage controls), the various sources of daytime glare that would be caused by the Project—including reflective surfaces, such as building surfaces and non-reflective surfaces such as brick and concrete—and nighttime light and glare – including lighting and signage- would create less than significant impacts, particularly in the context of the urban environment in which the Project would be located. Ground level surfaces would be heavily landscaped and would also include additional aesthetic features, as described in Chapter II, Project Description, of the Draft EIR. As the Draft EIR and Final EIR explain, the EIR reaches these significance conclusions for informational purposes only, since these potential aesthetics impacts of the Project are not considered to be significant impacts under SB 743.
- As stated in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR and in the Errata to the Crossroads Hollywood Final Environmental Impact Report, the Modified Project and the Refined Project do not include realignment of Las Palmas and associated in-street improvements, and there would be no subterranean parking and no relocation of utilities under Las Palmas Avenue.

Comment 7: HMC asserts that the EIR's project description is not stable due to the refinements presented in the Errata to the Crossroads Hollywood Final EIR published in August 2018 prior to the CPC Hearing, and that the changes to the EIR contained in the Errata require recirculation of the EIR.

Response to Comment 7

Contrary to the comment's assertion, the EIR's project description is not unstable. As the Errata states, as a result of public comment, modifications to both the Project and the Modified Project were made to reduce the impacts on the environment, as CEQA encourages. See, e.g., Pub. Res. Code Section 21002.1(b); State CEQA Guidelines Section 15002(a). For the reasons discussed in the Errata, the modifications to the Modified Project reflected in the Refined Project were minor. As to recirculation, the Errata sets forth the substantial evidence that supports the City's conclusion that the modifications reflected in the Refined Project, analyzed in the Errata, do not require recirculation of the EIR pursuant to State CEQA Guideline Section 15088.5.

Comment 8: Under the heading entitled failure to provide an adequate description of the Project's environmental setting, HMC provides general CEQA law regarding the requirement that an EIR

must adequately describe the environmental setting, and asserts in general terms that the Project EIR fails to do so.

Response to Comment 8

The EIR provides a clear discussion of the environmental setting for the Project that provides the baseline based on which the Project's potential impacts were evaluated. Specifically, refer to Section III, Environmental Setting, of the Draft EIR, which includes a description of the regional setting of the Project Site and surrounding uses. In addition, each of the impact analysis sections within Chapter IV of the Draft EIR also includes a subsection discussing the environmental setting that is specific to the environmental topic being addressed. With regard to the HMC properties, Section III, Environmental Setting, states that "Immediately north of the detached parking structure (on the east side of McCadden) are a one-story building, identified as Café des Artistes at 1534 McCadden Place, and a two-story building, identified as "Stages" at 1540 McCadden Place, both of which are currently vacant." In accordance with CEQA, these conditions reflect the conditions at the time the NOP for the Project was circulated for public review.

Comment 9: HMC asserts, in general, that the EIR fails to disclose sensitive receptors adjacent to the Project Site.

Response to Comment 9

The EIR clearly discloses sensitive receptors located in the vicinity of the Project Site, including those immediately adjacent to it. Specifically refer to Sections IV.B, Air Quality, and IV.I, Noise, of the Draft EIR. As discussed therein, potential localized air quality impacts associated with construction would be less than significant with implementation of mitigation measures. However, construction noise impacts on sensitive receptors in the Project Site vicinity would be significant and unavoidable during the periods when construction activities would occur in proximity to the sensitive receptors.

Comment 10: HMC asserts that the EIR fails to disclose all related projects.

Response to Comment 10

As described in Topical Response No. 5, Traffic, in Section II, Responses to Comments, of the Final EIR, in accordance with the procedures outlined in the CEQA Guidelines, the EIR considers the effects of Project-generated traffic in relation to other developments either proposed, approved or under construction (collectively, the related projects), as well as from regional growth projections (i.e., ambient growth). As outlined in Section 15130 of the CEQA Guidelines, two options are provided for developing the cumulative forecast:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the [lead] agency, or

(B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency."

As described in the DEIR, the analyses include traffic growth both from related projects in accordance with option "A" and from regional growth projections in accordance with option "B." Given that the ambient growth factor discussed in Section IV.L, Traffic, Access, and Parking, of the Draft EIR, includes some traffic growth resulting from related projects, the traffic analysis provides a highly conservative estimate of future cumulative conditions.

The traffic analysis considered the effects of Project-generated traffic in relation to traffic generated by a total of 145 related projects, as shown in Table III-1 in Section III, Environmental Setting, and in Table 6 of the Traffic Study in Appendix O, of the Draft EIR. The following criteria

were considered when selecting the 145 related projects for purposes of CEQA analysis: submittal prior to or at the time of the Project's Notice of Preparation (NOP), which was issued in October 2015, the proximity of the Project, and the size of the related project. It is recognized that more development projects continue to be proposed. Therefore, in addition to related projects, increases in traffic due to both regional growth, on-going development in and outside of the Study Area were considered and accounted for in the Draft EIR analyses through the application of an ambient growth factor. This approach is highly conservative and substantially overestimates the actual traffic volume growth that would likely occur.

The commenter claims that the EIR understates the significance of cumulative impacts by failing to disclose the existence of at least 11 related projects. Based on a review of City Planning and LADOT files, all 11 related projects identified by the commenter were filed after the Project's NOP date or the project trips generated by the project were nominal (i.e., below LADOT's established threshold for requiring the preparation of a full transportation impact study). These related projects were captured and accounted for with the application of the ambient growth factor. A conservative ambient growth factor of 1% per year compounded annually was applied and accounts for increases in traffic due to potential projects not yet proposed (at the time of the Project's NOP date), smaller projects generating few net new trips, or projects located outside of the traffic analysis study area. Therefore, these additional related projects were considered for CEQA analysis purposes, and the EIR did not understate the significance of the Project's cumulative impacts.

In addition, the Traffic Study accounted for both ambient growth and growth resulting from related projects in a highly conservative estimate of future cumulative conditions and substantially overestimates the actual traffic volume growth that would likely occur prior to the Project buildout year. Furthermore, although the buildout years of many of the related projects are uncertain and may be well beyond the buildout year of the Project, and although some related projects may never be approved or developed or developed as proposed, all were considered and were conservatively assumed to be completed by the Project buildout year. As shown in Table 7 of the Traffic Study, the cumulative impact analysis acknowledges the degradation of traffic conditions under Future Year 2022 conditions with consideration of the ambient growth and related project traffic.

Comment 11: HMC asserts that the EIR fails to disclose, evaluate and mitigate impacts to aesthetics, views, light/glare, and shading.

Response to Comment 11

Per the provisions of SB 743, PRC Section 21099, and the City's Zoning Information File No. 2452 (ZI No. 2452), aesthetic impacts associated visual resources, aesthetic character, shade and shadow, light and glare, scenic vistas or any other aesthetic impact shall not be considered an impact for mixed-use infill projects within transit priority areas (TPAs) pursuant to CEQA. Thus, as explained in detail in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project's aesthetic impacts, including impacts associated with shading, shall not be considered significant impacts on the environment. Nonetheless, for informational purposes, a shading analysis was included in the EIR. As demonstrated by the diagrams contained therein, the Project would not shade the HMC properties for more than the specified thresholds identified in the LA CEQA Thresholds Guide. Also, note that at the time of the Notice of Preparation of the Draft EIR, dated October 22, 2015, which is the baseline from which impacts are evaluated under CEQA, the HMC properties were vacant.

Comment 12: HMC asserts that the EIR fails to disclose, evaluate and mitigate impacts to air quality and effects of Project changes to localized wind patterns.

Response to Comment 12

This comment provides no support for its speculation that the Project would change the local wind patterns. Speculation does not constitute substantial evidence. Pub. Res. Code, § 21080(e)(1); State CEQA Guidelines Section 15384; Joshua Tree Downtown Business Alliance v. County of San Bernardino (2016) 1 Cal.App.5th 677, 690 (“Complaints, fears, and suspicions about a project’s potential environmental impact likewise do not constitute substantial evidence”). Furthermore, neither CEQA nor the SCAQMD has provided, and the City has not chosen to adopt for the Project, a significance threshold addressing localized wind patterns.

As discussed on Page IV.B-25 of Section IV.B, Air Quality, of the Draft EIR, the localized air quality impacts analysis was conducted using SCAQMD methodology. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard and are developed based on the ambient concentrations of that pollutant for each source receptor area (SRA) and distance to the nearest sensitive receptor. The mass rate look-up tables were developed for each source receptor area (e.g., area specific meteorological conditions) and are used to determine whether or not a project may generate significant adverse localized air quality impacts. In the case of the Project, SRA 1 (downtown Los Angeles) was appropriately used in the analysis. As shown in Tables IV.B 5 and Table IV.B-7 in Section IV.B, Air Quality, of the Draft EIR, the Project would result in less than significant localized air quality impacts. If the Project had exceeded the LSTs, then a refined analysis would have been required using SCAQMD’s recommended AERMOD model. As this model requires the use of SCAQMD mandated meteorological data, the suggested methodology in this comment would conflict with SCAQMD methodology.

From a CO “Hot Spots” standpoint, the discussion on page IV.B-40 of Section IV.B, Air Quality, of the Draft EIR provides substantial evidence that the Project would not cause any new or exacerbate any existing CO hotspots to exceed the 1-hour or 8-hour CO standard, and, as a result, impacts related to localized mobile-source CO emissions would be less than significant. The analysis was based on data provided in the SCAQMD’s 2003 AQMP, which showed that the busiest analyzed intersection in the Air Basin (Wilshire Boulevard and Veteran Avenue) would result in a 1 hour concentration of 4.6 ppm and indicates that the most stringent 1-hour CO standard (20.0 ppm) would likely not be exceeded until the daily traffic at the intersection exceeded more than 400,000 vehicles per day. At buildout of the Project, the highest average daily trips at an intersection would be approximately 72,268 at the Highland Avenue and Sunset Boulevard intersection, which is below the daily traffic volumes that would be expected to generate CO exceedances as evaluated in the 2003 AQMP. Furthermore, the suggested methodology discussed in the comment would conflict with Caltrans’ CO Protocol, which recommends use of “worst- case” conditions for wind speed, wind direction, standard deviation of the wind angle and stability class. Thus, no additional analysis is warranted based on this comment.

Comment 13: HMC asserts that the EIR fails to disclose, analyze cumulative air quality impacts.

Response to Comment 13

The definition of a cumulative impact is included on pages III 3 through III 6 of Section III, Environmental Setting, of the Draft EIR. The Draft EIR appropriately uses specific analyses for each cumulative analysis impact category. The SCAQMD guidance regarding air quality cumulative impact methodology is explained below and does not require an analysis comparing the Project’s emissions in combination with other project emissions against the significance thresholds.

The SCAQMD shares responsibility with CARB for ensuring that all federal and State ambient air quality standards are achieved and maintained throughout all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. SCAQMD has developed methodologies and thresholds of significance that are widely used by lead agencies throughout the air basin. As set forth in the LA CEQA Thresholds Guide, the City adopted the SCAQMD

thresholds to assess the significance of a project's project-specific and cumulative air quality impacts. SCAQMD's White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution prepared in August 2003 specifically states:

The AQMD, as Lead Agency, complies with all cumulative impact analysis requirements when preparing CEQA documents. As a Commenting Agency, the AQMD recommends that other public agencies perform cumulative impact analyses relative to air quality in the same manner as does AQMD.... As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR.... Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.

The cumulative analysis of air quality impacts within the Draft EIR appropriately follows SCAQMD's specified methodology. Specifically, as discussed on page IV.B-53 in Section IV.B, Air Quality, of the Draft EIR, individual projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non attainment.

Section 9.5, Cumulative Impact Evaluation, of SCAQMD's CEQA Air Quality Handbook also provides guidance regarding evaluation of cumulative impacts. On page 9 12 of the CEQA Air Quality Handbook (1993), a project's cumulative impacts could be evaluated by determining whether the project reduces the rate of growth in vehicle miles traveled (VMT). This analysis was conducted on page IV.D-54 in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR. As discussed therein, the Project is the type of land use development that is encouraged by SCAG's 2016–2040 RTP/SCS to reduce VMT and expand multi-modal transportation options. The Project results in a VMT reduction of approximately 45 percent in comparison to a project with no implementation of emission reduction measures as estimated by CalEEMod and would be consistent with the reduction in transportation emission per capita provided in the 2016–2040 RTP/SCS. This analysis would further support a conclusion of less than significant cumulative operational air quality impacts.

Comment 14: HMC asserts that the EIR fails to disclose, analyze, or mitigate construction dust and particulate impacts on sensitive receptors.

Response to Comment 14

The SCAQMD LST methodology provides guidance regarding receptors within 25 meters and was discussed on page IV.B-34 in Section IV.B, Air Quality, of the Draft EIR:

As stated on Page 3-3 of the LST methodology, "[T]he closest receptor distance on the mass rate LST lookup tables is 25 meters. It is possible that a project may have receptors closer than 25 meters. Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters.

As such the analysis of localized air quality impacts was conducted consistent with SCAQMD methodology and no additional analysis is warranted based on this comment. As discussed in Section IV.B, Air Quality, of the Draft EIR, impacts to LSTs would be less than significant. It should also be noted that SCAQMD does not recommend that an outdoor dining area be considered for localized PM10 and PM2.5 impacts since the significance threshold is averaged over a 24-hour period.

Comment 15: HMC asserts that the EIR fails to provide adequate mitigation for construction-related dust and particulate matter.

Response to Comment 15

Compliance with SCAQMD Rule 403, Fugitive Dust, was considered in evaluating potential air quality impacts associated with the Project. SCAQMD's CalEEMod model was used for purposes of analyzing fugitive dust emissions during proposed construction activities. The only fugitive dust reduction measure selected within CalEEMod was watering of the Project Site. As shown in Table IV.B-4 and Table IV.B-5 in Section IV.B, Air Quality, of the Draft EIR, this reduction measure adequately reduces regional and localized PM10 and PM2.5 construction impacts below the SCAQMD's significance thresholds. SCAQMD Rule 403 requirements would be enforced through the Project's MMRP. Please refer to Response to Comment 12, above, regarding consideration of site specific conditions. No further analysis or mitigation measures are warranted based on this comment.

Regarding potential localized air quality impacts associated with construction haul trucks, SCAQMD recommends analysis of on-site sources (heavy-duty construction equipment and haul trucks) for comparison to SCAQMD's LST thresholds. This modeling approach provides the most diesel equipment operating in a small area near sensitive receptors. As shown on Table IV.B-5 in Section IV.B, Air Quality, of the Draft EIR, localized impacts would be less than significant. Thus, no mitigation measures would be required.

HMC's implication in footnote 10 that the EIR's analyses of the Project's Air Quality impacts are flawed based on its unsupported assertion that trucks "rarely comply with idling restrictions" is pure speculation, and cannot overcome the presumption in favor of the City that it will properly enforce the Project's MMP and all applicable regulations during construction and operations. See Evidence Code section 664. Forecasts in an EIR may be based on the assumption that a project will be developed in a way that conforms to legal requirements. *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1067.

Comment 16: HMC asserts in general terms that the EIR failed to evaluate impacts to biological resources.

Response to Comment 16

HMC is correct that the Initial Study included as Appendix A to the Draft EIR concluded that impacts to biological resources would be less than significant. As discussed in detail therein, and summarized in Section VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area and is currently developed with various uses including low-density commercial/retail and office uses, residential uses, and surface parking lots. Due to the lack of suitable habitat on-site, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. No riparian or other sensitive natural community exists on the Project Site or in the surrounding area. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site or in the vicinity. There are no established native resident or migratory wildlife corridors on the Project Site or in the vicinity. Furthermore, no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the Project Site. Thus, the Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other related plans. In addition, trees would be replaced in accordance with regulatory requirements and the Project would result in an increase in on-site trees when compared with existing trees. Furthermore, tree removal under the Project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. With compliance with this existing regulatory requirement, impacts would be less than significant. Therefore, the Initial Study appropriately concluded that impacts to biological resources would be less than significant, and no further evaluation in the EIR was required.

Comment 17: HMC asserts that the EIR did not address impacts associated with tree removal and speculates as to the effects that tree replacement would create.

Response to Comment 17

It is anticipated that up to 98 street trees may be removed and replaced in accordance with Urban Forestry Division requirements. In addition, the Project would provide approximately 239 new trees including roof deck trees, trees along the paseo, and street trees along Highland Avenue, Selma Avenue, Las Palmas Avenue, and Sunset Boulevard (refer to page 12 of the August 2018 Errata). The landscape planting materials would consist of drought-tolerant, native and adapted plant species.

The removal of trees would occur during the construction phase of the Project. As such, induced energy requirements from “heat island effect” for cooling of proposed buildings would not be considered since the uses would not be fully operational during the construction phase. Furthermore, the Project would implement sustainability features designed to reduced “heat island effect” on the Project site. In addition to the new trees planted on the Project Site, page II-52 in Section II, Project Description, of the Draft EIR describes that the Project would include heat island mitigation strategies for 50 percent of hardscapes or provide 100 percent underground parking. In addition, the Project would include heat island mitigation strategies for 75 percent of roof areas. Implementation of these strategies were not considered in the analysis of air quality and GHG impacts. As such, the impacts presented in Section IV.B, Air Quality, and Section IV.C, Greenhouse Gas Emissions, of the Draft EIR provide an upper-end of potential impacts.

Planting trees will sequester CO₂ and is considered to result in a one-time carbon-stock change. Trees sequester CO₂ while they are actively growing. CalEEMod assumes the IPCC active growing period of 20 years. Thereafter, the accumulation of carbon in biomass slows with age, and will be completely offset by losses from clipping, pruning, and occasional death. Actual active growing periods are subject to, among other things, species, climate regime, and planting density. The replacement of trees beyond the 20 year cycle would result in additional years of carbon sequestration. However, this would be offset by the potential net release of carbon from the removal of the replaced tree. Based on this information, the GHG analysis conservatively did not take credit for the additional carbon sequestration of the new trees.

Comment 18: HMC speculates that because research indicates that “collisions with clear and reflective sheet glass cause more anthropomorphic bird deaths than any other activity, except habitat destruction,” and because the City anticipates that migratory birds may nest in the trees located throughout the Project Site, the EIR is defective for failing to analyze the Project’s impacts on bird collisions with the Project’s buildings.

Response to Comment 18

As stated in Response to Comment 6, above, Section IV.A, Aesthetics, of the Draft EIR, explains that the Project incorporates Project Design Feature A-8, which requires that glass used in Project building façades shall be anti-reflective or treated with an anti reflective coating in order to minimize glare. As stated in the study on bird collisions discussed in the American Bird Conservancy article cited in footnote 5 in the appeal,

high-rise buildings account for only 1 percent of bird collisions, with low-rise buildings and residences accounting for the remainder, and that the key to reducing bird collisions is to make glass less reflective, and, therefore, visible to birds. As such, the exterior surfaces of the Project’s buildings would not create a substantial risk of bird collisions.

Comment 19: HMC asserts in general and conclusory terms that the EIR fails to disclose the cumulative impacts to biological resources that would occur.

Response to Comment 19

As discussed in the Initial Study included as Appendix A to the Draft EIR, With respect to biological resources, the Project Site vicinity is urbanized and the probability of important biological resources occurring on-site is very low. Further, biological resource areas are generally site-specific and are evaluated within the context of each individual project. In addition, with compliance with regulatory requirements, the Project would not result in significant impacts to biological resources. Thus, cumulative impacts to biological resources would be less than significant

Comment 20: HMC asserts that the EIR fails to properly address how the albedo of ground-level and rooftop surfaces will contribute to climate change.

Response to Comment 20

Consistent with requirements under AB 900, Crossroads submitted to ARB the methodology for quantifying the Project's net additional GHG emissions and provided documentation showing that the Project would not result in any net additional GHG emissions. CARB confirmed in writing that the Project does not result in any net additional emissions of GHG. A copy of the Certification Letter was provided in Appendix D-1 of Draft EIR. Please note that CARB provided no recommendation for including the calculation of how the albedo of landscaping features and ground-level and rooftop surfaces of the Project Site would contribute to climate change. Furthermore, SCAQMD's CalEEMod, which was used to calculate GHG emissions for the Project, does not include the albedo of landscaping features and ground-level and rooftop surfaces. The methodology for calculating climate change resulting from the albedo of landscape features and ground-level and rooftop surfaces on the Project Site would be considered speculative. In addition, as discussed in Response to Comment 17, sustainability features would be included in the Project that would serve to reduce the contribution to climate change from the albedo of ground-level and rooftop surfaces on the Project Site. Thus, the GHG analysis presented in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR conservatively did not account for any reduction in climate change associated with these sustainability measures.

Comment 21: HMC asserts that the EIR fails to account for the immediate impact of construction emissions.

Response to Comment 21

This comment correctly identifies that the SCAQMD recommends total GHG construction emissions to be amortized over the 30-year lifetime of the Project (i.e., total construction GHG emissions divided by 30 to determine an annual construction emissions estimate that can be added to the Project's operational emissions) in order to determine the Project's annual GHG emissions inventory. Section IV.C, Greenhouse Gas Emissions, of the Draft EIR provides an estimate of annual GHG emissions consistent with SCAQMD guidance. The suggested change in methodology in this comment would conflict with guidance provided by SCAQMD that the City determined was appropriate to follow and, therefore, is not considered further. Furthermore, the California Natural Resources Agency Final Statement of Reasons has identified that GHG impacts should be evaluated on a cumulative global basis:

"The impacts analysis of greenhouse gas emissions is global in nature; "the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local." (Center for Biological Diversity v. Dept. of Fish & Wildlife, *supra*, 62 Cal.4th at p. 220; SANDAG, *supra*, 3 Cal.5th at p. 512.) "[A]n individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe." (Center for Biological Diversity v. Dept. of Fish & Wildlife, *supra*, 62 Cal.4th at p. 219; SANDAG, *supra*, 3 Cal.5th at p. 512.) Thus, the primary question to be answered in the impacts

analysis is “whether the project’s incremental addition of greenhouse gases is ‘cumulatively considerable’ in light of the global problem, and thus significant.” (Ibid.)

Based on the above, the Project’s GHG impacts were evaluated consistent with guidance from the SCAQMD and the Natural Resources Agency. Please note that Project Design Feature C-5 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR requires the following:

Project Design Feature C-5: No later than six (6) months after the issuance of a Temporary Certificate of Occupancy for the Project, the Project Applicant will provide to the lead agency, the City of Los Angeles, a calculation of the net additional emissions resulting from the construction of the Project (the “Construction Emissions”), to be calculated in accordance with the methodology agreed upon by the California Air Resources Board (CARB) in connection with the AB 900 certification of the Project (the “Agreed Methodology”). The Project Applicant will provide courtesy copies of the calculations to the CARB and the Governor’s Office promptly following transmittal of the calculations to the City of Los Angeles. The Project Applicant will enter into one or more contracts to purchase voluntary carbon credits from a qualified GHG emissions broker in an amount sufficient to offset the Construction Emissions. The Project Applicant will provide courtesy copies of any such contracts to the CARB and the Governor’s Office promptly following the execution of such contracts.

As a result, through the purchase of voluntary carbon credits, total construction GHG emissions would be offset.

Comment 22: HMC asserts that GHG emissions that occur during the manufacturing and distribution processes for products that are sold at retail establishments at the Project Site should be calculated.

Response to Comment 22

As discussed above in Response to Comment 20, the calculation of GHG emissions was based on guidance provided by both SCAQMD and CARB. The information needed to characterize GHG emissions from the manufacture, transport, and the end-of-life of materials would be speculative at the CEQA analysis level. Therefore, the GHG analysis did not assess such GHG emissions. No further analysis or mitigation measures are warranted based on this comment.

Comment 23: HMC asserts in general terms that the EIR fails to disclose and evaluate impacts on human health.

Response to Comment 23

The comment asserts in general terms that the EIR fails to adequately address the Project’s purported human health impacts, citing as authority *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 386 (CBIA decision), and then provides a list of examples of such human health impacts the EIR purportedly fails to address, all of which are entirely speculative and not supported by any evidence that they might, in fact, possibly be caused by the Project. As an initial matter, the CBIA decision does not support the comment’s general assertion that the EIR should have addressed the human health impacts on future users of the Project created by the Project’s design (outdoor spaces, entertainment venues, landscaping, and compliance with City policies regarding complete streets and pedestrian-friendly sidewalks, for example). As the California Supreme Court stated in the CBIA Decision, at page 387, CEQA “does not contain language directing agencies to analyze the environment’s effects on a project. Requiring such an evaluation in all circumstances would impermissibly expand the scope of CEQA.”

The comment’s examples of potential impacts that Project’s large gathering spaces and entertainment venues will facilitate communicative diseases, that the Project’s landscaping will provide habitat for vermin and insects; and that the request for permits to serve and/or sell alcohol will lead to violent crime focus on the Project’s impacts on its users, and are entirely unfounded

and speculative, and the latter assertion has been addressed in prior Responses to Comments (see Section II, Responses to Comments, of the Final EIR, and particularly Topical Response No. 6, Master Conditional Use Permit Request). The remaining examples as they relate to environmental issues regarding traffic issues, pollutant discharges, noise and vibration impacts and light pollution have been addressed in the appropriate sections of Chapter IV of the Draft EIR. Finally, CEQA does not require an unreasonably exhaustive presentation of information or all variations of issues presented, but only sufficient information and analysis to allow the public and other agencies to discern the basis for the agency's impact finding. See, e.g., *City of Fremont v. San Francisco Bay Area Rapid Transit Dist.* (1995) 3 Cal.App.4th 1780, 1787; *National Parks & Conserv. Ass'n v. County of Riverside* (1999) 71 Cal.App.4th 1341.

Comment 24: HMC asserts that the EIR fails to assess whether the Project would exacerbate hazards that are already present including airborne pollutants.

Response to Comment 24

Section IV, Hazards and Hazardous Materials, of the Draft EIR specifically demonstrates that the Project will not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. Refer to pages IV.F-29 through IV.F-36 of the Draft EIR.

With regard to airborne pollutants, as discussed in Response to Comment 12, the localized air quality analysis within the Draft EIR was conducted using SCAQMD methodology. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard and are developed based on the ambient concentrations of that pollutant for each source receptor area (SRA) and distance to the nearest sensitive receptor. The mass rate look-up tables were developed for each source receptor area (e.g., area specific meteorological conditions) and used to determine whether or not a project may generate significant adverse localized air quality impacts. In the case of the Project, SRA 1 (downtown Los Angeles) was appropriately used in the analysis. As shown in Tables IV.B-5 and Table IV.B-7 in Section IV.B, Air Quality, of the Draft EIR, the Project would result in less than significant localized air quality impacts.

Comment 25: HMC asserts that the EIR is defective for failing to assess the Project's adverse impacts on ground water that could lead to adverse impacts on surface waters protected by the Public Trust Doctrine.

Response to Comment 25

Section IV.G, Hydrology and Water Quality, of the Draft EIR, at pages IV.G 23 through IV.G 25, IV.G 31 through IV.G 33, and IV.G 38 through IV.G 42, fully analyzes the Project's potential impacts on groundwater resources which, as relevant here, include its potential impacts to groundwater resources caused by its potential to encounter perched groundwater (which is by no means a certainty). In particular, within the analysis, the EIR correctly concludes that compliance with the state's General NPDES Permit on dewatering would ensure that potential Project impacts to groundwater resources would be less than significant. The comment provides no evidence or information that would indicate otherwise. Moreover, compliance with the dewatering permit would generally entail ensuring that any perched groundwater encountered, if it is encountered, would be removed, tested, treated if necessary, and properly discharged in accordance with the requirements of the general permit. There is no basis in fact and the commenter provides no evidence to suggest that the removal of near-surface groundwater, which is not a part of any usable water supply, and the appropriate treatment and disposal of such groundwater in accordance with the requirements of applicable regulations would have a significant impact on existing groundwater resources. Moreover, the statement that the EIR is required to assess how much groundwater might be encountered is beyond the requirements of CEQA, which does not require speculation and allows lead agencies to consider the positive effects of compliance with applicable environmental regulatory standards that were created reduce particular impacts where

the same precise impacts caused by a project are uncertain and not practically knowable. See, *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1058 (An EIR is not required to speculate about future unknown environmental conditions); *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 912 (EIR could rely on compliance with “a regulatory scheme designed to ensure seismic safety” that gave “adequate assurance that seismic impacts will be mitigated through engineering methods known to be feasible and effective.”); *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1336-1337 (It was unreasonable and unrealistic to demand that an EIR “must describe in detail each and every conceivable development scenario”).

The commenter’s additional statements can be rejected out of hand. As stated in the Draft EIR, there are no historical storage tanks known on site, and any future storage tanks would be managed in accordance with regulatory requirements. See Section IV.G, Hydrology and Water Quality, of the Draft EIR at pages IV.G 39 and IV.G 40. The reference to the Public Trust Doctrine is entirely inapposite. No evidence whatsoever is provided that potential dewatering of shallow perched groundwater at the Project Site could have any hydrological impact on Ballona Creek whatsoever, much less a significant adverse impact. The suggestion is speculative, to say the least. Moreover, potential Project impacts to Ballona Creek as an ultimate receiving water body for the Project are fully analyzed in Section IV.G, Hydrology and Water Quality, of the Draft EIR.

Comment 26: HMC asserts in general terms that the EIR fails to disclose, evaluate and mitigate impacts with respect to land use including general plan consistency.

Response to Comment 26

A detailed analysis of the Project’s consistency with relevant land use plans, including the General Plan is provided in Section IV.H, Land Use, of the Draft EIR. With regard to the General Plan, the analysis addresses consistency with the General Plan Framework Element, including the Land Use, Housing, Urban Form and Neighborhood Design, Open Space and Conservation, Transportation, and Infrastructure and Public Services Chapters. In addition, the analysis also addresses consistency with the Los Angeles General Plan Conservation Element, the Los Angeles General Plan Housing Element, the Los Angeles General Plan Health and Wellness Element, the Hollywood Community Plan, the Hollywood Redevelopment Plan, and numerous other regional plans. The analysis demonstrates that the Project would be substantially consistent with applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site.

It should be noted that when making a determination that a project is consistent with a particular land use plan, the lead agency does not focus on a single policy in the plan. It focuses on consistency with the entirety of the plan. Courts have acknowledged that it is not their role to micro-manage development decisions. The Court’s function is simply to decide: (1) whether city officials considered the applicable policies and the extent to which the proposed project conforms to those policies; (2) whether city officials made appropriate findings on this issue; and (3) whether those findings are supported by substantial evidence. (*Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309, 317 and cited in *Kutzke v. City of San Diego* (2017) 11 Cal.App.5th 1034, 1042.)

Comment 27: HMC asserts that the EIR fails to disclose inconsistencies with the Hollywood Redevelopment Plan.

Response to Comment 27

This comment is identical to Comment No. 22-16 in the Final EIR and Appeal Point 2-14 in the previous appeal submitted by HMC. As set forth in the responses in the Final EIR and the first appeal, the Draft EIR’s determinations regarding consistency with both the applicable land use plans and the redevelopment plan are adequately supported. A project is considered consistent with the provisions and general policies of an applicable City or regional land use plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary

goals. According to *Sequoyah Hills Homeowners Assoc. v. City of Oakland*, 23 Cal.App.4th 704, 719 (1993), a project does not need to be in perfect conformity with each and every policy. In other words, State law does not require an exact match between the Project and the Redevelopment Plan. Rather, to be “consistent,” the Project must be “compatible with the objectives, policies, general land uses, and programs specified in the plan,” meaning that the Project is in “agreement or harmony” with the Redevelopment Plan. Furthermore, given the variety of a plan’s goals—some directed to the private sector and others to the public and public service sectors—it would be impossible for a private project to be consistent with every goal. Moreover, public agency’s determinations of plan consistency are to be given great deference. A person challenging the public agency’s consistency determination must prove that notwithstanding the evidence supporting the public agency’s consistency determination, the Project directly conflicts with specific and mandatory general plan policies to such a degree that no reasonable person could conclude they were consistent. (*San Francisco Tomorrow v. City and County of San Francisco* (2014) 228 Cal.App.4th 498, 518).

See Response to Comment No. 22-16 in Section II, Responses to Comments, of the Final EIR for further information regarding the Project’s consistency with the Hollywood Redevelopment Plan.

Comment 28: HMC asserts in general terms that the EIR fails to disclose inconsistencies with the Hollywood Community Plan.

Response to Comment 28

This comment does not provide specific comments to support this assertion. Nonetheless, as demonstrated by the detailed analysis included in Section IV.H, Land

Use, of the Draft EIR, the Project would be consistent with the general intent of the Community Plan.

In addition, CEQA does not require analysis of economic impacts and thus, a description of the economic setting for the Hollywood Community Plan is not required. Also note that the EIR is based on the existing adopted Hollywood Community Plan. There is no requirement for Project approval to wait until adoption of the update to the Hollywood Community Plan, which has been in process for numerous years.

Comment 29: HMC asserts that the EIR fails to disclose inconsistencies with the Plan for a Healthy Los Angeles.

Response to Comment 29

This comment is identical to Appeal Point 2-15 of the previous appeal by HMC. As acknowledged by the comment, Section IV.H, Land Use, of the Draft EIR does address the consistency of the Project with the Plan for a Healthy Los Angeles. The analysis demonstrates that the Project would be generally consistent with the applicable goals

(i.e., A City Built for Health, Bountiful Parks and Open Spaces, and Safe and Just Neighborhoods) set forth in the Health and Wellness Element.

As explained in the response to Appeal Point 2-15 previously provided, the Project is consistent with Policy 1.7 as the Project expands and preserves housing opportunities for low income households and does not cause displacement. In addition, the Project is also consistent with Policy 2.2, healthy building design and construction, due to the Project’s design. The Project is also consistent with Policy 5.1, despite its limited significant air quality impacts, because the Project’s location, mixed-use design, and increased density on a currently underutilized infill site the City has identified as located within a Transit Priority Area and SCAG has identified as a High Quality Transit Area reduce the Project’s trips and VMT, as well as associated air pollutant and GHG emissions, as compared to a similar project not located near transit and existing

employment and shopping areas. Moreover, the Project would achieve these reductions while at the same time providing needed housing and affordable housing and jobs to the Hollywood area.

Refer to Response to Comment No. 27 regarding how the determinations regarding consistency with land use plans were appropriately made based on substantial evidence.

Comment 30: HMC asserts in general and conclusory terms that the EIR fails to disclose, evaluate and mitigate noise impacts.

Response to Comment 30

The analysis of noise impacts provided in Section IV.I, Noise, of the Draft EIR is comprehensive and has been prepared in accordance with the standards and procedures set forth in CEQA, the L.A. CEQA Thresholds Guide, the City Noise Ordinance, and the FTA guidelines. With regard to construction noise, as described on Page IV.I-35 of

Section IV.I, Noise, of the Draft EIR, the construction noise impact analysis assumes all pieces of construction equipment would be operating simultaneously and located at the construction area nearest the affected receptors. Specifically, the analysis assumes up to 27 pieces of construction equipment (during the building construction phase) operating within 150 feet of the affected sensitive receptors, which likely would not occur. Therefore, impacts are likely overstated. In addition, noise impacts associated with construction trucks, including materials delivery, concrete mixing, and haul trucks, were also accounted for. Specifically, the noise analysis evaluates peak daily impacts associated with the grading phase wherein up to 420 trucks (400 haul trucks and 20 material delivery trucks) were assumed. Concrete and material delivery trucks during other construction phases (e.g., foundation and building construction) would be lower, with up to 75 trucks per day, and thus noise levels during these phases would be lower than during the peak grading phase that was evaluated.

With regard to operational noise associated with use of outdoor areas, the noise analysis conservatively assumed a “raised” voice for all people gathering at the outdoor space in order to represent a worst-case noise impact scenario. In addition, the analysis further assumed that all of the outdoor spaces would be fully occupied and that they would operate concurrently, and continuously from 7:00 A.M. to 2:00 A.M. Specifically, as provided in Table IV.I-17 of in Section IV.I, Noise, of the Draft EIR, the noise analysis assumed an estimated total of 7,180 people would occupy all of the outdoor spaces at same time. Therefore, the noise analysis was performed based on a worst-case scenario, which likely would not occur.

Based on the substantial evidence supporting the EIR’s analyses, the EIR concludes that the Project would result in significant noise and vibration impacts to off-site sensitive receptors due to on-site construction activities and that operation of the Project’s outdoor uses would result in significant impacts to off-site sensitive receptors. Therefore, the EIR identifies feasible mitigation measures to address these impacts. The EIR concludes, based on analysis and substantial evidence, that with implementation of the identified mitigation measures, the Project’s construction vibration impacts to structures and operational impacts would be reduced to less than significant levels; however, it concludes that its on- and off-site project-level and cumulative construction noise impacts, and its on- and off-site construction human annoyance construction vibration impacts would remain significant and, therefore, unavoidable, even after implementation of the identified mitigation measures.

Overall, the comment provides no substantial evidence to support the assertion that the noise analysis does not properly disclose, assess, and mitigate the Project’s noise impacts. Although HMC claims that its expert has identified several defects in the noise study prepared for the Project, HMC has not identified any such defects and, as such, the City is unable to respond to such claims. Moreover, since the Project’s impacts, including its noise impacts, have been studied in an EIR, the opinions of HMC’s experts cannot override the substantial evidence contained in the EIR supporting the City’s analysis and conclusions.

Comment 31: HMC opines that the EIR fails to adequately measure and disclose baseline roadway noise impacts.

Response to Comment 31

The baseline noise levels associated with studied roadways set forth in Section IV.I, Noise, of the Draft EIR are based on actual site measurements as well as predicted levels using an approved computer prediction noise model. The L.A. CEQA Thresholds Guide (p. 1.2-6) specifies the use of: (1) the Federal Highway Administration (FHWA) highway noise prediction procedures described in FHWA-77-108 or the most recent revision; (2) the California Department of Transportation (Caltrans) LEQV2 computer model; or (3) Caltrans SOUND32 computer model to calculate the roadway traffic noise. The Caltrans LEQV2 and SOUND32 computer models (as specified in the L.A CEQA Thresholds Guide) are considered to be obsolete and are no longer used by Caltrans. Per Caltrans, the FHWA TNM (version 2.5) is the model that is currently approved by FHWA for use in noise impact studies (Caltrans Technical Noise Supplement, TeNS, September 2013). Therefore, the noise analysis appropriately utilized the TNM model for the roadway noise analysis (see pages IV.I-27 and IV.I-27 of Section IV.I, Noise, of the Draft EIR). In addition, per Caltrans, the TNM computer noise model has been validated at distances within 500 feet of the highway. Project roadway noise levels were calculated at 10 feet from the roadways, well within the accuracy of the TNM model.

HMC opines that using the TNM computer noise model to establish the baseline roadway noise is not accurate, as the TNM would over-predict the noise levels by an average 2.0 dBA based on a research paper by Shu et al. (2007) and a study by Hankard et al. (2006). However, the results from the two mentioned studies are not applicable to the Project for the following reasons:

1. Shu et al. (2007)—HMC references this research paper, which concluded that the TNM model would over predict the noise levels by an average 2.0 dBA based on the ground reflection associated with the FHWA TNM model. The findings of the study show that the TNM model over-predicted the absolute noise levels by an average error of 2.0 dBA, compared with field measurements with a soft ground. It should be noted that the 2.0 dBA error is applicable to soft ground conditions and is typically applicable to distances greater than 100 feet from the roadway. The Project's physical conditions are hard ground (concrete/ asphalt road pavement) with a distance that is much less than 100 feet (i.e., 10 feet).
2. Hankard et al. (2006)—HMC references this study for the Colorado Department of Transportation (CDOT), which concluded that "The routine that predicts the location of noise level contours in TNM is cumbersome, error-prone, and does not agree with predictions at individual locations. It should not be used to determine impacts on CDOT projects." This conclusion is based on use of the TNM model to generate noise level contours. In contrast, the noise analysis for the Project does not use the TNM model to generate noise level contours. Rather, the noise analysis uses the TNM model to generate a noise level at a reference distance (i.e., 10 feet from the roadway). Furthermore, the CDOT currently specifies the use of the FHWA TNM model for highway noise impact analysis (Colorado Department of Transportation Noise Analysis and Abatement Guidelines, January 15, 2015).

In addition, subsequent to the studies cited by HMC, in 2010, the FHWA conducted a validation study for the TNM, report titled "Ground and Pavement Effects using FHWA's Traffic Noise Model 2.5, April 2010)." The results of the FHWA 2010 study indicated that the average dBA variation between the measurements and predicted values (TNM v2.5—Measured) is less than 1.0 dBA for distance 1 to 100 feet from the roadway. As indicated above, the noise analysis for the Project evaluated roadway traffic noise at 10 feet from the roadway. Furthermore, noise impacts are evaluated based on the potential change/increase in traffic noise levels, which is based on the traffic volumes. Therefore, the use of the TNM model for the Project is entirely appropriate and use of another noise prediction model for the roadway noise analysis is not warranted.

Comment 32: HMC asserts that the EIR fails to disclose, analyze, and mitigate Impacts to sensitive receptors located adjacent to the Project Site

Response to Comment 32

The noise analysis provided in Section IV.I, Noise, of the Draft EIR was prepared in accordance with the standards and procedures set forth in CEQA, the CEQA Guidelines, L.A. CEQA Thresholds Guide, and the City's Noise Ordinance. Contrary to the comment, the L.A. CEQA Thresholds Guide and the Noise Element of the General Plan do distinguish between commercial and non-commercial sensitive receptors. Specifically, noise sensitive uses as defined by the L.A. CEQA Thresholds Guide include: residences, transient lodgings, schools, libraries, churches, hospital, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks (L.A. CEQA Thresholds Guide, page I.1-3). Noise sensitive uses as defined by the Noise Element of the General Plan, include: single-family and multi-unit dwellings, long-term care facilities (including convalescent and retirement facilities), dormitories, motels, hotels, transient lodging, and other resident uses; houses of worship; hospitals; libraries; schools; auditoriums; concert halls; outdoor theaters; nature and wildlife preserves; and parks (City of Los Angeles Noise Element of the General Plan, Chapter IV, Page 4-1).

With respect to the four identified receptors by HMC:

- The recording studio located at 1540 N. McCadden Place—As noted in Section III, Environmental Setting, of the Draft EIR, at the time the NOP for the Project was released, this building was vacant. Nonetheless, as presented above, a recording studio is not defined as noise sensitive use by either the L.A. CEQA Thresholds Guide or the Noise Element of the General Plan. Studios (broadcast and recording) are sometimes included in the noise analysis in other EIRs; however, they are typically included for informational purposes only. In addition, the current use at the 1540 N. McCadden Place is noted as an office space, based on a current commercial listing (www.loopnet.com/Listing/1540-N-Mccadden-Pl-Los-Angeles-CA/11463194/), which is not a sensitive use.
- The restaurant located at 1534 N. McCadden Place—As noted in Section III, Environmental Setting, of the Draft EIR, at the time the NOP for the Project was released, this building was vacant. Nonetheless, as described above, a restaurant use is not defined as a noise sensitive use by either the L.A. CEQA Thresholds Guide or the Noise Element of the General Plan.
- The Kings Los Angeles language school located at 1555 Cassil Place—The Kings Los Angeles language school is considered a noise sensitive use, per the L.A. CEQA Thresholds Guide and the Noise Element of the General Plan. As discussed in Section IV.I, Noise, of the Draft EIR (p. IV.I-11), 16 noise-sensitive receptor locations were selected to represent noise-sensitive uses within 500 feet of the Project Site. As indicated in Section IV.I, Noise, of the Draft EIR (Figure IV.I-1), the 16 selected noise sensitive receptor locations represent sensitive land uses including residential, school, and religious, motel, and theater. Three of the 16 selected noise sensitive receptors represent schools nearest to the Project Site; to the west (R11), to the northeast (R16), and to the east (R4). The noise analysis does not need to include every noise-sensitive receptor location within 500 feet of the Project Site, but rather the representative noise sensitive receptor locations nearest to the Project Site. As indicated in the Draft EIR, the receptor locations essentially surround the Project Site and thereby provide an adequate basis to evaluate potential impacts at the monitoring locations and receptors beyond the monitoring locations in the same direction. The Kings Los Angeles Language School is located farther east than the receptor locations R4 and R16. The school is also shielded from the Project Site by existing buildings on the Blessed Sacrament Church campus. Therefore, potential noise impacts at the Kings Los Angeles Language School would be less than the impacts estimated for the receptor locations R4 and R16, and impacts would be less than significant.

- Multiple facilities at the Musicians' Institute, located at 6752 Hollywood Boulevard—The Musicians' Institute would be considered a noise sensitive use, per the L.A. CEQA Thresholds Guide and the Noise Element of the General Plan. However, it is located approximately 500 feet north of the Project Site and is shielded by intervening existing buildings located along Hawthorne Avenue and Selma Avenue. As indicated in Section IV.I, Noise, of the Draft EIR (Figure IV.I-1), the noise analysis includes four noise sensitive receptors (R12, R13, R14, and R15) north of the Project Site, including the El Capitan Theatre (R12), which is located near the Musicians' Institute. However, due to the relative distance to the Project Site (approximately 500 feet) and acoustical shielding provided by the several intervening buildings between the Project Site and the Musicians' Institute, noise impacts to the Musicians' Institute would be less than significant.

As discussed above, the noise analysis includes 16 noise-sensitive receptor locations surrounding the Project Site, representing the various noise-sensitive land uses nearest to the Project Site. Based on the reasons provided above, the requested additional noise analysis is not warranted.

Comment 33: HMC asserts that the developer refuses to mitigate construction noise impacts to HMC properties on the excuse that such impacts are temporary.

Response to Comment 33

HMC's comment is incorrect. The EIR proposes mitigation measures to address noise impacts during construction. Specifically, Mitigation Measure NOI MM-1 includes the implementation of sound barriers in all directions to reduce noise impacts as the nearby receptors. Mitigation Measure NOI MM-2 also includes measures to reduce vibration impacts.

Comment 34: The City Should Require Shoring for Any Excavation Done Adjacent to the Subject Properties

Response to Comment 34

As discussed in Section IV.E, Geology and Soils, of the Draft EIR, all required excavations would be sloped, or properly shored, in accordance with the provisions of the California Building Code and additional Los Angeles Building Code requirements, as applicable. Compliance with regulatory requirements would ensure that off-site properties would not be negatively impacted.

Comment 35: HMC asserts that the City does not plan to install a temporary barrier between the Project Site and the HMC properties.

Response to Comment 35

Mitigation Measure NOI-MM-1 within the EIR reads as follows:

NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the following locations. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the western property line of the Project Site (Development Parcels A, B, and D) between the construction areas and existing Hollywood High School located on the west side of Highland Avenue, the residential use located on McCadden Place, and Egyptian Theater located on the west side of Las Palmas Avenue. The temporary sound barrier shall be designed to provide a minimum 13-dBA (for Hollywood High School) and a minimum 15 dBA (for the residential use on McCadden Place) noise reduction at ground level of the adjacent noise-sensitive receptors.
- Along the northern property line of the Project Site (Development Parcels A, B, C, and E) between the construction areas and existing residential use located on Selma Avenue, Hollywood High School to the west, Egyptian Theater to the north, and Larchmont Charter School West Facility and Selma Avenue Elementary School to the northeast. The temporary sound barrier

shall be designed to provide a minimum 15-dBA noise reduction at ground level of the adjacent noise-sensitive receptors.

- Along the southern property line of the Project Site (Development Parcels A, B, C, and E) between the construction area and residential use south of Development Parcel A and the motels on the south side of Sunset Boulevard, as well as the Blessed Sacrament Church and School to the south and east of Development Parcel E. The temporary sound barrier shall be designed to provide a minimum 15 dBA noise reduction at ground level.
- Along the eastern property line of the Project Site between the construction area and the Blessed Sacrament Church east of Development Parcels C and E. The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at ground level.
- Along the eastern property line of the Project Site (Development Parcel D) between the construction area and the residential use east (i.e., 1605 North Cherokee Avenue) of Development Parcel D. The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at the ground level of the noise sensitive receptor.

As such, mitigation is proposed in all directions of the Project Site to reduce noise levels at sensitive receptors. In addition, HMC incorrectly references the height requirements for the temporary sound barriers. As indicated above, there are no heights specified for the temporary sound barriers within Mitigation Measure NOI-MM-1. The noted 12-foot high noise barrier is specified as a permanent noise barrier for Project-related operational noise, not for the construction noise. The barrier heights during construction will meet the specified noise reduction performance standards set forth in Mitigation Measure NOI-MM-1 and are dependent on various parameters, including the noise source and receiver locations, the noise source and receiver heights, and the relative location of the barrier. As indicated in Section IV.I, Noise, of the Draft EIR (p. IV.I 82), the Applicant shall submit documentation prepared by a noise consultant verifying that the barriers will comply with the specified noise performance standards during plan check. As such, the actual temporary sound barrier heights will be provided during plan check in compliance with the Mitigation Measure NOI-MM-1.

Comment 36: HMC asserts in general and conclusory terms that the EIR fails to disclose, evaluate and mitigate population and housing displacement impacts.

Response to Comment 36

Without identifying any particular failure in the EIR's disclosures, analyses or conclusions that could be addressed, this comment asserts in general terms that the EIR fails to adequately address the Project's purported population and housing displacement impacts. This comment serves as an introduction to Comments 37, 38, and 39, below, to which more specific responses are provided.

Comment 37: HMC asserts that the EIR fails to disclose, assess, and mitigate displacement of housing and people during construction.

Response to Comment 37

HMC asserts that the Project Applicant should provide interim housing to the tenants currently occupying RSO units at the Project Site during Project construction until the new RSO units at the Project Site become available. This comment relates to economic and social issues, but does not address an environmental impact of the Project; therefore, it does not address a subject required to be covered in the EIR and does not identify a defect in the environmental analyses in the EIR. See, e.g., *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 689-692; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715, fn. 3; State CEQA Guidelines Section 15064(f)(6). The Project Applicant has complied with and will continue to comply with the requirements of the City's

RSO. See Topical Response No. 3, Rent Stabilized Housing, in Section II, Responses to Comments, of the Final EIR.

Comment 38: HMC states that the EIR fails to disclose, assess, and mitigate the permanent loss of rent stabilized units on-site and compliance with the RSO.

Response to Comment 38

HMC first asserts that the EIR fails to disclose certain information regarding the Project's new RSO units, but then quotes from Topical Response No. 3, Rent Stabilized Housing, in Section II, Responses to Comments, of the Final EIR, which provides the information that HMC claims is missing. HMC next asserts that the EIR fails to assess the population and housing impacts caused by the Project replacing RSO units with affordable units that will lose their affordability restrictions in 55 years, and the Project's cumulative contribution to the depleting RSO units citywide. These comments relate to economic and social issues, but do not address an environmental impact of the Project or a defect in the environmental analyses in the EIR. See, e.g., *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 689-692; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715, fn. 3; State CEQA Guidelines Section 15064(f)(6). The Project Applicant has complied with and will continue to comply with the requirements of the City's RSO. See Topical Response No. 3, Rent Stabilized Housing, in Section II, Responses to Comments, of the Final EIR.

Comment 39: HMC states that the EIR fails to disclose, assess, and mitigate adverse human health impacts associated with housing displacement.

Response to Comment 39

HMC speculates that there could be adverse human health impacts associated with housing displacement, purportedly caused by the Project. However, Section IV.J.2, Housing, of the Draft EIR concludes, based on substantial evidence, that the Project would not cause housing displacement impacts and that no mitigation is required; therefore, the premise of HMC's comment fails. Further, under CEQA, the impacts of housing displacement, if such impacts were to occur, would be physical impacts on the environment due to the need to build new housing elsewhere (see State CEQA Guidelines, Appendix G), not human health impacts. Additionally, the examples of human health impacts provided in the comment are entirely speculative and, therefore, even if there were cognizable as environmental impacts (which they are not), CEQA does not require an EIR to engage in speculation.

Comment 40: HMC states that the EIR should adopt the mitigation recommendations for housing and population displacement in the City's CEQA Thresholds Guide.

Response to Comment 40

See Responses to Comment 37, 38, and 39, above. Section IV.J.2, Housing, of the Draft EIR concludes, based on substantial evidence, that the Project would not cause housing displacement impacts; therefore, no mitigation is required.

Comment 41: HMC claims that the EIR fails to disclose, evaluate and mitigate impacts to public safety, including impacts to police and fire services.

Response to Comment 41

Detailed analyses of the Project's potential impacts associated with police and fire services, including impacts associated with emergency response, were conducted in consultation with LAPD and LAFD and are included in Section IV.K.2, Public Services—Police Protection, and Section IV.K.1, Public Services—Fire Protection, of the Draft EIR, respectively. As concluded therein based on substantial evidence, Project impacts associated with police and fire protection would be less than significant. Specific project design features relative to police protection that

would be implemented include the installation and utilization of a 24-hour security camera network throughout the underground parking structures, the elevators, the common and amenity spaces, the lobby areas, and the rooftop and ground level outdoor open spaces, the maintenance of staff on-site dedicated to monitoring the security cameras, and other security features. Regarding the location of the 22 alcohol-related uses, see Response to Comment 6. See also Topical Response No. 6, Master Conditional Use Permit Request, in Section II, Responses to Comments, of the Final EIR.

Comment 42: HMC asserts that the EIR fails to adequately estimate future trips generate by the 22 “alcohol-related uses” at the Project

Response to Comment 42

As described in Topical Response No. 5, Traffic, in Section II, Responses to Comments, of the Final EIR, as well in as the supplemental Traffic Memo, the number of trips generated by the Project during the morning and afternoon commuter peak hours was estimated using rates published in ITE’s Trip Generation, 9th Edition (2012). These rates are based on surveys of similar land uses at sites around the country. As further described in the Traffic Study, the land use category and trip generation rates outlined in ITE Trip Generation for hotel uses include not only the hotel, but also ancillary conference area, meeting rooms, lobby lounge and bar, rooftop bar and lounge, guest amenities, as well as retail and restaurant space. Further, the land use category and trip generation rate for shopping centers, which was used to estimate trips generated by the commercial component of both the Original and Modified Project, includes not only retail uses, but also entertainment, theater, restaurant and food and beverage, banks, small offices, services, etc., that are common within shopping center developments. In addition, as described in Trip Generation, 9th Edition, the quality and high-turnover restaurant land use categories include restaurants with lounge or bar facilities that serve alcohol. Therefore, appropriate trip generation rates were applied to account for the “alcohol-related uses” of the Project.

Comment 43: HMC asserts that the EIR fails to adequately disclose cumulative traffic impacts

Response to Comment 43

Refer to Response to Comment 10 for a discussion of the 11 additional related projects. As noted therein, traffic from these identified related projects were accounted for in the future cumulative traffic analysis through the application of a traffic growth factor. It should be noted that the related projects identified by the commenter were either filed after the Project’s NOP date and/or generated a nominal number of peak-hour trips. The conservative ambient growth factor of 1 percent per year compounded annually was applied and accounts for increases in traffic due to potential projects not yet proposed (at the time of the Project’s Notice of Preparation date), smaller projects generating few net new trips, or projects located outside of the traffic analysis study area. Therefore, these additional related projects were considered for CEQA analysis purposes, and the EIR did not understate the significance of the Project’s cumulative impacts. Furthermore, the cumulative conditions presented in the EIR account for both ambient growth and growth resulting from 145 related projects, and substantially overestimate the actual traffic volume growth. Therefore, no additional traffic analysis is required, and modifications to the mitigation measures are not necessary.

Comment 44: HMC asserts that the EIR fails to disclose, analyze, and mitigate impacts of ridesharing and shared mobility services on traffic and circulation impacts

Response to Comment 44

As detailed in Topical Response No. 5, Traffic, in Section II, Responses to Comments, of the Final EIR, the trip-generation estimates were based on published trip rates during the weekday commuter morning and afternoon peak hours from Trip Generation, 9th Edition (Institute of

Transportation Engineers, 2012). These rates are derived from surveys of similar land uses in developments typically located in areas with little to no transit service and little to no nearby pedestrian amenities. Therefore, appropriate adjustments were applied to account for the Project's adjacency to transit service, as well as for those who may walk to and from the Project Site from surrounding residential areas, institutions, commercial buildings, or other transit stops.

The claim that the Project does not account for the utilization of ridesharing services, while relying heavily on the assumption that visitors to the Project would arrive via transit, is not accurate. Although the analysis does not explicitly incorporate the effects of ridesharing services, the trip-generation forecast accounts for all vehicles generated, including those pass-by trips that already on the street system that make an intermediate stop on the way from an origin to a primary trip destination, taxis, rideshare, vanpool, carpools, etc., and do not distinguish between those made by type of vehicles (e.g., single occupancy vehicle, shuttle, carpool, carshare, etc.). Furthermore, the effects of a rideshare trip may not be as impactful as perceived. One rideshare vehicle may be a combination of linked trips and/or passengers that potentially represent otherwise single passenger trips no longer traveling to the Project Site.

The proposed mitigation includes the implementation of a Transportation Demand Management (TDM) program, which entails the Project's participation in the Hollywood Transportation Management Organization (TMO) and consists of strategies to promote non-auto travel and reduce single occupancy vehicle trips to the Project Site. The Hollywood TMO would help to promote and administer the strategies and services to the community by providing information about available public transportation options and rideshare matching. In addition, the Project design would also enhance pedestrian and transit connectivity by providing a pedestrian passageway that would extend diagonally from Sunset Boulevard fronting the Project Site to the intersection of Selma Avenue & McCadden Place.

Passenger loading and unloading areas would be provided throughout the Project to accommodate pick-up and drop-off operations (e.g., valet, taxi, rideshare, etc.), although the specific designs have not been finalized at this time. For example, current design plans of the hotel component of the Project do include a porte-cochère and valet loading area that would provide access to the parking garage. In addition, it is anticipated loading areas would be provided within the parking garage with access along Las Palmas Avenue. The loading areas would be placed to limit queue spillover onto the adjacent streets. Site access and circulation were analyzed on pages IV.L 112 to IV.L 115 of Section L, Traffic, Access, and Parking, of the Draft EIR, which included a review of the driveway locations. As described on pages IV.L 112 to IV.L 115 of Section L, Traffic, Access, and Parking, of the Draft EIR, impacts were determined to be less than significant.

Comment 45: HMC asserts that the EIR fails to disclose, analyze, and mitigate impacts of eliminating parking and lanes of traffic

Response to Comment 45

As further described in Response to Comment No. 16-10 in Section II, Responses to Comments, of the Final EIR, per the provisions of SB 743 and PRC Section 21099, impacts to on-street parking during the construction of a project would not be significant. The on-street parking removals both during construction and upon Project completion were addressed in the Executive Summary, Project Description, and in Section L, Traffic, Access, and Parking, of the Draft EIR. The temporary parking removals during construction activities are detailed in Figure 19 provided in Chapter 14 of the Traffic Study (Appendix O of the Draft EIR).

The Project's parking supply would adequately satisfy the Project's Code parking requirement as well as its parking demand. Therefore, secondary circulation impacts of vehicles waiting to enter and exit parking garages, by drivers circling the project site to find on-street parking, or those on surrounding streets are not anticipated. As discussed in the site access and circulation section

of Section L, Traffic, Access, and Parking, of the Draft EIR, to better facilitate driveway operations and minimize queuing on the adjacent street system that would block through traffic, the Project proposes to provide a center two-way left-turn lane along Las Palmas Avenue between Selma Avenue and Sunset Boulevard adjacent to the Project Site in order to accommodate turning maneuvers into and out of the Project driveways. The on-street parking spaces currently serve the residential and commercial uses along Las Palmas Avenue, which comprise the Project Site. With development of the Project, the users of these parking spaces would be accommodated within the Project's on-site parking facilities.

On-street parking on McCadden Place adjacent to the Project Site would be temporarily removed to maintain two-way traffic operations during construction activities, as described in Chapter 14 of the Traffic Study. These spaces, as well as standard roadway widths and sidewalks, would be restored once the Project is operational. Furthermore, the City of Los Angeles Bureau of Engineering requires roadway widening and dedication improvements to achieve the street standards of the Mobility Plan 2035 for a local street, which includes a 36-foot roadway width (18-foot half-roadway) and 60-foot right-of-way width (30-foot half-right-of-way). Thus, a 15-foot sidewalk would be provided on each side of the roadway. The area required to achieve the standard sidewalk widths would be dedicated along the Project Site and would not reduce travel lanes nor remove on-street parking.

The EIR analyzes the "secondary impacts" listed in the comment. Like the appellant in *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728–729, HMC has failed to identify any secondary impacts that would arise from the Project's purported inadequate parking, and instead raises arguments that fall squarely within the statutory exemption provided by Public Resources Code Section 21099(d)(1).

Comment 46: HMC asserts that the Project Description is inadequate because it fails to describe the elimination of parking and streetscape enhancements

Response to Comment 46

The Project Description includes sufficient details regarding the streetscape enhancements. Refer to pages II-41 and II-49 of the Draft EIR. Refer to Response to Comment No. 45 regarding parking.

Comment 47: HMC asserts that the Construction Management Plan does not constitute appropriate or sufficient mitigation

Response to Comment 47

The Construction Management Plan would contain performance criteria that ensure elements would be implemented to reduce impacts, and the Mitigation Monitoring Program ensures that its performance elements will be applied by the City with quarterly reporting and compliance certification report requirements. The Construction Management Plan would be prepared and submitted to the City for review and approval prior to the start of any construction work.

As detailed in TRA-PDF-1, Construction Management Plan, maintenance of safe and convenient routes for pedestrians and bicyclists through measures such as alternate routing and protection barriers as appropriate would be provided adjacent to public rights-of-way.

As detailed in Response to Comment No. 16-12, in Section II, Responses to Comments, of the Final EIR, all construction activities on McCadden Place would take place adjacent to the Project Site. In addition, flag men would be present to maintain traffic flow and pedestrian safety and reduce potential circulation effects on surrounding streets.

Comment 48: HMC opines, without any supporting factual basis, that the EIR fails to disclose, evaluate and mitigate impacts to public utilities.

Response to Comment 48

The EIR did not state that sufficient water supplies would not be available after the year 2040. Rather, the EIR provides an evaluation of water supplies based on DWP's most recent Urban Water Management Plan, which includes forecasts through 2040. As explained in Section IV.M.1, Utilities and Services—Water Supply and Infrastructure, of the Draft EIR, LADWP found that it will be able to meet proposed water demand of the Project together with the existing and planned future water demands of the City. Furthermore, as discussed in Section IV.M.1, Utilities and Services—Water Supply and Infrastructure, of the Draft EIR, in accordance with the California Urban Water Management Planning Act (California Water Code, Sections 10610–10656), LADWP will continue to develop water management plans every five years to identify short-term and long-term demand management measures to meet growing water demands during normal, single-dry, and multiple-dry years.

Comment 49: HMC asserts that there will be extensive disruption of services at the subject properties and in the surrounding neighborhood.

Response to Comment 49

As discussed in Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, no upgrades to the mainlines that serve the Project Site would be required. Installation of the new water distribution lines would primarily involve on-site trenching to place the lines below the surface, and minor off-site work to connect to the existing public water mains. In addition, prior to conducting any ground disturbing activities, project contractors would coordinate with LADWP to identify the locations and depths of existing water lines in the Project Site vicinity to avoid disruption of water service.

In addition, as discussed in Section IV.M.2, Utilities and Service Systems—Wastewater, construction activities associated with the installation of new or relocated sewer line connections, including relocation of the 30-inch sewer line, would be confined to trenching in order to place the sewer lines below surface. Such activities would be limited to the on-site wastewater conveyance infrastructure and minor off-site work associated with connections to the City's sewer lines in the streets adjacent to the Project Site. In addition, activities related to the installation of any required wastewater infrastructure would be coordinated through BOS so as not to interrupt existing service to other users.

Finally, as discussed in Section IV.M.4, Utilities and Service Systems—Energy, with regard to electricity, the Project Applicant would be required to coordinate electrical infrastructure removals or relocations with LADWP and comply with site-specific requirements set forth by LADWP, which would ensure that service disruptions and potential impacts associated with grading, construction, and development within LADWP easements are minimized. Similarly, with regard to natural gas, prior to ground disturbance, Project contractors would notify and coordinate with SoCalGas to identify the locations and depth of all existing gas lines and avoid disruption of gas service to other properties.

Thus, as summarized above and demonstrated by the detailed analysis in the EIR, the Project would not result in significant impacts associated with disruption of utilities.

Comment 50: HMC asserts that the EIR's "omission" of the 11 Related Projects it identifies undermines the EIR's disclosures regarding cumulative demands on utilities services

Response to Comment 50

Refer to Response to Comment 10 for a discussion of the 11 additional related projects.

Comment 51: HMC asserts in general and conclusory terms that the EIR fails to provide feasible mitigation measures and includes impermissible deferral of mitigation.

Response to Comment 51

This comment does not provide any data or information to support the conclusory statements in this comment. Mitigation measures are included in the EIR to reduce the significant impacts of the Project, as feasible, and the mitigation measures are not deferred.

Comment 52: HMC asserts in general and conclusory terms that the EIR fails to assess a reasonable range of alternatives.

Response to Comment 52

A reasonable range of alternatives that focuses on the significant impacts of the Project is included in Section V, Alternatives, of the Draft EIR. As demonstrated by the responses above and the detailed analyses in the EIR, the Project would not result in any significant impacts associated with infrastructure or services. As such, an alternative that focuses on reducing such impacts is not warranted. The Project would result in significant construction noise and human annoyance vibration impacts at sensitive receptors. Alternatives 3 and 4 would reduce these significant impacts but such impacts would remain significant and unavoidable. There are no other feasible mitigation measures or alternatives that could be implemented to further reduce the temporary noise impacts from on-site construction activities to a less-than-significant level.

Comment 53: HMC asserts that the Statement of Overriding Considerations is legally inadequate

Response to Comment 53

This comment regarding the purported legal inadequacy of the statement of overriding considerations is conclusory and unfounded, and is based on purported public controversy and speculation, and is not supported by substantial evidence. In addition, the comments regarding the Project's provision of housing to help satisfy the market demand for the region are speculative. The CEQA Findings and Statement of Overriding Considerations have been prepared in accordance with CEQA requirements, and are supported by substantial evidence in the EIR and in the record.

Comment 54: HMC asserts that the CPC's denial of the appeal of the Advisory Agency's approval of the VTTM violates the Subdivision Map Act and the LAMC because:

- The EIR fails to show that the Project Site and area are suited to the Project's increased density, as it does not contain substantial evidence that the increased density can be supported by the public infrastructure and public services, including mass transit, traffic conditions, schools, emergency services and police services;
- The proposed FAR for portions of the Project Site exceeds that allowed under the LAMC, and requires a variance that could not be granted and would be prohibited by Section 562 of the City Charter and LAMC Section 12.27;
- Because the Project is inconsistent with the City's General Plan and long-term planning goals, the City's findings violate Government Code Sections 66473.5 and 66474(c), (d), (f) and (g); and
- Per LAMC Section 17.06, the City should deny approval of the VTTM because the City has failed to substantiate an adequate water supply beyond 2040, or that adequate access to the Project can be afforded due to unmitigable traffic congestion, or that there would be adequate fire protection given unmitigable traffic congestion.

Response to Comment 54

Contrary to the comment's assertions:

- The Project does not increase density on the Project Site. The Project Site is allowed over 1,800 units, but only provides 950 units. The EIR contains substantial evidence supporting its conclusions that the Project Site and the area are suitable for the Project's density, including, without limitation, in Section IV.K, Public Services; Section IV.M, Utilities and Service Systems;

and Section IV.L, Traffic, Access and Parking, of the Draft EIR, as updated and refined in the Final EIR and the Errata.

- The Project's proposed FAR is 3:8:1 averaged across the Project Site. The Project would receive the on-menu 35 percent increase plus the off-menu approximately 16.8 percent increase allowed under the Los Angeles Municipal Code, LAMC Section 12.22.A.25, and the State Density Bonus Law, Government Code Section 65915. The environmental impacts of the Project at this proposed FAR are fully analyzed in the Project's EIR.
- The Project's consistency with the General Plan is extensively documented in the Draft and Final EIR. Refer to Response to Comment No. 26 above. The comment provides only a conclusory assertion that the Project is inconsistent with the General Plan. In the absence of any specific claim of inconsistency, no further response is possible or required.
- Section IV.M.1, Water Supply and Infrastructure, of the Draft EIR concludes that sufficient water supplies exist to serve the Project and cumulative water demand through 2040, the horizon year for the applicable Urban Water Management Plans (not that the water supplies are limited to supplies to 2040), and Section IV.L, Traffic, Access and Parking, and Section IV.K.2, Fire Services, of the Draft EIR conclude that adequate access to the Project Site would be provided on a routine basis and for emergency purposes, including for fire protection services.

Comment 55: HMC asserts that the City Planning Commission erred in approving the Project's Density Bonus Compliance Review

Response to Comment 55

As discussed above in Response to Comment No. 23, the Project would not result in significant human health and safety impacts. In addition, refer to Response to Comment No. 54 above regarding the density bonus for the Project. Furthermore, the EIR's information and analyses are comprehensive, and the EIR has been prepared in accordance with CEQA's requirements. The Project's density bonus compliance review has been prepared based on substantial evidence included in the record.

Comment 56: HMC argues that the CPC erred in approving the MCUP because the LAMC contains no procedure for granting a MCUP entitlement, and that the City's decision to combine 22 separate permits into one master permit without describing the location and proposed use for each permit is legally improper and frustrates the basic purpose of LAMC Section 12.24(E). In addition, HMC argues that no substantial evidence in the record supports either the finding that the 22 licenses will allow the Project to provide an essential service, or the finding that the Project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare and safety.

Response to Comment 56

Contrary to HMC's assertions, Sections 12.24-W.1 and 12.24-W.18 do contain procedures for granting the MCUP granted by the CPC. It is within the City's prerogative to determine what permits to grant and how to conduct its business. Further, as stated in Condition 43 set forth in the CPC's Letter of Determination, each individual venue is subject to a Master Plan Approval determination, as set forth in LAMC Section 12.24-M, to implement and utilize the MCUP granted. The substantial evidence supporting the required findings is summarized in that Letter of Determination, at pages F-4 et seq., and that summary is sufficient to "bridge the analytical gap" between the full complement of the substantial evidence contained in the EIR and the administrative record and the CPC's decision. See *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 513–517. As such, the findings are sufficient and are supported by substantial evidence.

Comment 57: HMC asserts that the CPC erred in approving the MCUP because the findings that the hotel's 250 rooms will provide an essential service are not supported by substantial evidence since the Project is inconsistent with the General Plan.

Response to Comment 57

Refer to Response to Comment No. 26 above regarding the comprehensive analysis of the Project's consistency with the General Plan that is included in the EIR. In addition, the substantial evidence supporting the required findings is summarized in that Letter of Determination, at pages F-4 et seq., and that summary is sufficient to "bridge the analytical gap" between the full complement of the substantial evidence contained in the EIR and the administrative record and the CPC's decision. See *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 513–517. As such, the findings are sufficient and are supported by substantial evidence.

Comment 58: HMC asserts that the City Planning Commission erred in approving the Project's Site Plan Review

Response to Comment 58

The comment regarding the inadequacy of the site plan review findings is conclusory, lacks any specific information, and is not supported by any evidence. The EIR's information and analyses are comprehensive, and the EIR has been completed in accordance with CEQA's requirements.

Comment 59: HMC asserts that the administrative record does not contain substantial evidence showing that the Project is consistent with the Public Trust Doctrine.

Response to Comment 59

HMC cites no specific requirement under CEQA for findings relating specifically to the Public Trust Doctrine. In any event, the EIR sufficiently analyzes the Project's potential impacts on surface and groundwater water resources, hydrology, a biological resources. (See, generally, Section IV.G, Hydrology and Water Quality; Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure; Section IV.M.2, Utilities and Service Systems—Wastewater; and Appendix A, Initial Study, of the Draft EIR.) The commenter provides no specific information that would suggest the Project's analysis or the substantial evidence in support of the City's impact findings are insufficient, and does not provide substantial evidence that the Project would cause an unmitigated significant environmental impact under CEQA with respect to any resources that are subject to both CEQA and the Public Trust doctrine. See also Response to Comment 25, above. No further response is required.

Comment 60: HMC asserts that the EIR is flawed because it omits analyses based on SB 743, which violates CEQA and due process protections in the California and federal Constitutions.

Response to Comment 60

The comment contains no specific claim regarding any purported deficiencies in the Project's EIR, but is instead a facial challenge to the validity of the statutory exemption from CEQA analysis for parking impacts of urban infill projects provided under SB 743. See *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 730–731. Such a facial challenge is beyond the scope of the Project's EIR, which relies in good faith on a valid statute.

Moreover, the comment's challenge to the validity of SB 743 is insupportable. The Legislature has broad power to carve exemptions out of CEQA, which is also a State legislative enactment. See *Great Oaks Water Co. v. Santa Clara Valley Water Dist.* (2009) 170 Cal.App.4th 956, 966, fn. 8 ("Because CEQA is statutory in origin, the Legislature has the power to create exemptions from its requirements. Projects and activities can be made wholly or partially exempt, as the Legislature chooses, regardless of their potential for adverse [environmental] consequences.") In

any event, a facial challenge against SB 743, a 2012 statute, would be time barred. See Code Civ. Proc., § 388, subd. (a); Tobe v. City of Santa Ana (1995) 9 Cal. 4th 1069, 1084.

Comment 61: HMC's concluding statements requesting that the City Council grant HMC's appeal, deny certification of the EIR, and deny approval of the Project.

Response to Comment 61

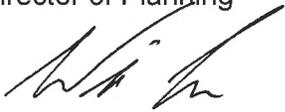
As demonstrated by the analyses in the EIR and the responses to comments above, adequate infrastructure is available to support the Project. The environmental process for the Project has been thorough and has been completed in compliance with CEQA's requirements. Furthermore, based on the responses provided herein, there is no evidence to demonstrate that new significant impacts or a substantial increase in an already identified significant impact would result from the comments provided herein. As such, denial of certification of the EIR is not warranted.

Conclusion

As discussed above, upon careful consideration of the appellants' points, the appellants have failed to adequately disclose how the City erred or abused its agency discretion. In addition, no new substantial evidence was presented that City as erred in its actions relative to the EIR and the associated entitlements. The appellants have raised no new information to dispute the Findings of the EIR or the CPC's actions on this matter.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



William Lamborn
City Planner

VPB:AV:HB