
II. RESPONSES TO COMMENTS

A. OVERVIEW

The purpose of the public review of the Draft EIR (DEIR) is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the CEQA Guidelines states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The purpose of each response to a comment on the Draft EIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the Draft EIR. Section 15088 (b) of the CEQA Guidelines describes the evaluation that CEQA requires in the response to comments:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

Section 15204(a) (Focus of Review) of the CEQA Guidelines helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the lead agency is not obligated to undertake every suggestion given them, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204 (a) of the CEQA Guidelines clarifies this for reviewers and states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or

mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

The guideline encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support. Section 15204(c) states:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

B. LIST OF THOSE WHO COMMENTED ON THE DRAFT EIR

The City of Los Angeles Department of City Planning received a total of 7 comment letters on the Draft EIR. Each comment letter has been assigned a corresponding number, and comments within each comment letter are also numbered. For example, comment letter “1” is from the California Department of Transportation (Caltrans). The comments in this letter are numbered “1-1”, “1-2”, “1-3”, etc.

Written comments made during the public review of the Draft EIR intermixed points and opinions relevant to project approval/disapproval with points and opinions relevant to the environmental review. The responses acknowledge comments addressing points and opinions relevant to consideration for project approval, and discuss as necessary the points relevant to the environmental review. The response “comment noted” is often used in cases where the comment does not raise a substantive issue relevant to the review of the environmental analysis. Such points are usually statements of opinion or preference regarding a project’s design or its presence as opposed to points within the purview of an EIR, i.e., environmental impact and mitigation. These points are relevant for consideration in the

subsequent project approval process. In addition, the response “comment acknowledged” is generally used in cases where the commenter is correct.

During and after the public review period, the following organizations/persons provided written and oral comments on the Draft EIR to the City of Los Angeles Department of City Planning:

<u>Commenters</u>	<u>Date</u>
State Agencies	
1. State of California, Governor’s Office of Planning and Research	October 18, 2004
2. Department of Transportation (CALTRANS)	September 24, 2004
Regional Agencies	
3. Southern California Association of Governments (SCAG)	September 21, 2004
Local Agencies	
4. City of Los Angeles, Fire Department	September 3, 2004
5. City of Los Angeles, Department of Water and Power (DWP) (email)	September 23, 2004
6. City of Los Angeles, Department of Water and Power (DWP) (letter)	October 8, 2004
7. City of Los Angeles, Planning Department, Historic Preservation	October 14, 2004
8. City of Los Angeles Department of Transportation (DOT)	October 15, 2004
Private Individuals and Organizations	
9. Kristen Wageman	September 20, 2004
10. Amy Carey, Board Member, Citywood Condominium HOA	October 8, 2004
11. Rosenheim & Associates	October 14, 2004

Letter No. 1

State Clearinghouse, dated October 18, 2004

Comment 1-1:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 15, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Response to Comment 1-1:

This letter is the State Clearinghouse's form acknowledging receipt of the Draft EIR for public circulation, which references the extended review period, beginning August 31, 2004, ending October 15, 2004, and references the selected state agencies that the Governor's Office of Planning and Research sent the Draft EIR for review. This letter does not contain any comments directed at the content or adequacy of the Draft EIR. Therefore no response is necessary.

Letter No. 2

California Department of Transportation, dated September 24, 2004

Comment 2-1:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Tower of Wooden Pallets Apartments project.

We have reviewed the project's traffic study that you provided. The Department as a responsible agency under CEQA has jurisdiction superceding that of MTA in identifying the freeway analysis needed for this project. Caltrans is responsible for obtaining measures that will off-set project vehicle trip generation that worsens Caltrans facilities and hence, it does not adhere to the CMP guide of 150 or more vehicle trips added before freeway analysis is needed. MTA's Congestion Management Program in acknowledging the Department's role, stipulates that Caltrans must be consulted to identify specific locations to be analyzed on the State Highway System.

Response to Comment 2-1:

As acknowledged above, CALTRANS was consulted and included in the subject review process. Due to the negligible quantity of traffic associated with the proposed Tower of Wooden Pallets Apartments project, it was agreed with Mr. Yerjanian, Caltrans' Project Engineer, that no section of the 101 Freeway needed to be analyzed. A queue length analysis however was requested, for the purpose of evaluating the proposed project's impact upon the freeway On-Off ramps at Sepulveda Boulevard, and provide mitigation measures where needed.

Comment 2-2:

Please provide Queue length analysis at the On/Off ramp intersections, and propose mitigation measures, calculate a pro-rata share to be paid by this project.

Response to Comment 2-2:

The proposed Tower of Wooden Pallets Apartments project will add to the SR-101 Northbound Off Ramp @ Sepulveda Boulevard, a total of two (2) vehicles and twelve (12) vehicles, respectively during the AM and the PM peak hours. That translates into an average of one vehicle every thirty minutes, and one every five minutes, respectively during the AM and the PM peak hours. Similarly, the subject project is estimated to add a total of eleven (11) vehicles and six (6) vehicles to the SR-101 Southbound On Ramp @ Sepulveda Boulevard, respectively

during the AM and the PM peak hours. That translates into an average of one vehicle about every six minutes, and one every ten minutes, respectively during the AM and the PM peak hours. Experience, and common sense, suggest that these negligible traffic volumes cannot cause any measurable impact under any traffic condition, at virtually any location. Still, at the request of Caltrans' staff, a Queue Length Analysis was performed for the two intersections mentioned above. Specifically, the analysis evaluated the storage capacity of the approach of the Northbound Off Ramp (westbound orientation), and of the Southbound On Ramp (eastbound orientation), at Sepulveda Boulevard. The analysis was performed with: a) Existing (2003) traffic conditions, b) Future (2005) traffic conditions, c) Future with Related Project's traffic, and d) Future with Site traffic. The results of the Queue Length Analysis were summarized in Tables A and B, respectively for the Northbound Off Ramp, and the Southbound On Ramp locations. Under the heavier traffic conditions found during the evening peak hour, traffic exiting the freeway will need about 372 feet of queuing space per lane, with 2003 traffic volumes. That length will increase to about 385 feet under all other traffic conditions evaluated. As anticipated, the proposed project's traffic impact is "non measurable". In addition, the northbound ramp currently provides an average of 693 feet of storage length per lane consequently, no mitigation measures are needed.

The Sr-101 Southbound On Ramp has two lanes with a queuing length of about 488 feet per lane. The evening peak hour has the heavier volume at this location too. Under that scenario, traffic getting on the freeway will need about 37 feet of queuing space per lane, with 2003 traffic volumes. That length will increase to about 38 feet per lane under all other traffic conditions evaluated. Again, as anticipated the proposed project's traffic impact is "non measurable", and the above mentioned 488 feet of queuing space currently provided will not be exceeded under any foreseeable traffic condition. Consequently, no mitigation measures are needed.

Comment 2-3:

It is also necessary to verify the three small-Related Projects (NO. 3, 4, & 5) that are listed on Table 2 of the DEIR since Mr. Kevin Ecker of the City of LA has indicated these 3 projects have not yet been developed.

Response to Comment 2-3:

Related Projects No's 3, 4, and 5 are located a minimum of ½ mile north of the Tower of Wooden Pallets Apartments project's site, and in excess of ¾ mile north of the SR-101 On and Off Ramps included in the traffic analysis (see Related Projects Location Map of the traffic

study). Since those projects are adjacent to the Burbank Boulevard Ramps to the I-405 freeway, their traffic will have no impact upon the freeway ramps analyzed.

Comment 2-4:

Please reference the Department's Traffic Impact Study Guideline on the Internet at <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.

We request that you apply the equitable share responsibility formula on page 2 of Appendix B (Methodology for Calculating Equitable Mitigation Measures) and set aside a portion of Transportation Impact Fees generated for the future State Highway improvement projects. The City may need to recalculate or establish an additional fee for this purpose.

Response to Comment 2-4:

See Response to Comment 2-2 to verify that no mitigation measure is needed to mitigate the proposed Tower of Wooden Pallets Apartments project's traffic impacts.

Letter No. 3

Southern California Association of Governments, dated September 21, 2004

Comment 3-1:

We have reviewed the Tower of Wooden Pallets Apartments, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). The proposed project is not a residential development of more than 500 dwelling units. Therefore, the proposed Project does not warrant comments at this time. It is not necessary to send/provide us a copy of the Final EIR for the Project. However, please provide us with a Notice of Availability for the Final EIR. Please be sure that the Notice includes a complete project description and comment due date. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

Response to Comment 3-1:

This letter does not contain any comments directed at the content or adequacy of the Draft EIR. Therefore no response is necessary.

Letter No. 4

City of Los Angeles Bureau of Fire Prevention and Public Safety, dated September 3, 2004

Comment 4-1:

The section of this draft EIR concerning fire protection contains an incorrect citation and several omissions.

This report incorrectly states that the Los Angeles Municipal Code (LAMC), Section 57.09.07 states that the Fire Department response standard for residential neighborhoods is within 1.5 miles from an engine company and 2.0 miles from a truck company. The response standard set forth in the municipal code for residential development is 1.5 miles from the closest fire station housing an engine or a truck (57.09.07, Table 9-C, LAMC). A copy of Table 9-C is attached for reference.

Response to Comment 4-1:

Comment is acknowledged and the language on page IV.J-7, is modified in Section III (Corrections and Additions) to read:

The Los Angeles Fire Code states that the maximum response distance from an engine company **or a truck company** to a residential neighborhood should be 1.5 miles. ~~and the maximum response distance from a truck company to a residential neighborhood should be 2.0 miles.~~

Comment 4-2:

In the section listing proposed mitigation measures there are items listed which were not included in our reply dated December 22, 2003 and several items which have been omitted. Please ensure that this portion of the report is revised to accurately reflect the recommendations of the Fire Department included in our original correspondence, a copy of which is attached.

Response to Comment 4-2:

Comment is acknowledged and the language on page IV.J-11-12, has been modified to include the mitigation measures provided in the comment letter. Refer to Section III. Corrections and Additions to the Draft EIR.

Letter No. 5

City of Los Angeles Department of Water and Power, dated September 23, 2004

Comment 5-1:

I'm reviewing the EIR for this project and plan to prepare a formal response. However, I noticed that Section II-B, Related Projects, did not mention the CalTrans project "405/101 Connector Widening Project" that is due to start construction in January 2005 and continue for approximately 2-years. Also related to the CalTrans project is E6000869 "Sepulveda Blvd from 250' N/O Dickens to 500' S/O Greenleaf St." I understood that the City project would be constructed in conjunction with the CalTrans project. But it's been almost 2-years since we attended the pre-design meeting and have not received any additional information. I left a message for Contract Administration to let me know the status of E6000869.

Response to Comment 5-1:

According to CEQA Guidelines, Section 15130 (b), for practicality and reasonableness, a related project must contribute in some form to cumulative impacts. The two CALTRANS projects listed in the comment appear to be roadway improvement projects. Inherently, roadway projects accommodate growth rather than generate actual growth which would then have a physical impact upon the environment. For this reason, these two roadway projects were not included in the related projects list and knowledge of their status is unknown at this time.

Letter No. 6

City of Los Angeles Department of Water and Power, dated October 8, 2004

Comment 6-1:

This is in response to your letter of August 31, 2004, requesting comments on the draft environmental impact report for the above-referenced project. This response applies only to the Water Services Organization of the Department of Water and Power (WSO). The Energy Services Organization will respond separately.

This project is within the 1000 Service Zone of the WSO's water distribution system which provides domestic, fire and irrigation flows. The WSO maintains a 12-inch water distribution main within Magnolia Boulevard, approximately 10-feet south of the centerline, and other water facilities within the vicinity. However, further analysis of the water distribution system may be necessary to determine if upgrades to the water system are required to meet the water flow demands for the project. Normally, these water flow demands are finalized during the City's subdivision process.

In addition, an information sheet on water conservation methods is attached.

Response to Comment 6-1:

This letter does not contain any comments directed at the content or adequacy of the Draft EIR. The information regarding possible further analysis of the water distribution system will be forwarded to the decision-making authorities for their review and consideration. No other response is necessary.

Letter No. 7**City of Los Angeles Historic Preservation, dated October 14, 2004****Comment 7-1:**

SECTION VI – ALTERNATIVES TO THE PROPOSED PROJECT does not adequately address the Restoration/Preservation Alternative. It states that this alternative was rejected due to the advanced state of deterioration of the monument and the inaccessibility as a result of trash and debris on the site. If the trash and debris were removed, could alternatives to the stabilization/preservation of the monument be explored? There is no analysis, beyond the statement that the monument is deteriorated, to substantiate that it cannot be preserved.

Response to Comment 7-1:

Even if the trash and debris was cleared from the site, it is unlikely that the Historic Monument could then be preserved. The physical integrity of the Tower has totally diminished. As stated on page VI-2 of the DEIR, the Tower has been evaluated by two structural engineers who found that the wooden pallets are dry-rotted and termite-infested and have diminished or totally lost their structural properties. As a result the Tower has partially collapsed. Restoration of the Tower would most likely require almost total rebuilding with new materials. Rebuilding with new materials may also alter its significance as a Cultural-Historic Monument. Thus, the possibility of the preservation of the Monument was rejected.

Comment 7-2:

Additionally, there is no analysis to show a feasible development around a preserved monument. Under CEQA, and recognized preservation practice in California, this may suggest the superior alternative.

Response to Comment 7-2:

As discussed above, preservation of the Historic Monument is not considered financially feasible or desirable in that preservation would most likely necessitate the rebuilding of most of the Tower. Pursuant to Los Angeles Administrative Code section 22.128; “The [Cultural Heritage] Commission shall take all steps necessary to preserve such monuments not in conflict with the public health, safety and general welfare...” The possible presence of hazardous materials and substances on-site, including mold in the Historic Monument structure, vermin, and the deteriorated structure of the Tower indicates that preservation of the Monument is in conflict with the public health, safety and general welfare. In addition, as stated on page IV.D-4 of the DEIR the Tower of Wooden Pallets is not eligible for listing in either the National or California Historic Registers because it does not appear to meet any of the criteria for

significance. And as stated on page IV.D-7, the Tower also does not meet the definition of a Historic-Cultural Monument in the City of Los Angeles. However, at the request of Daniel Van Meter the entire property was designated as such by the City of Los Angeles in 1978. The poor quality of the Monument and its questionable cultural-historic significance, therefore, negated the option of the Restoration/Preservation Alternative as the superior alternative.

Letter No. 8

City of Los Angeles Department of Transportation, dated October 15, 2004

Comment 8-1:

After a careful review of the pertinent data, DOT has determined that the DEIR, adequately describes the project-related traffic impacts of the proposed development. However, Table IV.K-3 Critical Movement Analysis Summary Existing (2003) Conditions incorrectly states the a.m. and p.m. peak hour existing levels of service for Sepulveda and Magnolia Boulevards.

Response to Comment 8-1:

Table IV.K-3 has been corrected as shown below. However, this correction does not alter the conclusion of the traffic analysis in the DEIR, in that there is still a project-related significant impact at the intersection of Magnolia Boulevard and Sepulveda Boulevard. As stated by the LADOT below, this impact has been mitigated by the payment of the project's proportionate share of the cost for the Victory/Ventura Corridor ATCS Upgrade.

**Table IV.K-3
Critical Movement Analysis Summary Existing (2003) Conditions**

No.	Intersection	AM Peak Hour		PM Peak Hour	
		CMA	LOS	CMA	LOS
1	Sepulveda Blvd. and Burbank Blvd.	0.848	D	0.826	D
2	Sepulveda Blvd. and Magnolia Blvd.	0.640 0.980	B E	0.665 1.122	B F
3	Sepulveda Blvd. and SR 101 NB off-ramp	0.722	C	0.464	A
4	Sepulveda Blvd. and SR 101 SB on-ramp	0.547	A	0.498	A
5	Sepulveda Blvd. and Ventura Blvd.	0.893	D	0.918	E

Comment 8-2:

Furthermore, Table IV.K-5 Related Projects incorrectly states that Related Project numbers 4 and 5 were developed at the time of the study. The attached DOT traffic assessment dated July 2000 summarizes the volume-to-capacity (V/C) ratios and levels of service at the study intersections, as well as the results of the traffic study analysis.

Response to Comment 8-2:

Related Project No. 4 was erroneously indicated in the City of Los Angeles Projects List as a “Gas Station w/Convenience Market”. Observations conducted by the EIR Consultant at the time the traffic study was performed, showed that a gas station with convenience market existed at the subject location thus, the project was reported as developed. It appears that the subject project simply consisted of expanding the existing convenience market. The traffic associated with such expansion is negligible, and would not alter the relative traffic impact of the proposed Tower of Wooden Pallets Apartments thus, the conclusions reached by the traffic study.

Related Project No. 5 was erroneously indicated in the traffic study as developed. Observations conducted by the EIR Consultant at the time the traffic study was performed, showed that a used car dealership was located at the subject address. Information provided by the dealership’s staff suggested that the proposed “Fast Food w/Drive Thru Window” may have been withdrawn, as no plans existed to relocate the used car lot. Consequently, the traffic study should have reported that related project as withdrawn. It should be noted that the traffic associated with the Fast Food Restaurant, discounted for pass-by trips, and for the existing used car dealership, would have resulted in a negligible addition to the existing traffic flows. Such addition could not alter the relative traffic impact of the proposed development. Therefore the conclusions reached by the traffic study with regard to the proposed Tower of Wooden Pallets Apartments would not change.

In addition, it should be noted that Related Projects No’s 4, and 5 are located a minimum of ½ mile north of the Tower of Wooden Pallets Apartments project’s site, and in excess of ¾ mile north of the SR-101 On and Off Ramps included in the traffic analysis (see Related Projects Location Map of the traffic study). Since those projects are adjacent to the Burbank Boulevard Ramps to the I-405 freeway, their traffic will have no impact upon the freeway ramps analyzed.

Comment 8-3:

DOT has determined that the proposed project will significantly impact the intersection of Sepulveda Boulevard and Magnolia Boulevard. The intersection was mitigated to a less-than-significant level when the applicant funded a proportionate share of the cost for the design and construction of the Victory/Ventura Corridor ATCS Upgrade of Sepulveda Boulevard and Magnolia Boulevard. The project’s proportionate share of the cost for the Victory/Ventura Corridor ATCS Upgrade is equal to the average ATCS Upgrade cost per intersection. In December of 2003, DOT received a cash payment of \$20,000 to guarantee the ATCS improvements.

This determination does not include approval of the project’s driveways, internal circulation, or parking scheme. Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site and driveway plans, with a

minimum scale of 1"=40', to DOT's Valley Development Review Section at 6262 Van Nuys Boulevard Suite 230, Van Nuys, CA 91401.

Response to Comment 8-3:

This comment confirms the mitigation of the project-related significant impact at the intersection of Magnolia Boulevard and Sepulveda Boulevard with the payment of the proportionate share of the cost for the design and construction of the Victory/Ventura Corridor ATCS Upgrade of Sepulveda Boulevard and Magnolia Boulevard in December 2003. The project applicant will submit detailed site and driveway plans, with a minimum scale of 1"=40', to the DOT's Valley Development Review Section prior to the issuance of any building permits.

Letter No. 9

Kristen Wageman (homeowner), dated September 20, 2004

Comment 9-1:

Frankly I am appalled that a review of this property does not immediately communicate to you that the impact of a 98 unit apartment building with 185 parking spaces is a serious hazard to the residents of our little dead end street.

Response to Comment 9-1:

This comment expresses an opinion and does not address the adequacy of the analysis contained within the DEIR, therefore no response is required.

Comment 9-2:

I can barely get out of my parking garage now between the traffic for the school at the end of the street and the office building on the corner.

Response to Comment 9-2:

As stated on page IV.K-17 of the DEIR As shown in Table IV.K-8, the proposed project would result in a significant project traffic-related impact at the intersection of Sepulveda Blvd. and Magnolia Blvd. The City of Los Angeles Department of Transportation has stated that the project can mitigate its project traffic-related impact to a less-than-significant level by funding a proportionate share of the cost for the design and construction of the Victory/Ventura Corridor Adaptive Traffic Control System (ATCS) Upgrade. The ATCS Upgrade is intended to improve traffic conditions along Sepulveda Boulevard between Victory Boulevard to the north and Ventura Boulevard to the south.

Comment 9-3:

As a homeowner and tax payer I find this ruling totally unacceptable! One of the reasons I purchased my unit is that we are on a dead end street and that it is quiet in the evenings and on the weekends. Also my unit is right next door to the property so it will affect me more than perhaps other homeowners in the building. Besides the amount of traffic and noise there will also be more trash and the strong possibility that this apartment building will negatively affect the resale value of my unit.

Response to Comment 9-3:

This comment is unsupported by any evidence or analysis, and is therefore speculation. CEQA Guidelines Section 15064 (d)(3) states that a change in the physical environment caused by a proposed project need not be analyzed if the change is speculative.

Comment 9-4:

As I drive thru Sherman Oaks I see For Rent signs everywhere so the only conclusion I can come to is that the city is more interested in potential tax revenue than it is the welfare of the taxpayers and homeowners who live there.

Response to Comment 9-4:

This comment expresses an opinion and does not address the adequacy of the analysis contained within the DEIR, therefore no response is required.

Comment 9-5:

I hope you will consider the impact of this decision and hold a public hearing.

Response to Comment 9-5:

A public hearing is not required for an EIR, however, a public hearing conducted by the Cultural Heritage Commission regarding the removal of the Tower, and a site plan review public hearing may also be conducted in the future.

Letter No. 10**Citywood Condominiums Homeowner's Association, dated October 8, 2004****Comment 10-1:**

This letter is in response to the Draft EIR referenced above. We are representatives of the Citywood Condominium Homeowner's Association. Our property is directly north of the site of the proposed project on Magnolia Boulevard in Sherman Oaks. While we are enthusiastic about the property in question being redeveloped, a review of the Draft EIR brings forth several concerns that impact our property specifically and our neighborhood in general.

Response to Comment 10-1:

This introductory comment does not address the adequacy of the analysis contained within the DEIR, therefore no response is required.

Comment 10-2:**GEOLOGY AND SOILS – Part IV.E**

The report indicates that studies have been done on the soil of the proposed project, and the study was very specific as to the construction and grading guidelines required. Our purpose is not to question the validity of the results or the methods used in the study, but to convey additional, relevant information.

Our swimming pool is about 5 feet from the north property line of the Magnolia Project. In the past, pool contractors have indicated that there might be stability issues with our pool. No significant movement or damage has occurred as of yet, but the excavation required and the movement of heavy equipment on-site might cause damage to our pool. Since this information was not available to the Soils Engineer, we thought it might be valuable at this time. We would be happy to cooperate in any further testing or other mitigation.

Response to Comment 10-2:

Construction on the proposed project would involve excavation of approximately 3,650 cubic yards of dirt that would be balanced on site. This excavation would involve lowering the existing grade by approximately 6 feet. If the pool was constructed to conform with the City of Los Angeles Building Code and the relevant permits then neither construction activities nor vibrations from heavy equipment on the project site would cause damage to the pool. If the pool is substandard or damaged, then it remains the responsibility of the Citywood Condominiums to repair these problems prior to the onset of construction.

Comment 10-3:**PARKING POPULATION AND HOUSING PAGE IV.1**

Our preeminent concern is the impact this project will have on street parking on Magnolia and Sepulveda Boulevards. Page IV-I-4 indicates that the project will have 185 parking spaces for the proposed 98 units. The report also states that this exceeds the Los Angeles Municipal Code's requirement. Our belief is that this is why the report does not address the impact of street parking. It is assumed that on-site parking will meet the needs of the project.

However, the methodology used by the report would be appropriate if the project is to be made up of one and two-bedroom apartments. That is not what the report calls for. In fact, the project calls for 31 three-bedroom, 62 units with four-bedrooms or more, and five "affordable disabled" units. The report also calls for 191 adults and 44 school age children (based on Census Data and School Information). We have attached Exhibit A as an analysis of parking needs for the building plan.

Response to Comment 10-3:

The comment is acknowledged and a correction is required. The language on pages I-4 and III-1 has been modified in Section III (Corrections and Additions) to read:

The residential building would provide a mix of unit types that would include 31 ~~three~~ **one**-bedroom units, 62 ~~four or more~~ **two**-bedroom units and five smaller units designated "affordable disabled."

The traffic study included a parking supply analysis that was incorporated into the Draft EIR, Section IV.K Transportation and Traffic, page IV.K-13. This parking supply analysis was based on the corrected mix of unit types. According to code requirements the project needs to provide 173 parking spaces and the project proposes 185 spaces. The proposed project provides more parking spaces than required by code. It is not anticipated that street parking would meet the needs of the project as the project provides more than the code requirements.

Comment 10-4:

Exhibit A indicates 346 total bedrooms in 98 units. Using Census factors in the Study, the project would house 186 adults and 44 school age children. That would require 230 bedrooms (line 7) to house the population (This is probably conservative, as both adults and children often share rooms)

With a demand for 230 rooms and a supply of 346 rooms (line 3), that would leave 116 rooms available for roommates or adult family members. If we assume that there was a need for

.6125 parking spots pre available adult bedroom (See line 10), there would be a parking spot deficiency of 70. (Line 11)

These cars would need to park on Magnolia and Sepulveda Boulevards, adding to an already difficult parking situation on the street. Again, this analysis is probably conservative, given that some older children excluded from the calculation will probably have cars, and visitors of the building will need parking.

We would request that the Final Environmental Impact Report include an analysis of the project's demand for street parking in the area.

Response to Comment 10-4:

As discussed above in Response to Comment 10-3, the size of the units in the proposed project were incorrectly stated in the Draft EIR. The proposed project will include 31 one-bedroom units, 62 two-bedroom units and 5 affordable disabled units. See Comment 10-3 above for number of code required spaces. With the correction noted in Comment 10-3, the parking analysis is correct and sufficient for the parking needs of the proposed project. Thus traffic impacts and parking impacts will be less than significant as described in Section IV.K of the DEIR.

Comment 10-5:

CONCLUSION

At this point, we fully support the development of the property at 15357 Magnolia Boulevard. It has been a neighborhood eyesore and magnet for crime for many years. We also understand that there is a critical housing shortage in the City of Los Angeles, and the City has a general policy of increasing the density of neighborhoods. However, increase traffic and insufficient street parking severely impact the quality of life of neighborhood residents. These factors cannot be ignored in making planning decisions.

We would proposed that "Alternative 2 – Reduced Density Alternative" be accepted. This would still allow for 78 units to be built. While we support the concept of "Affordable Disabled" units, the density bonus granted would negatively impact all areas of life in the neighborhood.

Response to Comment 10-5:

Alternative 2 – Reduced Density Alternative was rejected as inferior to the proposed project as it does not contain "affordable disabled units." As stated above, the size of the units in the proposed project were incorrectly stated in the Draft EIR and as a result, the number of

bedrooms in the project building will be 165, not 346. Thus traffic impacts and parking impacts will be less than significant as described in Section IV.K of the Draft EIR.

Letter No. 11**Rosenheim & Associates, dated October 14, 2004**

I have been retained by the Emek Hebrew Academy (EMEK) and the Sherman Oaks Villas Homeowners Association (SOVHA) (both immediate neighbors of the proposed project), to review and provide comment of the above-mentioned Environmental Impact Report. Following are my comments related to the document:

Comment 11-1:Section I. SUMMARY

Page I-4

B. Proposed Project

Comment: The proposed parking garage is interchangeably referred to as at-grade and semi or partial subterranean throughout the document leaving the reader and appropriate agencies unclear as to the manner in which the proposed parking will be constructed. The differences between at-grade parking versus partial subterranean will impact the nature and amount of excavation required, possibly the nature and therefore duration of construction, construction noise and air quality, potential hydrology including impact of ground water levels and construction related traffic impacts.

Request: The proposed garage must be defined and be made consistent throughout the document and all related impacts such as but not limited to those identified above, must be appropriately modified and addressed. Furthermore, to mitigate the construction related impacts related to noise, air quality, vibration and traffic, excavation should be performed only during the summer when the EMEK Hebrew Academy is not in session and residents of the abutting properties might most likely be away on vacation.

Response to Comment 11-1

The proposed project includes an “at-grade” parking garage as noted on page I-4 of the DEIR and illustrated in the east elevation in Figure III-4. The language on pages I-5, I-29, III-1, B-15, K-17 and G-2 have been modified in Section III, Corrections and Additions to the DEIR, of this Final EIR to read:

“at-grade parking garage”

The project was analyzed as a 4-story structure with three residential levels and one at grade parking level. Approximately 3,650 cubic yards of earth materials are planned for this project, which will be balanced on site. Excavation would bring the existing grade down by only six feet. The noise and air quality analyses based construction impacts on a 22 month period as stated on page III-6 of the DEIR. Consequently, there would be no trucks used to haul dirt from the site creating additional construction truck traffic, no use of heavy grading equipment (e.g., graders, excavators, dozers, scrapers, back hoes, etc.) creating vibration or emitting noise and air pollutants. Therefore, no modification to these analyses is required. Further, no impacts would occur to ground water levels as there excavation of the site only would bring the elevation down by six feet.

Comment 11-2:

Section II. ENVIRONMENTAL SETTING

Page II-1

Local Setting

Comment: Magnolia Boulevard is identified as a major arterial in the DEIR when in fact, according to the Los Angeles City Transportation Element and the Generalized Circulation Plan, it is a Local Street.

Request: The street designation should be corrected and any appropriate modification to the transportation analysis should be made to reflect the correct street designation adjacent to the subject property.

Response to Comment 11-2

The comment is correct that Magnolia Boulevard west of Sepulveda Boulevard is designated as a local street on the Generalized Circulation Plan of the Van Nuys/North Sherman Oaks Community Plan. The reference as a “major arterial” on page II-1 has been modified in Section III, Corrections and Additions to the DEIR, of this Final EIR to read:

“According to the Van Nuys/North Sherman Oaks Community Plan Generalized Circulation Plan, Magnolia Boulevard is a local street and N. Sepulveda Boulevard is a Major Highway. Additionally, ...”

The commentor extracted the street identification from Section II, Environmental Setting, of the DEIR. The street identification was intended for reference to site access and not used for traffic volume analysis in the project Traffic Study or Section IV.K. Transportation and Circulation. The traffic analysis in Section IV.K is based on the Traffic Study which identifies roadway classification and evaluates the traffic volumes to travel lane capacity of selected study

intersections. No modification of the traffic analysis is necessary. Further, the Traffic Study has been reviewed and accepted by the City of Los Angeles Department of Transportation.¹

Comment 11-3

Section III. PROJECT DESCRIPTION

Page III-1

A. Project Location

Comment: The Emek Hebrew Academy (EMEK) (later referenced in the DEIR under several names including the institution, the school and The Teichman Family Torah Center) has a K-8 school with an enrollment of 600 students. EMEK is located immediately to the west of the subject property but is not included as an abutting use in the Section. The school with its children ranging in ages from 5-14 is a very sensitive receptor but is often ignored in the DEIR as an abutting use. In fact EMEK, when it is referenced in the DEIR, is described as being 100 feet from the subject property. In reality, the EMEK school building is located less than 10 feet from the common property line with the proposed project.

Request: The DEIR and its technical elements, in particular but not limited to; construction related noise, vibration, air quality, soil contamination and traffic as well as shade and shadow, privacy and other operational and permanent elements must be restudied to accurately reflect the proposed project's impacts on EMEK, which is indeed a very sensitive receptor.

Response to Comment 11-3

The DEIR characterized the school facility (Teichman Family Torah Center – corrected by commentor as Emek Hebrew Academy) in Chapter II. Environmental Setting, on page II-4, under Surrounding Land Uses as “immediately abutting the project site”. Page IV.H-6 (Noise section) referred to the entrance to the school facility to be 100 feet from the project site at the terminus of Magnolia Boulevard. However for clarification the sentence on page IV.H-6 has been revised in Section III (Corrections and Additions to the DEIR) to read:

The existing ~~Teichman Family Torah Center~~ **Emek Hebrew Academy** is located **immediately adjacent (approximately 10 feet) to the project site with the driveway entrance** located at the terminus of Magnolia Boulevard, approximately 100 feet west of the proposed project site.

¹ Sergio Valdez, City of Los Angeles, Department of Transportation, letter, dated November 3, 2003.

In addition, the language on page I-21 (Summary Chapter) and page H-11 (Noise Section) was a typographical error and shall be corrected to read 10 feet rather than 100 feet. Also, the name of the school facility shall be corrected to read as Emek Hebrew Academy.

The DEIR and its technical elements have analyzed the proposed project and its impact upon the environment in accordance with CEQA. There is no need to re-analyze the project or its technical elements as suggested by the commentor. The following provides a brief summary of the DEIR's analysis regarding the technical elements mentioned in the comment.

The proposed project's technical analysis considered all of the surrounding sensitive receptors including the school facility, which, as previously mentioned, was characterized in the Environmental Setting Chapter as immediately adjacent to the project site. On page IV.H-11 of the DEIR, construction noise analysis considered the maximum noise levels generated by equipment on the project site which would result up to intermittent noise levels of 83dBA Leq during ground excavation and grading. Further, the analysis identified noise levels up to 89 dBA Leq affecting uses abutting the property line. The analysis concluded that the distance needed to buffer the school and the residences from the maximum equipment noise levels does not exist in order to reduce the equipment noise levels below the City's 75 dB threshold and identified construction noise impacts as significant. The DEIR identified code requirements for construction activities including adherence to the City's Noise Ordinances. (Nos. 144331 and 161574) and restriction of construction activities regulated by the City of Los Angeles. The DEIR concluded on page IV.H-14 that construction noise impacts would be unavoidably significant during high noise level events" after mitigation.

With respect to Air Quality analysis, the impact upon the environment occurs at the source and not at the receptor. The DEIR concluded on page IV. C-9 that the "project is too limited in scope to cause air quality impacts significance thresholds to be exceeded during construction." Table IV.C-5 presented construction related daily emissions which do not exceed SCAQMD significance thresholds for any of the criteria pollutants. Operationally, impacts were analyzed using the URBEMIS 2002 land use air quality model that is based on traffic data supplied by the traffic study. Table IV.C-6 presented the results of the model and, as shown, the daily operational emission would not exceed the established thresholds. For Carbon Monoxide (CO), the analysis considered nearby sensitive receptors and examined CO concentrations at 25, 50 and 100 feet at study area intersections, which included the closest intersection of Sepulveda Boulevard and Magnolia. Under future conditions, CO concentrations would not exceed federal or State ambient air quality standards. Therefore, the DEIR concluded, on pages IV.C-12 that contribution of the proposed project's traffic related CO at the study area intersections would not be significant.

For Hazards and Hazardous Materials, the analysis did not identify the soil as being contaminated as suggested by the comment. The analysis identified that during clearance of the

site, construction workers may be exposed to hazardous materials or substances due to the presence of trash and debris covering the site. Mitigation measures provided require the “services of properly trained and qualified hazardous waste handlers” for site clean-up.

No need for any additional traffic analysis as requested by the commentor, as the traffic analysis is based on the number of vehicles generated by the project and the potential impact on intersections. The intersection analysis concluded on page IV.K-17 that the traffic impacts associated with the proposed project would be less than significant. The parking analysis determined that the proposed project’s 185 parking spaces would not exceed the demand for the project and impacts would be less than significant.

The City’s Initial Study did not require the project to examine shade and shadow impacts of the proposed project.

Comment 11-4

C. Project Characteristics

Comment: The proposed project as designed, with balconies and large windows along the east and west elevations of the building, will significantly impact the privacy and security of the Emek Hebrew Academy and the privacy of the SOVHA. This element is disregarded in the DEIR but has biblical implications to EMEK as well as practical privacy and security implications to EMEK and SOVHA.

Request: The FEIR must address this matter and provide for adequate mitigation measures such as the elimination of balconies on the east and west building elevations and the elimination of windows and/or provision for only high level windows on both the east and west elevations.

Response to Comment 11-4

The commentor’s request refers to site planning and not environmental effects of the project. Under existing conditions, a multi-family residential building is located immediately adjacent to EMEK Hebrew Academy to the north. This multi-family residential structure currently has windows and balconies facing south towards the EMEK Hebrew Academy building with a setback that is similar to the proposed side yard setback of the proposed project. The placement of the proposed project’s windows and balconies on the east and west elevations are typical for multi-residential structures which is exemplified by the existing surrounding multi-family buildings. Section IV.B Visual Resources examined the proposed project’s potential impacts on aesthetics or visual character of the site. No significant impacts were found in relation to the proposed project and visual resources. Further, from a CEQA perspective, there are no significant impacts placed upon the environment with the proposed project’s current placement

of the building on the lot, which does not differ from existing surrounding multi-family residential buildings. .

Comment 11-5

Section IV. ENVIRONMENTAL IMPACT ANALYSIS

A. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

Page IV.A-2 3. Land Use and Planning

Comment: New residential projects within the City of Los Angeles consisting of over 50 residential units must apply for Site Plan Review (SPR). According to Section 16.05 of the City of Los Angeles Municipal Code;

The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting, and to control and mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

As indicated above and throughout this comment letter, the land use and planning implications of the proposed project are significant, particularly as they relate to the adjacent uses, both deemed as sensitive receptors. The SPR process as stated above, was initiated to ensure that development projects properly relate to surrounding properties and that projects mitigate the adverse effect on surrounding properties that might result due to inadequate site planning.

It is our contention that the proposed project as currently designed will have a significant and ongoing impact on the surrounding properties as it relates directly to land use and planning. This is due primarily but not solely to, poor site planning, over intensification of development and lack of design consideration related to items such as, but not limited to, windows and balconies as they relate to the abutting sensitive receptors.

Request: Land Use and Planning must be evaluated in the FEIR as having significant impacts and appropriate mitigation measures must be identified to reduce and /or eliminate said impacts on the adjacent properties.

Response to Comment 11-5

When analyzing a proposed project for potential impacts, CEQA requires the use of significance criteria. For this project, CEQA Guidelines Appendix G were used for such

measurement of significance. Appendix G of the CEQA Guidelines lists the following criteria for land use and planning:

IX. Land Use and Planning – Would the project:

- a) Physically divide an established community?*
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?*

Page IV.A-2, presented reasons why Land Use and Planning impacts would be less than significant based upon CEQA Guidelines, Appendix G significance criteria. The site is designated Multiple Family Low Medium I residential which allows for multi-family residential development. Implementation of the project would not physically divide a community as the site is surrounded on two sides by existing multi family residential uses. The project does not conflict with the applicable land use plan for the site. There are no habitat conservation plans or natural conservation plans for the site.

The EIR prepared for the project provides environmental documentation and implications of the project if constructed. As stated on page III-6 of the DEIR, this EIR is intended to serve as the environmental document for all discretionary and other actions associated with the development of the proposed project. This information is used by the decision makers when considering the proposed project including site-plan review (which is listed on page III-6 as a discretionary action), approval of the housing density bonus, approval of the demolition permit for the Cultural-Historic Monument (No. 184) and other permits (demolition, grading, foundation, building, haul route, etc).

Comment 11-6

Section IV. B VISUAL RESOURCES

Page IV.B-5&7

Comment: Once Again, EMEK is not included as a neighborhood use. As indicated this is a consistent oversight throughout the document. Additionally, when EMEK is identified as a neighboring use it is portrayed as being 100 feet from the subject site when in fact it is 10 feet from the property line.

Request: As previously stated, the EIR must include EMEK as a neighboring use and must also analyze all impacts as they relate to an immediately adjacent school use.

Response to Comment 11-6

Refer to Response to Comment 11-3 for discussion on EMEK Hebrew Academy as a neighboring use and said impacts.

Comment 11-7

Section IV.C AIR QUALITY

Comment: Reference is made on this page to “no extensive grading activities are warranted” while in a previous section of the DEIR states that “No excavation of earth materials are planned for this project.” (Page I-12 of the DEIR). The issue of excavation is left unclear throughout the document yet is essential to an appropriate analysis of the air quality impacts during the construction phase of the proposed project. The issue of excavation and therefore air quality impacts relates specifically to the matter of whether the garage is to be at grade or partially subterranean. This is another matter that must be clarified and made consistent throughout the FEIR.

The fact that the DEIR contradicts itself so frequently as it relates to the issue of excavation and the status of the parking garage (at grade versus partially subterranean) causes concern as to the level of analysis performed on the construction air quality, noise, vibration and other related impacts on the adjacent residential and school uses. This concern is further exacerbated by the DEIRs consistent misrepresentation of EMEK’s proximity to the project site (in those few instances when the school’s presence is even acknowledged).

Finally, the DEIR states; “The project is too limited in scope to cause air quality impact significance thresholds to be exceeded during construction. We take exception to this conclusion. It is clear throughout the document that the EMEK school use is disregarded as being too distant from the site or quite possibly not even considered as a sensitive receptor. There is no discussion or analysis of the construction impacts (air quality, noise, vibration and traffic) as they relate to the 600 youngsters that study five days a week from early morning to mid afternoon (the same general hours as construction) immediately adjacent to the subject site.

Request: The impacts of site excavation must be thoroughly analyzed particularly as they relate to the school and residential uses directly abutting the proposed construction site. We believe construction will have significant and unmitigateable impacts on these uses, particularly EMEK and as such, additional efforts must be made to mitigate said impacts. Appropriate mitigation measures beyond those identified in the EIR must be considered including but not limited to, the washing down of adjacent properties (i.e. windows and patios) and other protections to air

filtration systems such as filter and or unit replacement. The status of the garage must be determined and made consistent throughout the EIR so as to assure an understanding of the amount of earth movement necessary to complete the proposed project.

Response to Comments 11-7

Regarding site excavation, the DEIR analyzed the project with an “at-grade” parking facility. The DEIR addressed project impacts on construction air quality and noise in Sections IV.C. Air Quality, pages C-8 to C-10 and IV.H. Noise, pages H-8 to H-10. Also refer to Response to Comment 11-3 regarding construction air quality and noise impacts.

The Air Quality analysis for short term construction impacts used the approved South Coast Air Quality Management District’s (SCAQMD) URBEMIS 2002 air quality model which forecasts pollutant emission values based on project specific criteria. This criteria includes estimated construction schedule (e.g., approximately 22 months for the proposed project), type of activity (demolition, grading, construction), estimated type of equipment to be used. The analysis included a reasonable forecast of using heavy equipment required for grading (such as graders, bulldozers, etc.) As discussed on page IV.C-9 of the DEIR, this type of equipment and general on site activity results in air quality emissions from heavy equipment as well as from soil disturbance in the form of particulate matter. Based on the available project data as well as the project description, regional air quality emissions from the proposed project were calculated using the SCAQMD’s URBEMIS 2002 model. Table IV.C-5 listed the results of the model and compared the data to the SCAQMD’s thresholds of significance for construction pollutants. As a result, the project does not exceed any of the thresholds as established by the SCAQMD. No mitigation measures were required, though the EIR recommended 12 mitigation measures to be used during demolition, grading and construction to ensure impacts would remain less than significant. One of these measures requires wetting of soil to reduce fugitive dust (reduces the fugitive dust by 50 percent) which would meet SCAQMD’s District Rule 403. Others include sweeping of access points, during unloading and loading periods the construction equipment would be turned off, no idling in excess of 10 minutes, etc. Further, it was recommended that the project applicant provide a construction relations officer to act as liaison to the community concerning onsite construction activity including resolution of issue related to fugitive dust. No additional mitigation measures are necessary including the ones recommended by the commentor.

Refer to Response to Comment 11-1 for clarification on the parking garage. Refer to Response to Comment 11-3 regarding distance of EMEK Hebrew Academy and the proposed project. Refer to Response to Comment 11-3 that addresses the EIR analysis performed on construction air quality, noise, vibration and other related impacts. See Response to Comment 11-3 which addresses the proposed project’s impact on neighboring uses with regards to construction air quality and noise.

Comments 11-8**Section IV.D CULTURAL RESOURCES**

Comment: The subject property houses one of the San Fernando Valley's \pm 40 designated historic monuments. This in comparison to a citywide total of approximately 700 historic monuments highlights the importance of this one monument to the local community. Yet, the DEIR discounts the monument to a relic worthy of only some plans and photos to be archived in the downtown Central Library.

There is no consideration of discussion in the DEIR given to reducing the project's scope in a manner that would permit housing and the monument to co-exist on the property. Nor is there discussion of a project alternative that would allow the monument to be retained while permitting another use to be conducted on the site.

It seems disingenuous for the DEIR to so matter of factly dismiss the further existence of this monument without consideration of alternatives that would allow for its co-existence with another use. Furthermore, the mitigation measures listed in the DEIR are minimal at best and show a lack of consideration and thought as to how best memorialize the Tower of Wooden Pallets both on and off site.

Request: Additional consideration should be given to alternative means of maintaining the Tower of Wooden Pallets. This can be accomplished by downscaling the proposed project or identifying an alternative use that can be performed on the site while maintaining the Tower. Furthermore, the measures that can be employed to mitigate the actual demolition of the Tower can and should be significantly enhanced.

Response to Comments 11-8

CEQA Guidelines, Section 15126.6, states that "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives..." The DEIR, Chapter VI. Alternatives, identified a reasonable range of alternatives and addressed alternatives rejected as infeasible. In this chapter, the EIR discussed the issue of restoration or preservation of the tower of wooden pallets which would pertain to the commentor's suggestion of consideration of a reduced project alternative to co-exist with the monument. As discussed in Section IV.D, Cultural Resources (page IV.D-4), the physical integrity of the approximately 2,000 wooden pallets (that constitutes the "Tower of Wooden Pallets") was inspected by two structural engineers who found the wood exposed to the elements in the Tower is weathered, dry-rotted, and termite-infested and the wood has diminished or totally lost its structural properties. The Tower was not built in accordance with the City of Los Angeles Building Code and its design and materials it was constructed from were not intended for structural longevity. The nails and pin rivets are oxidized and loose.

The connectors remaining can be removed by hand without any effort. The steps towards the top are leaning with a tendency to slide off.

Further, as stated in the DEIR on page VI-2, preservation of the Tower would be considered infeasible due to the advanced state of deterioration and the evaluation by two structural engineers. Therefore, no additional alternatives would be feasible while maintaining the Tower as it is structurally weak and wasn't constructed with materials to endure longevity.

Mitigation measure number one is a standard measure provided for projects involving the proposed removal of a historic resource. However, in accordance to CEQA Guidelines Section 15126.4(b)(2), the recommended measure (documentation of the historic resource) on page IV.D-9 clearly states that it does not reduce the "impacts to a point where no significant effect on the environment would occur" and that impacts would remain unavoidable and significant (page IV.D-10). The commentor did not provide any suggested preservation measures for consideration. As discussed, any type of preservation is not a preferred alternative due to its physical state.

Comments 11-9

Section IV.F HAZARDS AND HAZARDOUS MATERIALS

Page IV.F-1

Hazardous Materials/Petroleum Products Storage and Handling

Comment: This section refers to possible canister degradation, leaks and/or spills as well as potential fluid leaks from several abandoned vehicles that may pose a hazard to people working in the project site. Yet there is no clear plan articulated in the DEIR to determine if indeed dangerous spills have occurred and if so, what steps are to be taken to assure the community is not put at risk by the required cleanup.

Response to Comment 11-9

Pursuant to CEQA Guidelines, Section 15121, an EIR is an "informational document" and its purpose is to disclose a project's significant effects on the environment to the decision makers who can then make an informed decision.

In light of presenting information to the decision makers, page IV.F-1 of the DEIR stated that "...several archaic canisters of solvents, cleansers and sundry chemical compounds have been observed on site. These hazardous products and canisters **may** (emphasis added) have degraded, leaked or spilled." The DEIR did not specifically state that in fact spills or leaks have occurred on site from canisters observed on-site as suggested by the commentor.

Further, the DEIR identified that potential impacts could occur to construction workers due to potential “hazardous materials or substances present in trash and debris covering the project site”. Page IV.F-5 provided a measure in which “qualified hazardous waste handlers shall be used to perform hazardous waste cleanup or abatement, transportation and disposal prior to construction”. Pursuant to Section 15121 (Informational Document) and 15126.4 (a) (Mitigation Measures in General), the DEIR has presented an observation that could be a potential impact and provided a recommended mitigation measure.

Comment 11-10

Page IV.F-2

Mold

Comment: Mold may be present on the site – specifically identified as a potential toxin within the Tower of Wooden Pallets. Amazingly, the DEIR only discussed the potential impact of the mold on construction workers, completely disregarding the residents and school children immediately adjacent to the project site. If indeed the Tower of Wooden Pallets is to be demolished, appropriate measures must be identified to safeguard the residents and students in the vicinity of the site.

It is recommended that a survey be conducted to determine the presence of mold in the Tower of Wooden Pallets. There is little discussion however, on the follow-up to the study and the means by which the community will be assured that appropriate mitigation is followed.

The applicant already has a history on the site of demolition prior to receiving building permits let alone the performance of appropriate testing for asbestos, molds and the like. Additional scrutiny is necessary to protect the residents and students in the immediate area.

Request: The FEIR must outline a strict course of action related to mold and other potential toxins. In fact, the FEIR should incorporate the results of a mold survey and if applicable, its recommended mitigation measures. This would document the required measures and allow them to be made a part of a project approval as well as the mitigation monitoring.

All potential Hazards should be studied in relation not just to the workers on the site, but all residents and students in the immediate area.

Response to Comment 11-10

As discussed in the DEIR on page IV.F-4, the Tower of Wooden Pallets was examined by a structural engineer, who had an asthma attack while inspecting the project site, and speculated on a variety of possible causes of his health problem: weeds, mold, etc. With respect to the possibility that mold was the cause of problem, it should be noted that the structural engineer

did not observe any mold at the property and is not a health expert qualified to make such a diagnosis. In fact, there is no evidence at this time that there is any substantial mold at the project site. Nevertheless, the DEIR included Mitigation Measure No. 3 on page IV.F-5, which requires that a mold survey be conducted prior to issuance of building/demolition permits to determine the presence of mold in the Tower of Wooden Pallets. Should the survey determine that a hazardous mold condition exists on the property, the measure requires the project applicant to remediate the condition in accordance with recommendations of the survey report. The analysis in the DEIR concludes that with the implementation of the mitigation, environmental impacts related to molds would be reduced to less than significant levels.

However, because of the deteriorated condition of the palettes, a mold survey can not be conducted safely prior to the initiation of demolition. Therefore, Mitigation Measure No. 3 on Page IV.F-5 in the DEIR has been revised in Section III. (Corrections and Additions) of this Final EIR as follows:

All site demolition shall be monitored by a mold remediation specialist, who shall have the authority to stop demolition activities if evidence of the presence of mold is detected. If such evidence is detected, the mold remediation specialist shall conduct a survey to determine the nature and the extent of the mold. ~~Prior to issuance of building/demolition permits, a survey shall be conducted to determine presence of mold in the Tower of Wooden Pallets.~~ Should a hazardous mold condition exist on the property, then the project applicant shall be required to remediate the condition in accordance with recommendations of the survey report.

Comment 11-11

Section IV.F HYDROLOGY AND WATER QUALITY

Comment: The site is currently vacant with the vast majority of the lot in a natural state and therefore, a significant percentage of permeable surface area. The proposed project will eliminate all but a very small percentage of permeable area thereby increasing water flow to Magnolia Boulevard significantly. As stated in the DEIR, (page IV.G-5, footnote 1) "...calculations show that existing and proposed 10-year frequency storm runoff overflows the top of the curb elevations on Magnolia Boulevard."

Magnolia Boulevard serves as the sole access to the SOVHA as well as EMEK. Any additional water directed to the street should not be permitted in any way to exacerbate the existing problem.

Request: The project must be required at a minimum to mitigate its contribution to the Magnolia Boulevard flooding problem.

Response to Comment 11-11

The magnitude of flow in Magnolia Boulevard is not determined by one site but is a function of the entire watershed. Section IV.G, Hydrology and Water Quality, identified additional flows from the site on page IV.G-3 in which the increase would be negligible and impacts would be less than significant. The DEIR section is based on the hydrology report, prepared for the site by Sukow Engineering, dated April 9, 2004 and provided in Appendix G of the DEIR, which noted that even though flow from the site would be increased due to the increased impermeable area with implementation of the project, the impact on the entire watershed is less than significant. The 10 year flow in Magnolia Boulevard would increase by approximately 0.013 feet which is approximately 1/8 of an inch. Similarly, for the 50-year flow in Magnolia Boulevard would increase by 0.011 feet which is also approximately 1/8 of an inch. In both scenarios the flow would remain confined to the right of way area.

Comment 11-12Section IV.H NOISE

Comment: Unlike the other sensitive receptors in the area, EMEK is operated at its peak from early morning to mid-afternoon – the same general hours as the construction crews. The DEIR noise analysis does not appear to consider or address this factor. In the instance when the school is considered in the DEIR it is incorrectly identified as being approximately 100 feet west of the proposed project site. As previously stated, EMEK is 10 feet from the project site and therefore subject to potentially very significant noise impacts, particularly during the construction phase.

The DEIR further states “...that the nearest sensitive receptors, which would experience the highest noise levels, are approximately 20 feet to the east of the site.” This clearly indicates the analysis is flawed to the core. It must be redone with specific attention focused on the school use located 10 feet from the subject property.

The DEIR does not address the noise impacts of the project’s operational elements such as but not limited to; air conditioning, pool heating and filtration equipment and trash hauling.

Request: The noise impact analysis should assess the impact of the construction and operation of the proposed project on the Emek Hebrew Academy, as it actually exists in proximity to the subject property (10 feet from the property line). Additional mitigation measures should also be considered such as requiring the grading and excavation work (which have the potential to create the greatest noise and air quality impact) to take place during EMEK’s summer break period.

Response to Comment 11-12

Refer to Response to Comment 11-3 regarding location of EMEK Hebrew Academy as well as the DEIR's noise construction impact analysis on the school facility.

Regarding project operation, the DEIR addressed project operation on page IV.H-11 and concluded that the development of the proposed project would not result in the introduction of an incompatible land use that would either subject the surrounding uses to unacceptable noises. The project site is bounded by residential uses to the east and north and the EMEK Hebrew Academy is bounded by residential uses to the north that have air conditioning units and an adjoining residential use to the north also has an outdoor swimming pool. The proposed project with air conditioning units and swimming pool elements are not unusual for a residential development which is exemplified by adjoining existing residential uses.

Comment 11-13**Section IV.I POPULATION AND HOUSING**

Comment: Based on the DEIR, the proposed project is composed of 31 three bedroom units, 62 four bedroom units and five smaller units reserved for "Affordable Disabled" (DEIR section I, PageI-4). On the basis of this unit mix, the minimum parking requirement is 188.5 parking spaces. Therefore, the site is under parked at the minimum city standards. In reality, the project must also accommodate parking for guests at the minimum ratio of .25 parking spaces per unit. Based on this city standard an additional 24.5 spaces must be provided thereby bringing the total parking required for the proposed project to 213 parking spaces.

The area in question has a moderately high demand for on-street parking; therefore, requiring guest parking at the standard city rate is reasonable and consistent with city policy.

Response to Comment 11-13

Refer to Response to Comment 10-3 for discussion on proposed project parking supply.

Comment 11-14

Comment: The DEIR anticipates a total of 191 people living in the proposed project. Common sense dictates otherwise. If one were to take an average of one person per bedroom across all of the units (one resident per Affordable Disabled Unit) the resident population would be 344. This estimate seems to be much more accurate as some units will have people doubled up in rooms while others will have rooms for offices or other purposes.

Request: The significant underestimation of the resident population may have led to other miscalculations throughout the DEIR. Therefore, the applicable sections of the DEIR must be reviewed and revised according to more accurate numbers presented in this letter.

Response to Comment 11-14

The analysis in the DEIR is based on 31 one-bedroom units, 62 two-bedroom units and five smaller affordable disabled units (refer to Response to Comment 11-12 and 10-3). For example, the number of persons expected to reside at the development is based on U.S. Census tract average of 1.95 persons per household for multi-family residential, which for this project would result in approximately 191 residents as stated in the DEIR, page IV.I-5. Further public services (e.g., police and fire protection) is based upon additional number of residents to the area and the Los Angeles Unified School District provides student generation factors for multi-family residences for elementary (0.199), middle (0.122) and high schools (0.116). Based on the Initial Study, the EIR is not required to examine impacts upon public utilities (e.g., water, wastewater or solid waste generation) (refer to Appendix A, Initial Study and Notice of Preparation to the DEIR).

Comment 11-15

Section IV.J PUBLIC SERVICES

Comment: On October 13, 2004, the author of this letter spoke with Officer Marco Jiminez of the Los Angeles Police Department's Community Relations Section, Site Plan Review Office. He expressed concern with the general conclusion that the redevelopment of the site could lead to a reduction in crime in the localized area. According to Officer Jiminez, without a review of current complaints and crime statistics resulting from the site specifically, this comment is pure speculation and invalid.

Officer Jiminez also expressed concern as to the privacy and safety of the students in regard to the proximity of a grade school 16 feet (EMEK is 10 feet from the property line while it is our understanding the proposed project is designed to be six feet from the property line) from a three story multiple residential apartment building designed with windows and balconies that enable one to easily look directly into the school (and visa versa). No further comment need be made as to the dangers associated with the scenario.

An interesting observation, it is a bit surprising that the quote from Sergeant Amendola (DEIR, Page IV.J-5) was made on March 11, 2003. It was our understanding the work on the EIR commenced after that date.

Request: The project be redesigned to eliminate balconies on the west and east side and provide high-level windows only on the west side on the project.

Response to Comment 11-15

The EMEK Hebrew Academy is currently adjacent to an existing multi-level multi-family residential structure (to the north) that has windows and balconies facing the school facility with similar setbacks to the proposed project. Therefore, the proposed project does not present a plan that is different from other existing adjacent residential uses. In addition, the City of Los Angeles Zoning Code allows school facilities to be located within residential zones and the project site is designated Multiple Family and zoned Low Medium I residential. Thus, the proposed project is located within a permissible zone and the City of Los Angeles zoning recognizes that school facilities within residential zones is compatible. Finally, CEQA Guidelines Section 15151 states that “disagreement among experts does not make an EIR inadequate” and that the “courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.” The preparers of the DEIR made a “good faith effort at full disclosure” by contacting the Los Angeles Police Department, Community Relations division to query about the proposed project’s potential impacts upon the Department’s services if the project were to be built. Sergeant John Amendola was contacted and indicated that clean up of a blighted site and occupancy would “remove an under-utilized area of land and **could** (emphasis provided) result in a reduction in crime in that localized area.” As demonstrated in the comment, Officer Jiminez disagrees with his colleague, Sergeant Amendola and this would be considered a “disagreement among experts” regarding safety in the project site vicinity.

The date on the telephone conversation with from Sergeant John Amendola, Community Relations Department with the City of Los Angeles Police department was a typographical error. The language on page. IV.J-5, footnote number 3, is modified in Section III (Corrections and Additions) to read:

Telephone conversation with Sergeant John Amendola, Community Relations Department, City of Los Angeles Police Department, March 11, ~~2003~~ **2004**.

Refer to Response to Comment 11-4 for discussion on requested redesign of the project.

Comment 11-16

Page IV.J-13 Schools

Comment: Based on the project population provided above, the student projections seem to be significantly underestimated.

Request: The numbers of potential students must be recalculated and a new school related impact analysis conducted.

Response to Comment 11-16

The student generation factors provided by the Los Angeles Unified School District are based on the type of use (e.g., single family, multi-family) and is not based on the proposed population. As stated on page IV.J-16, the project would generate approximately 44 students based on the student generation factors for multi-family residences for elementary (0.199), middle (0.122) and high schools (0.116) (see also Table IV.J-4, page IV.J-16 of the DEIR). There is no need to re-calculate the project student generation of the proposed project. Further, the project applicant is subject to residential developer impact fees as required by California Government Code Section 65995.5-7 (see also Mitigation Measure 1, page IV.J.-17 of the DEIR).

Comment 11-17**Section IV.K TRANSPORTATION AND TRAFFIC**

Comment: The DEIR does not provide an assessment of construction related traffic impacts. The subject property is located directly to the east of Emek Hebrew Academy with all traffic to and from EMEK flowing past the subject site. There is no acknowledgement of the potential for danger and congestion that may result from the hundreds of cars accessing EMEK while large trucks are maneuvering into and out of the proposed development site.

Request: The FEIR must include a detailed description of the mitigation measures that will be employed to mitigate the construction related traffic impacts on the residences and most importantly the Emek Hebrew Academy.

Response to Comment 11-17

The evaluation of construction related traffic normally is not included in the traffic study. Such evaluation requires the availability of construction related elements such as grading plans, and earth movement quantities, type and number of trucks and relative crews, which are not known at this stage, and mainly depend upon the type of contractor utilized. Once those elements are available, then the City determines the routing of all construction related vehicles, as well as parking, in such a manner as to minimize the impact upon the surrounding street system, and nearby developments.

Comment 11-18**Section VI. ALTERNATIVES TO THE PROPOSED PROJECT**

Comment: The DEIR must also evaluate a project alternative that would provide for the development of a less intense residential project while maintaining The Tower of Wooden Pallets.

Request: This alternative be fully analyzed and provide for in the FEIR.

Response to Comment 11-18

Refer to Response to Comment 11-8 regarding discussion of a preservation alternative with a less intense proposed project.

Comment 11-19

Page VI-2

C. Alternative Rejected as Infeasible

Comment: The last few sentences of this Section may very well have been written about the Watts Tower. It too was deteriorating, built to no code other than that of its visionary builder with no specific idea of longevity or structural integrity. But the Watts Tower endures as one of Los Angeles' great personal achievements. Millions of dollars have been spent to assure its future.

Similar treatment could afford the Tower of Wooden Pallets as similar future. Either a stand-alone monument or incorporated into another use, the Tower of Wooden Pallets could be saved if the effort were made.

Request: MAKE THE EFFORT!

Response to Comment 11-19

As discussed in the DEIR Section IV.D. Cultural Resources, Chapter VI. Alternatives and the Historic Resources Report (Appendix D), the Tower of Wooden Pallets is weathered, dry rotted and termite-infested which is typical for organic (wood) materials that as a result is deteriorating and disintegrating under normal processes. The "watts towers" are made of other materials that are apparently stronger and more durable than wooden fork-lift truck pallets that have been exposed to the elements for nearly 50 years. Further, the Historic Resources Report and Section IV.D. Cultural Resources of the DEIR, evaluated the historic significance of the tower to the National and California Registers criteria and found that it does not meet the criteria of significance. Further, the Tower was evaluated for artistic value and the Tower and was considered "work of outsider art" and does not demonstrate the "inventiveness associated with outsider art" like the Watts Towers.

Comment 11-20

In closing, I notice that the DEIR does not address the areas of "Known Controversy". Presumably, this letter will assist in addressing this required element of the EIR.

Mr. Liao, on behalf of my clients, Emek Hebrew Academy and the Sherman Oaks Villas Homeowners Association, the two neighbors most directly affected by the proposed development of 98 residential units, I thank you for considering these comments and seeing that they are appropriately addressed in the Final Environmental Impact Report.

Response to Comment 11-20

Thank you for your comments. Pursuant to CEQA Guidelines Section 15123(b)(1), the DEIR provided a section on "areas of controversy, Chapter I. Summary, page, I-5.