



## Division of Land / Environmental Review

City Hall • 200 N. Spring Street, Room 750 • Los Angeles, CA 90012



# ***FINAL ENVIRONMENTAL IMPACT REPORT***

***WEST LOS ANGELES COMMUNITY PLAN AREA***

## ***10000 Santa Monica Boulevard Project***

***ENV-2011-0540-EIR***

***State Clearinghouse No. 2011041042***

***Council District 5***

**THIS DOCUMENT COMPRISES THE SECOND AND FINAL PART OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PROJECT DESCRIBED. THE FIRST PART, THE DRAFT EIR (Volumes 1 through 3) WAS PREVIOUSLY CIRCULATED.**

**Project Address:** 10000 Santa Monica Boulevard, Los Angeles, California 90067

**Project Description:** SM 10000 Property, LLC, (the Applicant) proposes the development of a residential project at 10000 Santa Monica Boulevard within the Century City community of the City of Los Angeles. The project would provide up to 283 residential units in a building up to 39 stories and approximately 460 feet of height. The project would also include a smaller maximum 9-story (approximately 90-feet in height) ancillary building containing parking and recreation/site amenities for project residents. The project would also provide a large amount of ground-level landscaped open space, and a large landscaped recreation deck on top of the ancillary building.

**APPLICANT:**

**SM 10000 Property, LLC**

**PREPARED BY:**

**Environmental Review Section**

**Los Angeles City Planning Department**

**January 2012**

**EIR NO.:** ENV-2011-540-EIR

**SCH NO.:** 2011041042

**PROJECT NAME:** 10000 Santa Monica Blvd

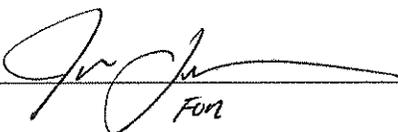
**RECOMMENDATION FOR EIR CERTIFICATION**

Pursuant to California Code of Regulations, Title 14, Section 15090, this EIR has been completed in compliance with the California Environmental Quality Act and current State and City Guidelines and based on information available may be accepted and considered prior to making a final decision on the project. The decision-maker or decision-making body must Certify that it has reviewed and considered the information contained in this Environmental Impact Report prior to making such decision.

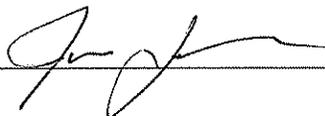
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## **1.0 EXECUTIVE SUMMARY**

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This summary section of the Final Environmental Impact Report is prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15123; and provides a brief summary of the proposed project and its potential environmental impacts. Also included in this section of the Final EIR is an overview of the purpose and focus of the project EIR, a description of the public review process for the EIR, a description of the organization of the EIR, background information regarding the project site, a general description of the project, a general description of areas of controversy, and a summary of the Alternatives analyzed in EIR.

### **A. INTRODUCTION**

This Final EIR comprises the second and final part of the Environmental Impact Report (EIR) for the 10000 Santa Monica Boulevard Project (proposed project). The Final EIR, together with the Draft EIR published in September 2011, addresses the potential environmental impacts of the proposed project pursuant to the California Environmental Quality Action (CEQA), Public Resources Code Section 21000 et.seq., and the CEQA Guidelines, Title 14 of the Code of California Regulation (CCR), Section 15000 et.seq. According to the CEQA Guidelines, Section 15132, the Final EIR shall consist of the following items: (a) The Draft EIR or a revision of the Draft, (b) Comments and recommendations received on the Draft EIR, (c) A list of persons, organizations and public agencies commenting on the Draft EIR, (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process, and (e) Any other information added by the Lead Agency.

The purpose of the EIR is to inform decision-makers and the general public of the potential environmental impacts resulting from the proposed project. The EIR is a Project EIR as defined by Sections 15161 and 15362 of the State CEQA Guidelines. The City of Los Angeles has the principal responsibility for approving the proposed project and, as the Lead Agency, is responsible for the preparation and distribution of this Draft EIR pursuant to CEQA Statute Section 21067. The EIR will be used in connection with all other permits and all other approvals necessary for the construction and operation of the proposed project. The EIR will be used by the City of Los Angeles Department of Planning, Department of Building and Safety, Department of Transportation, and Department of Public Works, including the Bureaus of Engineering and Sanitation, City Council of the City of Los Angeles, and other responsible public agencies that must approve activities undertaken with respect to the project.

### **B. ENVIRONMENTAL REVIEW PROCESS**

An Initial Study was prepared for the project and a Notice of Preparation (NOP) was distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties on April 12, 2011 for a review period ending on May 12, 2011. In addition, a public scoping meeting was held on April 27, 2011. The NOP, Initial Study, and public comments on the NOP are included within Appendices A.1, A.2 and A.3, respectively, of the Draft EIR. The Draft EIR was published on September 15, 2011 and circulated for public review for a 45-day public comment period that ended on October 31, 2011. A list of those providing public comment, along with a breakdown of individual comments

and responses to those comments by the City is provided in Section 3.0, Comments and Responses on the Draft EIR, below.

## C. CONTENTS OF THE FINAL EIR/EIR ORGANIZATION

The Final EIR is organized into the following Sections:

- I. **Executive Summary.** This section of the Final EIR provides overview information regarding the purpose and structure of the EIR, as well as a summary of the project characteristics, its impacts and mitigation measures.
  - II. **Corrections and Modifications to the Draft EIR.** This section presents a list of revisions that have made to the Draft EIR, based on comments received from the public and agencies, and other items requiring updating and/or corrections.
  - III. **Comments and Responses on the Draft EIR.** This section includes a list of those providing comments on the Draft EIR that was circulated to the public, a matrix that indicates the environmental issues that were addressed in each of the comment letters and all written comments on the Draft EIR that were presented to the City including one letter submitted after the 45-day circulation period along with City responses to each of the public comments.
  - IV. **Mitigation and Monitoring Program (MMRP).** This section provides the project's MMRP, which is the document that is used by the enforcement and monitoring agencies responsible for the implementation of the proposed project's mitigation measures. Mitigation measures are listed by environmental topics, and each of the mitigation measures includes identification of the following: applicable enforcement agency, monitoring agency, monitoring phase, monitoring frequency, and action indicating compliance.
- Appendix A. Comment Letters Submitted on the Draft EIR.** A compilation of the original comment letters as submitted.
- Appendix B. Preliminary Construction Management Plan.** A preliminary Construction Management Plan that brings together, and organizes the project mitigation measures and project design features that will be followed to reduce the project's construction impacts.
- Appendix C, LADOT, Revised Traffic Assessment.** Revised version of Appendix H-2 of the Draft EIR.
- Appendix D. Report of GeoTechnical Engineering Services.** A technical support that supplements the Geotechnical information presented in Appendix D of the Draft EIR.

In addition, the Final EIR incorporates by reference the Draft EIR for the project, inclusive of the Initial Study and NOP.

The Draft EIR is comprised of the following sections and appendices:

- I. Executive Summary.** This section describes the purpose and focus of the Draft EIR, Draft EIR organization, background information regarding the project site, a summary of the project, areas of controversy/issues to be resolved, a description of the public review process, a summary of alternatives evaluated, and a summary of environmental impacts and mitigation measures.
- II. Project Description.** This section describes the project location, existing conditions, project objectives, characteristics of the proposed project, and a description of the intended use of the Draft EIR.
- III. General Description of Environmental Setting.** This section contains a description of the existing natural and built environments, and background information used to evaluate cumulative impacts that includes a list of past, present, and reasonably anticipated future projects to be built within the project vicinity.
- IV. Environmental Impact Analysis.** This section contains the environmental setting, project and cumulative impact analyses, mitigation measures, and conclusions regarding the level of significance after mitigation for each of the following environmental issues: (1) aesthetics/visual resources, (2) air quality, (3) cultural resources, (4) geology and soils, (5) greenhouse gases, (6) hazards and hazardous materials, (7) hydrology and water quality, (8) land use, (9) noise, (10) public services (fire protection, police protection, schools, libraries, and parks and recreation), (11) transportation and circulation, and (12) utilities and service systems (water supply, and wastewater).
- V. Alternatives to the Propose Project.** This section provides analysis of each of the alternatives to the proposed project, which include the following: No Project/No Build; Reduced Project – Residential/Hotel – With Existing Trips; Reduced Project – Office – With Existing Trips; and Reduced Density Residential.
- VI. Other Environmental Considerations.** This section of the Draft EIR addresses several additional topics required under the State CEQA regulations. First, it provides a discussion of significant unavoidable impacts that would result from the proposed project; the reasons why the project is being proposed notwithstanding the significant unavoidable impacts; and the project’s significant irreversible changes in the environment. This section of the Draft EIR also analyzes growth-inducing impacts of the project to determine whether the project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Potential secondary effects caused by the implementation of the mitigation measures for the proposed project are also discussed. Finally, this section provides a discussion of the effects that were determined within the Initial Study not to be significant.
- VII. References.** This section lists the references and sources used in the preparation of the Draft EIR.
- VIII. List of Preparers.** This section lists the persons, public agencies, and organizations that were consulted or contributed to the preparation of this Draft EIR.

## Appendices

- Appendix A – Initial Study/NOP/NOP Comment Letters
  - A.1 Notice of Preparation
  - A.2 Initial Study
  - A.3 Comment Letters on the NOP
- Appendix B – Air Quality and Greenhouse Gas Emission Analysis Worksheets
  - B.1 Construction-Regional and Localized Emissions
  - B.2 Operations – Regional and Localized Emissions
  - B.3 Health Risk Assessment
  - B.4 Greenhouse Gas Emissions
- Appendix C – Cultural Resources- Cultural Resources Assessment
- Appendix D – Geotechnical Investigation
- Appendix E – Hazards and Hazardous Materials Technical Reports
  - E.1 Phase I Environmental Assessment
  - E.2 Methane Letter/Report
  - E.3 FAR Part 77 Airspace Obstruction Report
- Appendix F – Hydrology/Water Quality Study
- Appendix G – Noise Analysis Worksheets
- Appendix H – Transportation
  - H.1 Transportation Analysis Report
  - H.2 LADOT Initial Traffic Assessment
- Appendix I- Public Services Correspondence
  - I.1 Police Services
  - I.2 Fire Services
  - I.3 Schools
  - I.4 Parks
  - I.5 Libraries
- Appendix J – Water and Sewer Utilities
  - J.1 Water Study-Domestic and Emergency Fire
  - J.2 DWP Water Service Letter
  - J.3 Wastewater/Sewer Study

## **D. EXISTING SITE CONDITIONS**

The proposed project site consists of a rectangular, relatively flat, 2.4-acre parcel of land that is currently vacant and enclosed with construction fencing. Prior to 2006, the project site was occupied by office and restaurant uses, totaling over approximately 130,500 square feet with a separate above-ground parking structure.

The project site is located at the intersection of Santa Monica Boulevard, a major transit-oriented arterial to the north and Moreno Drive to the east. Regional access to the site is provided by Interstate 405 (San Diego Freeway) located approximately 2.2 miles to the west, and Interstate 10 (Santa Monica Freeway) located approximately 2.2 miles to the south. Other major arterials in the vicinity of the project site include Wilshire Boulevard further to the north, Beverly Glen Boulevard to the west and Olympic and Pico Boulevards to the south. The project site is also located in the vicinity of alternative, proposed stations for the extension of the Westside Subway, Metro Purple Line, that would link downtown Los Angeles with Westwood, via Century City.

The project site is within the West Los Angeles Community Plan area of the City of Los Angeles and within the boundaries of the Century City North Specific Plan (CCNSP). The areas to the south and west of the project site are generally characterized by mid- to high-rise office buildings, hotels, entertainment, and residential uses. The Los Angeles Country Club Golf Course is located immediately north of the project site across Santa Monica Boulevard. The City of Beverly Hills is located to the immediate south and east of the project site, which includes commercial and residential uses east of the project site across Moreno Drive. Beverly Hills High School is located immediately south of the project site. The Beverly Hilton Hotel and the recently approved, Robinsons-May (9900 Wilshire) mixed-use project are both located northeast of the project site across Santa Monica Boulevard.

## **E. PROPOSED PROJECT**

### **1. Project Characteristics**

SM 10000 Property, LLC, (the Applicant) proposes to develop a residential project at 10000 Santa Monica Boulevard within the Century City community of the City of Los Angeles. Upon completion, the project would include approximately 469,575 square feet of floor area. The project would provide up to 283 luxury residential units in a building that would be up to 39 stories height, and comprised of approximately 458,243 square feet. This building would be up to 460 feet above grade,<sup>1</sup> and located within the northern portion of the site along Santa Monica Boulevard, with a main entryway and lobby facing Santa Monica Boulevard.

The proposed project would also include a smaller ancillary building to accommodate project parking and some of the project's site amenity/recreation facilities. The ancillary building would be directly accessible from the residential building and would be located toward the rear of the project site, away from the Santa Monica Boulevard and Moreno Drive frontages. Recreation facilities located in the ancillary building would include a large indoor lap pool and a landscaped roof deck with outdoor pool, sundeck, hot tub and tennis court facility.

The project would include a large amount of open space, with approximately 43,141 square feet of ground-level landscaping, mostly located in a large garden area on the south/eastern part of the site; and approximately 27,579 square feet of open space on a landscaped recreation deck on top of the ancillary building. The 43,141 square feet of ground level open space would comprise approximately 41 percent of the project site.

Vehicle access to the project site would be provided via Santa Monica Boulevard and Moreno Drive with internal access drives connecting with the parking garage and valet area. The western access driveway from Santa Monica Boulevard would provide for two-way right-turn inbound/right-turn outbound traffic only, while the eastern access driveway to Santa Monica Boulevard would provide for one-way right-turn outbound traffic only. The Moreno Drive entry would provide for full right-turn and left-turn ingress and egress; however the driveway would be closed to vehicular access during weekday morning and afternoon peak periods to facilitate traffic access to/from Beverly Hills High School. A valet drop-off and pick-up area would be located within the northern portion of the site for use by residents and visitors. Additionally, service entry and exit would be provided via the western access driveway along Santa Monica Boulevard, connecting with an enclosed loading area, not visible to the street that would serve the residential building within the northwestern portion of the site. The design of the service area would permit trucks to turn around on-site before departing the project site.

The project would include approximately 708 parking spaces which would be provided within one partially-subterranean level and an above grade ancillary building. The parking would be provided with one of two project options: Under a Conventional Parking Option parking would be provided with one level of partially below grade parking and an additional nine floors of above grade parking. The parking arrangement within the parking structure would be similar to the standard arrangements commonly found in parking structures. With an Automated Parking Option, parking would be provided with an “automated parking system.” Automated parking systems provide parking in a manner that reduces space requirements, reduces air quality emissions and saves energy. With an automated system, vehicles are driven onto a platform at the garage entryway where car engines are turned off. Through the system, a robotic platform is then dispatched to the vehicle to lift it and convey it to a storage space. When the driver is ready to leave the site, a request for the vehicle is entered into a computerized system which conveys the vehicle from its storage location back to the parking garage entryway. If the automated parking option is implemented the area required for parking would be reduced, and the size of the ancillary building would be reduced from nine stories to four stories above grade.

## 2. Necessary Approvals

It is anticipated that approvals required for the proposed project would include, but may not be limited to, the following:

- Vesting Tentative Tract Map and Haul Route;
- Project Permit Compliance Review, including Site Plan Review;

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<sup>1</sup> As measured pursuant to City of Los Angeles Municipal Code. With mechanical rooms, which are not counted in calculating the height pursuant to the Municipal Code, the building would have a maximum height of 483 feet above the adjacent grade.

- Zoning Administrator Adjustment to permit the project's buildable area to be 4.5:1 FAR based on gross lot area (total of 469,575 FAR square feet);
- Zoning Administrator Adjustment to permit the development of 283 dwelling units, which utilize the Trips already assigned to this site;
- Zoning Administrator Interpretation for the project's proposed automated parking;
- Filing of Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration for the residential building;
- Grading, excavation, foundation, and associated building permits; and
- Other permits and approvals to be requested or as deemed necessary.

## **F. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED**

Potential areas of controversy and issues to be resolved by the City's decision-makers include those environmental issue topics where the potential for a significant unavoidable adverse impact has been identified. These environmental topics include the short-term construction impacts related to air quality and noise/vibration. Comment letters on the NOP and Draft EIR focused on these issues particularly as the impacts would affect students at Beverly Hills High School. Other High School related issues addressed security and safety for high school students. Other EIR comments focused on geological conditions on the project site, general traffic impacts along with the air quality and noise impacts associated with traffic; traffic issues associated with accessibility along Moreno Drive and cut-through traffic in nearby neighborhoods; shading effects; and cumulative development and the impacts of such development across the range of environmental topics including transportation/traffic, infrastructure and public services.

## **G. SUMMARY OF PROJECT ALTERNATIVES**

The Draft EIR examined four alternatives to the proposed project in detail, which include: No Project/No Build; Reduced Project – Residential/Hotel – With Existing Trips; Reduced Project – Office – With Existing Trips; and Reduced Density Residential. A general description of these Alternatives and a comparative summary of their impacts relative to the project are provided below.

### **Alternative 1: No Project/No Build Alternative**

The No Project/No Build Alternative addresses the circumstance that would prevail if the project would not proceed, pursuant to Section 15126.6(e)(3)(B) of the State CEQA Guidelines. The alternative assumes that no new development would occur within the project site; and that the site would remain undeveloped and vacant. Environmental effects under this Alternative would be similar to the negligible effects for most issues associated with existing undeveloped site conditions. The No Project/No Build Alternative would not result in new environmental impacts, and overall would result in a reduced level of impact when compared to the proposed project. Additionally, the project's significant and unavoidable short-term construction impacts on air quality and noise/vibration would be avoided under this Alternative. However, under the No Project/No Build Alternative, the majority of the objectives established for the project would not be attained.

**Alternative 2: Reduced Project – Residential/Hotel Use – With Existing Trips**

The proposed Residential/Hotel Use would reduce the size of the project by replacing a large number of the residential units with hotel rooms. The alternative would have 100 residential units and 138 hotel rooms, the maximum unit count per the Replacement Trips available at the project site. The hotel component would also include 10,000 sq.ft. of hotel related/support uses, the maximum allowed under a hotel/non-retail classification in the CCNSP. Support uses would include a restaurant/bar, a small banquet facility and provision for sundry sales. This alternative would reduce building area (and related construction impacts) from 469,575 sq.ft. to 289,500, a reduction of approximately 38 percent. It is assumed that this alternative would use a site design similar to that of the proposed project, would reduce the amount of construction, and thus construction related impacts through a reduction in building heights. Accordingly, the residential and hotel uses would be provided in a roughly estimated 23 story tower, up to approximately 375 feet in height. Parking would be provided in a 4-story ancillary parking structure to provide the 319 parking spaces that would be required for such a project. The two buildings would have floor-plate areas and site locations similar to those of the proposed project.

Alternative 2 would have significant construction noise/vibration and air quality impacts similar to those of the proposed project, although the number of days during which they would occur would be reduced slightly. Further, this alternative would, like the proposed project, exceed the two-hour shading standard established in the Century City North Specific Plan. Long term operations impacts of this alternative would be greater on air quality/greenhouse gas emissions, land use, noise, police services and traffic. Impacts on other topics would be similar to or less than those of the proposed projects. This alternative would not fully meet most of the project objectives.

**Alternative 3: Reduced Project – Office – With Existing Trips**

The Reduced Project -- Office With Existing Trips Alternative would develop an office building in place of the proposed residential building. The 2,143 Replacement Trips available for the site would allow for 153,000 sq.ft. of office space. This alternative is proposed in response to the site's C2-2-0 zoning designation, the fact that this was the site's previous use, and it is indicative of a potential future use, if the proposed project does not proceed. This alternative would reduce the amount of building (and related construction impacts) required, reducing FAR area from 469,575 sq.ft. to 153,000 sq.ft., a reduction of approximately 67 percent. The office building would require 306 parking spaces. One potential arrangement would be a five story building inclusive of one subterranean level; and a floor-plate of approximately 250 feet by 210 feet.

Alternative 3 would have significant construction noise and air quality impacts similar to those of the proposed project, although the number of days during which they would occur would be reduced slightly. The alternative would reduce the amount of shading to a level that would be less than the two-hour shading standard established in the CCNSP. Long term operations impacts of this alternative would be greater on air quality/greenhouse gas emissions, land use, fire services, police services and traffic. Impact on other topics would be similar to or less than those of the proposed project. This alternative would not fully meet most of the project objectives.

#### **Alternative 4: Reduced Density Residential**

The Reduced Density Residential Alternative would provide a development project under which the amount of residential development has been reduced by 25 percent. Such a reduction would reduce the number of residential units on the project site from 283 units to 212 units. The area of the residential tower would be reduced to 352,181 square feet. The alternative would use only 1,607 of the available 2,143 Replacement Trips available at the project site. It is assumed that the reduction in size would be accommodated by reducing the height of the building by approximately 25 percent with the placement of buildings similar to that of the proposed project. The height of the alternative would be approximately 345 feet high. The alternative would require 531 parking spaces that would be provided within one semi-subterranean parking level and a six-story ancillary building at the same location as the proposed project's ancillary building.

Alternative 4 would have significant construction noise/vibration and air quality impacts similar to those of the proposed project, although the number of days during which they would occur would be reduced slightly. Further, this alternative would, like the proposed project, exceed the two-hour shading standard established in the CCNSP. Long term operations impacts of this alternative would generally be similar to or less than those of the proposed project. This alternative would not fully meet most of the project objectives.

#### **Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR; and that if the No Project/No Build Alternative is the environmentally superior alternative, the Draft EIR shall identify another environmentally superior alternative among the remaining alternatives. An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant, unavoidable environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Since the environmentally superior would be the No Project/No Build Alternative, the Reduced Project -- Office With Existing Trips Alternative was identified as the environmentally superior alternative amongst the remaining alternatives. It would reduce the project's potentially significant noise/vibration, air quality and shading impacts to a greater extent than the other alternatives. It would reduce the greater than two-hour CCNSP shading effect to a less than significant level; however the construction air quality and noise/vibration impacts would continue to be significant and unavoidable. Further, while this alternative does reduce some project impacts, it increases others. Most notably this alternative would generate more traffic than would the proposed project, and it would not contribute to the land use patterns in City and regional policies that favor the establishment of more residential development in Century City. Further, this alternative would not meet many of the objectives of the proposed project, and would not fully meet most of the project objectives. While the Reduced Density Residential Alternative would reduce some non-significant impacts of the project, it would not eliminate the significant shading impact as would the Reduced Project -- Office with Existing Trips Alternative; and would not reduce the significant construction noise/vibration and air quality impacts to the same extent as that alternative.

## **H. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

The environmental impacts of the proposed project, the cumulative impacts of the project, the recommended mitigation measures to reduce project impacts, and the net project impacts of each environmental topic after implementation of the mitigation measures is as follows:

### **A. Aesthetics/Visual Resources, Light/Glare, and Shading**

#### **(1) Environmental Impacts**

##### **(a) Visual Character and Viewsheds**

###### ***(i) Construction***

Because of the short-term, temporary nature of the construction activities and the appearance of the site as a vacant, partially excavated construction site during the last several years, construction activities would not substantially alter, degrade, eliminate or generate long-term contrast with the visual character of the surrounding area or the existing project site. Therefore, impacts with respect to aesthetic value and character would be less than significant. Notwithstanding, a 12-foot construction wall with aesthetic treatments, which would be provided as a project feature, would screen views of ground-level activities during construction and would improve the visual effect created by the existing wall.

###### ***(ii) Operation***

The area surrounding the project site is highly urbanized and the aesthetic character of the area is strongly influenced by the mid-and high-rise buildings of Century City. The predominant high-rise structures of Century City, which are visible from a great distance throughout the Los Angeles Basin, create a distinctive component of the west Los Angeles urban skyline. The project's proposed 39-story tower would result in greater density and building mass at the project site than under existing conditions. However, the 39-story residential tower would complement existing modern building design in Century City and would be consistent the established high-rise character of Century City, which includes a variety of contrasting building heights between high-rise buildings and surrounding low-rise communities.

Because of the deep setbacks, consistency with existing development patterns in the area, and landscaped gardens to soften interfacing between the project site and low-rise properties to the east and south, the project would not substantially detract from the visual character of the area or alter, degrade, or eliminate existing features that contribute to the visual character of the area. Therefore, the project would have a less than significant impact with respect to visual quality and aesthetic character.

##### **(b) View Obstruction**

While the proposed project's residential tower would be highly visible from numerous locations, it would not block public views of existing or unique scenic resources, it would be consistent with the cluster of high rise buildings characterizing Century City, and it would not alter or change the character of any scenic areas. Further, in many instance, the project would add interest and variety to the Century City skyline. Therefore, impacts of the proposed project on views would be less than significant.

## **(c) Light and Glare**

### ***(i) Construction***

Construction activities would occur primarily during daylight hours and construction-related illumination would be used for safety and security purposes only, in compliance with LAMC light intensity requirements. Artificial light associated with construction activities would not significantly impact residential uses, substantially alter the character of off-site areas surrounding the construction area, or interfere with the performance of an off-site activity. Therefore, artificial light impacts associated with construction would be less than significant.

Construction activities are not anticipated to result in flat, shiny surfaces that would reflect sunlight or cause other natural glare. Therefore, less than significant impacts with respect to reflected sunlight and natural glare are anticipated.

### ***(ii) Operation***

#### ***Artificial Light***

New light sources would include light from windows of the residential tower during the evening hours. The increase in ambient lighting is not expected to interfere with activities in nearby residential neighborhoods, in which interior lighting follows a similar pattern (ceasing when residents retire for the night). In addition, the increase in ambient lighting resulting from interior lighting would not impact nearby office buildings or the Beverly Hills High School, which would generally not be operating during the late evening.

Exterior lighting would consist of security and wayfinding lighting, as well architectural highlighting. Project-related signage would be discrete and commensurate with the high-quality architecture and landscaping. Lighting would be designed and strategically placed to minimize glare and light spill onto adjacent properties and all project lighting would comply with the LAMC requirements that have been established to limit light spill on light-sensitive (residential) uses. With the implementation of project design features and applicable LAMC regulations, impacts attributable to project-induced artificial lighting would be less than significant.

#### ***Glare***

The proposed residential tower would be constructed with materials that would not be notably reflective. In order to ensure that the residential tower's window glass and architectural materials would not cause glare from reflected sunlight at any other glare-sensitive locations, review of all building materials by the Department of Building and Safety to ensure that highly reflective materials are not utilized along the building facades is recommended as a mitigation measure. With the implementation of the proposed mitigation measure, potential glare from the building façade would not substantially alter the character of off-site areas surrounding the project site.

## **(d) Shading**

The proposed project would add new structures to the project site including the 39-story residential tower. Limited shading would occur on the Los Angeles Country Club Golf Course across Santa Monica Boulevard from the proposed project site and on residential uses to the east of the project site. Shading at Beverly Hills High School, south of the project site, would be extremely limited. Project shading would, however, exceed a

CCNSP two-hour shading standard at one single-family residential unit in Beverly Hills. Off-site shading impacts would not exceed CEQA significance thresholds at any off-site sensitive location, and therefore would not significantly affect off-site shade sensitive activities. Further, the two-hour CCNSP standard is not included within Beverly Hills policies. Notwithstanding, exceeding the two-hour standard has been conservatively identified as a potentially significant impact.

## **(2) Cumulative Impacts**

The nearest eight related projects in the vicinity of the project site have been, or would be, constructed according to high-quality architectural design and would not individually or cumulatively cause the existing visual character of the area to be substantially altered or degraded. In addition, because the City's high-rise clusters are considered to add to the quality of skyline views, the tower elements introduced by the project and related projects would not substantially detract from the visual character of an area. Therefore, the cumulative impact of the related projects, combined with the proposed project, would be less than significant with respect to aesthetic character.

The high-rise elements in the related projects have the potential to block views from public streets and other vantage points, such as public parks, in and around the project vicinity. However, no scenic views through the Avenue of the Stars and Santa Monica Boulevard corridors, both locally designated scenic highways, would be blocked. The Related Projects tend to fall within different viewsheds than those of the proposed project. Therefore, the proposed project would not cumulatively contribute to blockages of valued public views.

It is anticipated that the related projects located near the project site in Century City and Beverly Hills would contribute to an increase in ambient light in the area. However, as new projects are substantively residential (a light sensitive use) in character, they would exhibit a similar pattern of lighting as existing residential uses. Therefore, cumulative light increases from residential uses interfacing with the area's residential neighborhoods would not alter the character of these light-sensitive uses. Some of the nearby related projects also would replace existing commercial uses and are not expected to significantly increase illuminated signage, vehicle traffic or light and glare associated with traffic headlights. The proposed project's potential glare impacts would be eliminated through the implementation of project design features and the recommended mitigation measure, and would not contribute to a cumulative glare effect.

The related projects' high-rise components would cast shadows on the surrounding area. However, the related projects are located such that shading from these projects would not contribute to cumulative shading effects with those of the proposed project. Therefore, cumulative shade impacts would be less than significant.

## **(3) Mitigation Measures**

With the implementation of the project's architectural and landscape design features, visual quality impacts would be less than significant. In addition, no significant impacts with respect to view obstruction are anticipated. With the implementation of the project's design features and existing LAMC signage and lighting regulations, no significant artificial light impacts have been identified. However, a potentially significant impact associated with reflected sunlight has been identified and addressed with a mitigation measure,

below. In addition, mitigation measures are also recommended to ensure that specific design features would be implemented to reduce potential impacts to less than significant levels.

**Mitigation Measure A-1:** The Applicant shall provide a 12-foot construction fence for neighborhood protection during construction of the project, which is covered with an aesthetic treatment.

**Mitigation Measure A-2:** The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

**Mitigation Measure A-3:** The Applicant shall prepare a street tree plan to be reviewed and approved by the City's Department of Public Works, Street Tree Division. All plantings in the public right-of-way shall be installed in accordance with the approved street tree plan.

**Mitigation Measure A-4:** All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the City of Los Angeles Department of Planning.

**Mitigation Measure A-5:** All new street and pedestrian lighting within the public right-of-way shall be approved by the Bureau of Street Lighting and shall be tested in accordance with the requirements of the Bureau of Street Lighting.

**Mitigation Measure A-6:** All new street and pedestrian lighting shall be shielded and directed away from any light-sensitive off-site uses.

**Mitigation Measure A-7:** Prior to the issuance of a building permit, architectural plans for all exterior lighting shall be submitted to the Department of Building and Safety for review to ensure that lighting has low reflectivity in accordance with Illuminating Engineers Society (IES) standards to minimize glare and limit light onto adjacent properties.

**Mitigation Measure A-8:** Prior to the issuance of a building permit, the type or categories of all exterior glass and architectural features on the building façade and rooftop shall be submitted for review to the Department of Building and Safety to ensure that highly reflective materials are not utilized.

#### **(4) Level of Significance After Mitigation**

No significant impacts with respect to aesthetic character and views would be anticipated. A potentially significant impact with respect to reflected sunlight or other glare from any building surface materials, including the architectural roof feature, was identified in the Light and Glare analysis. Although it is anticipated that non-reflective glass and other materials would be implemented, this issue would be addressed through Mitigation Measure A-8. With the implementation of this mitigation measures, potential glare impacts would be reduced to less than significant levels.

No significant shade impacts would occur pursuant to the City's CEQA significance thresholds, however project shading would exceed a two-hour shading standard found in the CCNSP. The project would be substantially consistent with the plans and policies that are applicable to the project site; and impacts regarding policy and regulatory compliance would be less than significant.

## **B. Air Quality**

### **(1) Environmental Impacts**

#### **(a) Construction**

##### ***(i) Regional Construction Impacts***

Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from excavation and debris removal. Mobile source emissions, primarily NO<sub>x</sub>, would result from the use of construction equipment such as dozers, loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release volatile organic compounds. Construction emissions can vary substantially from day-to-day, depending on the level of activity, the specific type of operation and, for dust the prevailing weather conditions.

The analysis of construction impacts on air quality under conservative construction program assumptions indicates that construction-related daily maximum regional emissions would not exceed the SCAQMD daily significance thresholds for CO, PM<sub>2.5</sub>, VOC, or SO<sub>x</sub>. However, maximum regional emissions would exceed the SCAQMD daily significance thresholds for NO<sub>x</sub> and PM<sub>10</sub> during periods of heavy use of heavy-duty construction equipment. Therefore, regional construction emissions resulting from the project would result in a significant short-term impact. Impacts may be reduced due to (1) the availability of a more modern, cleaner burning, construction equipment fleet mix, or (2) a less intensive buildout schedule (lower daily emissions occurring over a longer time interval) occurs.

##### ***(ii) Localized Construction Impacts***

The maximum localized construction emission estimates do not exceed the local significance thresholds (LSTs) for any of the criteria pollutants for which local impacts were analyzed (NO<sub>x</sub>, CO, PM<sub>10</sub> or PM<sub>2.5</sub>). The results of the dispersion modeling show that the annual PM<sub>10</sub> concentrations resulting from construction emissions would not exceed the threshold of 1 ug/m<sup>3</sup> at the closest sensitive receptors. However, maximum NO<sub>2</sub> concentrations during construction activities would exceed the allowable thresholds at the closest residential uses to the east and the high school to the south. As such, localized air quality impacts during construction would be significant for NO<sub>2</sub> and mitigation measures would be required.

##### ***(iii) Toxic Air Contaminants***

A Health Risk Analysis (HRA) was conducted to evaluate the carcinogenic risk to students and staff at Beverly Hills High School and residents in nearby housing that would result from exposure to localized sources of TACs during construction of the project. The analysis indicates that the proposed project would not emit carcinogenic toxic air contaminants that would individually or cumulatively exceed the maximum individual cancer risk of ten in one million due to project construction or project operations. Therefore, impacts with regard to TACs would be less than significant.

***(iv) Odors***

Potential sources that may emit odors during construction activities include the use of architectural coatings and solvents. SCAQMD Rule 1113 limits the amount of volatile organic compounds from architectural coatings and solvents. Due to mandatory compliance with SCAQMD Rules, no construction activities or materials are proposed which would create objectionable odors. Therefore, no impact would occur and no mitigation measures would be required.

**(b) Operational Impacts*****(i) Regional Operational Impacts***

Regional air pollutant emissions associated with proposed project operations would be generated by the consumption of electricity and natural gas, and by the operation of on-road vehicles. Pollutant emissions associated with energy demand (i.e., electricity generation and natural gas consumption) are classified by the SCAQMD as regional stationary source emissions.

Analyses of operations impacts on air quality indicate that regional emissions resulting from operation of the project are substantially below applicable thresholds for VOC, NO<sub>x</sub>, SO<sub>x</sub>, and PM<sub>2.5</sub>. As a result, impacts related to regional emissions from operation of the proposed project would be less than significant.

***(ii) Localized Operational Impacts***

The conservative estimates of on-site daily emissions for NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and CO for each phase of operation were compared to the applicable screening thresholds, which are based on site acreage and distance to closest sensitive receptor. The analysis indicates that the maximum localized operation emission estimates are substantially less than the LSTs for NO<sub>x</sub> or CO, PM<sub>10</sub> and PM<sub>2.5</sub>.

The SCAQMD recommends an evaluation of potential localized CO impacts when vehicle to capacity (V/C) ratios are increased by two percent or more at intersections with a level of service (LOS) of C or worse. None of the project intersections would meet these criteria. Notwithstanding, localized CO impacts were analyzed for the project at two representative intersections based on the highest V/C ratios and proximity to the project site: South Santa Monica Boulevard and Wilshire Boulevard, and Sepulveda Boulevard and Santa Monica Boulevard. The analysis indicates that project-generated traffic volumes are forecasted to have a negligible effect on the projected 1-hour and 8-hour CO concentrations at the respective intersection locations. Since a significant impact would not occur at the intersections operating at the highest V/C ratio, no significant impacts would occur at any other analyzed roadway intersection as a result of weekday or weekend project-generated traffic volumes. Thus, the proposed project would not cause any new or exacerbate any existing CO hotspots, and, as a result, impacts related to localized mobile-source CO emissions would be less than significant.

***(iii) Toxic Air Contaminants******Impacts to Off-Site Population***

The primary sources of potential air toxics associated with proposed project operations include diesel particulate matter from delivery trucks (e.g., truck traffic on local streets and on-site truck idling) and emergency backup generators. Pursuant to SCAQMD guidelines, the project is therefore not considered to be a substantial source of diesel particulate matter. Further, the increase in potential localized air toxic

impacts from on-site sources of diesel particulate emissions would be minimal since the proposed project does not involve use of heavy-duty trucks. The proposed project would likely include the installation and operation of diesel-fired generators for emergency power generation. Unless a blackout occurs, these generators would be operated for only a few hours per month for routine testing and maintenance purposes. The Applicant would be required to obtain a permit to construct and a permit to operate any standby generators under SCAQMD Rules 201, 202, and 203. Under SCAQMD Regulation XIII, all generators must meet BACT requirements to minimize emissions of PM<sub>10</sub> (as well as CO, VOC, and NO<sub>x</sub> emissions). SCAQMD Regulation XIV requires operation prior to issuance of a permit, to demonstrate that operation of the proposed generators will not result in increased health risk due to TAC exposures above the established criteria. Therefore the installation and operation of back-up generators would result in less than significant impacts.

#### ***Impacts from TACs to On-Site Population***

CARB recommends that proximity to land uses that generate high levels of diesel particulate matter be considered in the siting of new sensitive land uses; and further recommends that site-specific project design improvements may help reduce air pollution exposures and should also be considered when siting new sensitive land uses. Because the project is not located sufficiently proximate to the listed sources of diesel particulate matter, the siting of residential uses on the project site would result in a less than significant impact with regard to the exposure of on-site residents to the TAC emission sources identified in ARB's siting recommendations (i.e., the project would not site residential uses in a high cancer risk area due to ambient air quality).

#### ***(iv) Odors***

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the SCAQMD as being associated with odors. As the residential activities would not be a source of odors, potential odor impacts would be less than significant.

#### ***(v) SCAQMD CEQA Air Quality Handbook Policy Analysis***

The proposed project would be consistent with the SCAQMD policy analysis guidelines due to a number of project features and impacts. First, the proposed project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new air quality violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP. The proposed project would result in less than significant impacts with regard to CO, and SO<sub>2</sub>, concentrations during project construction and less than significant for all pollutants during operations. While NO<sub>2</sub> and PM<sub>10</sub> and PM<sub>2.5</sub> concentrations during construction would exceed the SCAQMD significance threshold, prior to mitigation, the impact would be short-term in nature and would not have a long-term impact on the region's ability to meet State and federal air quality standards.

Further, the proposed project would be consistent with population, housing and growth assumptions that were used in the development of the AQMP. Also, the proposed project would serve a number of land use policies of the City of Los Angeles and SCAG that are aimed at reducing air quality impacts. The proposed project, by virtue of its location and design, would provide benefits to the reduction of vehicle trips and vehicles miles traveled. It would provide a high density residential project in an existing highly urbanized commercial district and employment center located within the urbanized greater West Los Angeles area that

is located near bus and transit facilities. It would also reduce vehicle trips and vehicle miles traveled by encouraging pedestrian activity through the location of residential population within walking distance of numerous employment, commercial/service and entertainment opportunities; and improvements to street-level pedestrian connectivity.

While development of the project would result in short-term regional impacts, project development would not have a long-term impact on the region's ability to meet State and federal air quality standards. The project would comply with SCAQMD Rule 403 and would implement all feasible mitigation measures for control of PM<sub>10</sub> and PM<sub>2.5</sub>. Also, the project would be consistent with the goals and policies of the AQMP for control of fugitive dust. The project's long-term influence would also be consistent with the goals and policies of the AQMP and is, therefore, considered consistent with the SCAQMD's AQMP.

***(vi) City of Los Angeles Policies***

The project would also be consistent with the City of Los Angeles General Plan Air Quality Element and Clean Air Program policies since development of the proposed project at the proposed site location offers the opportunity to provide residential uses in the middle of a highly urbanized regional employment center and does so via the use of existing infrastructure, proximity to existing regional and local transit facilities, encouragement of pedestrian activity, and location near existing commercial uses that would meet many of the needs of the project's future residents. As the proposed project would be consistent with City of Los Angeles air quality policies, no significant impacts would occur as a result of project development with respect to compatibility with applicable air quality policies as set forth in the City's General Plan Air Quality Element.

**(2) Cumulative Impacts**

**(a) Construction**

According to the SCAQMD, individual project's that exceed the SCAQMD's recommended daily threshold for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in non-attainment. Construction-period NO<sub>x</sub> mass regional emissions, and localized NO<sub>2</sub> and PM<sub>10</sub> emissions associated with the proposed project are already projected to result in a significant impact to air quality. As such, cumulative impacts to air quality during proposed project construction would also be significant and unavoidable.

The proposed project's contribution to cancer risk from construction activities would be less than significant with mitigation. Related projects that have not already been built would not result in a long-term (i.e., 70 years) substantial source of TAC emissions with no residual emissions after construction and corresponding individual cancer risk. Thus, TAC emissions from the related projects are anticipated to be less than significant individually and cumulatively.

Also similar to the proposed project, potential sources that may emit odors during construction activities at each related project would include the use of architectural coatings and solvents. SCAQMD Rule 1113 limits the amount of volatile organic compounds from architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, it is anticipated that construction activities or materials used in the construction of the related projects would not create objectionable odors. Thus, odor impacts from the

related projects are anticipated to be less than significant individually, as well as cumulatively in conjunction with the proposed project.

### **(b) Operation**

Peak daily operation-related emissions would not exceed the SCAQMD regional significance thresholds. By applying SCAQMD's cumulative air quality impact methodology, implementation of the proposed project would not result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. Therefore, the emissions of non-attainment pollutants and precursors generated by project operation in excess of the SCAQMD project-level thresholds would be cumulatively less than significant.

With respect to TAC emissions, neither the project nor any of the identified related projects (which are largely residential, restaurant, and retail/commercial developments), would represent a substantial source of long-term TAC emissions. However, the project and each of the related projects would likely generate minimal TAC emissions related to the use of consumer products, landscape maintenance activities, among other things. SCAQMD rules have resulted in and will continue to result in substantial Basin-wide TAC emissions reductions. As such, cumulative TAC emissions during long-term operations would be less than significant.

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

## **(3) Mitigation Measures**

### **(a) Construction**

The following mitigation measures are (1) intended to implement requirements of SCAQMD Rule 403 (Fugitive Dust) and (2) set forth a program of air pollution control strategies designed to reduce the proposed project's air quality impacts to the extent feasible during construction.

**Mitigation Measure B-1:** General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.

**Mitigation Measure B-2:** All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

**Mitigation Measure B-3:** General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**Mitigation Measure B-4:** Construction emissions shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

- Mitigation Measure B-5:** Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, if power poles are available.
- Mitigation Measure B-6:** All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site.
- Mitigation Measure B-7:** The Applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations.
- Mitigation Measure B-8:** The Applicant shall moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
- Mitigation Measure B-9:** The Applicant shall apply non-toxic chemical stabilizers according to manufacturer's specifications to disturbed surface areas (completed grading areas) within five days of completing grading or apply non-toxic dust suppressants or vegetation sufficient to maintain a stabilized surface.
- Mitigation Measure B-10:** Exposed pits (i.e., gravel, soil dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturer's specifications.
- Mitigation Measure B-11:** The Applicant shall water excavated soil and debris piles hourly or cover them with tarps, plastic sheets or other coverings.
- Mitigation Measure B-12:** The Applicant shall water exposed surfaces at least three times a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- Mitigation Measure B-13:** All trucks hauling dirt, sand, soil or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the material and the top of the truck). Wash mud-covered tires and under-carriages of trucks leaving construction sites.
- Mitigation Measure B-14:** The Applicant shall sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing the site.
- Mitigation Measure B-15:** The Applicant shall securely cover loads with a tight fitting tarp on any truck leaving the construction site.
- Mitigation Measure B-16:** The Applicant shall cease grading during periods when winds exceed 25 miles per hour.
- Mitigation Measure B-17:** During construction, the Project shall use contractors with haul trucks meeting either EPA Model Year 2010 or EPA Model Year 2007 NOx emissions levels when

such equipment is reasonably available to achieve a goal that at least 33 percent of the haul truck fleet meets this standard.

**Mitigation Measure B-18:** On-site equipment greater than 250 horse power, which are on-site for six or more consecutive work days, shall meet Tier 3 or 4 emissions standards and be outfitted with BACT devices certified by CARB. If newer model year engines are not reasonably available, then older equipment engines may be retrofitted to meet Tier 3 or 4 emissions. A copy of each unit's certified tier specification and BACT documentation shall be available for inspection during construction.

**Mitigation Measure B-19:** Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, shall be encouraged to apply for AQMD SOON funds. Information including the AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

**Mitigation Measure B-20:** The Applicant shall reimburse Beverly Hills High School for the service needed to replace air filters along the northern side of the High School Science and Technology Center at three month intervals during project construction.

#### **(4) Level of Significance After Mitigation**

##### **(a) Construction**

Implementation of the mitigation measures described above would reduce regional and local construction emissions for all pollutants. The project with mitigation would not exceed thresholds for localized emissions or regional emissions for VOC, CO, or PM<sub>2.5</sub>. However, after mitigation, the project would continue to exceed the SCAQMD regional significance thresholds for NO<sub>x</sub> and PM<sub>10</sub> during the most intense construction periods. The analysis represents a worst case scenario, and the significant impacts would be less during the overall duration of construction than indicated for the maximum conditions.

Implementation of the mitigation measures described above would also reduce the localized NO<sub>2</sub> emissions at nearby sensitive receptors that were identified as contributing to a potentially significant impact in the dispersion modeling analysis. The mitigated construction scenario would reduce the maximum off-site unmitigated annual and 1-hour NO<sub>2</sub> concentrations, however emissions at the residential and school areas would continue to exceed the LST threshold and remain significant. The maximum 1-hr and annual NO<sub>2</sub> emissions would remain in exceedance of NAAQS and CAAQS even with mitigation. As a result, localized NO<sub>2</sub> impacts would remain significant and unavoidable.

##### **(b) Operations**

The proposed project's impacts on air quality emissions due to project operations are less than significant, prior to mitigation. No mitigation measures are required.

## **C. Cultural Resources**

### **(1) Environmental Impacts**

#### **(a) Archaeological Resources**

The project site is located within a highly urbanized area, and the entire site has been subject to disruption over the years. The project site has recently been graded and excavated. Thus, surficial archaeological resources that may have existed at one time have likely been previously disturbed. Nevertheless, the project proposes excavation of the project site which would extend beyond the fill material, thus encountering the underlying Quaternary Age Older Alluvium. While discovery of archaeological remains in the fill deposits on the project site are unlikely, excavation occurring below the fill levels could potentially encounter archaeological remains. Therefore, a Mitigation Measure is recommended to reduce the potential impact of the proposed project on archaeological resources to a less than significant level.

#### **(b) Paleontological Resources**

Based on the paleontological records search, there are no vertebrate fossil localities that lie directly within the proposed project area. However, there are fossil localities nearby from the same Quaternary Alluvium sedimentary deposits that occur in the proposed project area. Given the previous disturbance of site soils, and the project's minimum excavation, the likelihood of encountering paleontological resources is extremely limited. However, because the project proposes excavation into older Quaternary Alluvium sediments, a Mitigation Measure is recommended to reduce the potential impact of the proposed project on paleontological resources to a less than significant level.

#### **(c) Native American Resources**

The project is not expected to have impacts on any known sites containing Native American Resources. However, the project area has been cited as being sensitive for cultural resources. Although the project site has been graded and disrupted over the years, the proposed project would require excavation into native soils. Therefore, there may be a potential for the discovery of Native American cultural resources during excavation into previously undisturbed sediments. A Mitigation Measure is recommended to ensure identification of Native American cultural resources that might be encountered. If human remains are found, mitigation is recommended to ensure the potential impact of the proposed project on Native American remains is less than significant.

### **(2) Cumulative Impacts**

Cumulative impacts associated with archaeological resources would be less than significant since, like the proposed project, each of the related projects would be required to comply with the regulations cited above in the event that archaeological resources are found including PRC Section 21083.2 or PRC Section 21084.1 and CEQA Guidelines Section 15064.5. In addition, with regard to paleontological and Native American resources, with implementation of the proposed mitigation measures, project impacts would be less than significant. It would also be expected that other related projects would implement such mitigation measures on a case-by-case basis if deemed appropriate as part of their environmental review. Thus, cumulative impacts associated with paleontological and Native American resources would also be less than significant.

### (3) Mitigation Measures

#### (a) Archaeological Resources

**Mitigation Measure C-1:** A qualified archaeologist shall be retained by the Applicant to review grading plans and geotechnical information and prepare a monitoring plan for all ground-disturbing activities in previously undisturbed sediments. A qualified archaeologist is defined as an archaeologist meeting the Secretary of the Interior Professional Qualification Standards for Archaeology. Ground-disturbing activities include primary construction-related activities and any associated secondary activities for support services such as utilities. In the event that archaeological resources are identified during monitoring or unexpectedly during excavations in fill sediments, all work proximal to the discovery shall halt until the qualified archaeologist has evaluated the find. If the archaeologist determines that the find is significant or may qualify as significant, the archaeologist shall prepare a treatment plan. If the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the treatment plan. Results of monitoring and any archaeological treatment shall be reported in an appropriate technical report to be filed with the Applicant, the City, and the California Historical Resources Information System (CHRIS). The Applicant, in consultation with the Lead Agency and Archaeologist, shall designate repositories in the event that resources are recovered.

#### (b) Paleontological Resources

**Mitigation Measure C-2:** A qualified paleontologist shall be retained by the Applicant to perform periodic inspections of excavation and grading activities on the project site where excavations into the older Quaternary Alluvium may occur. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Accompanying notes, maps, and photographs shall also be filed at the repository. Following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and fossil finds, if any, the methods used in these efforts, as well as a description of the fossils collected and their significance, if any. The report shall be submitted by the Applicant to the City, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies.

#### (c) Native American Resources

**Mitigation Measure C-3:** If human remains are unearthed during construction activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be

of Native American descent, the County Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall then help determine what course of action shall be taken in dealing with the remains. The Applicant shall then take additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e) and Assembly Bill 2641.

#### **(4) Level of Significance After Mitigation**

Upon implementation of the mitigation measures outlined above, potential impacts to archaeological and paleontological resources, as well as Native American resources would be reduced to a less than significant level.

### **D. Geology**

#### **(1) Environmental Impacts**

The project site does not have geological/soil conditions that neither are unique to its setting nor found throughout Century City. The project site does not lie on a known active fault and is subject to seismic shaking that is common to Los Angeles. Potential impacts regarding geology and soils would be typical of those that are addressed through standard/regulatory engineering practices. A mitigation measure has been recommended that requires the project to present a Geotechnical Report to the Department of Building Safety in order to meet seismic safety and design requirements for foundations, retaining walls/shoring and excavation.

#### **(2) Cumulative Impacts**

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

#### **(3) Mitigation Measures**

**Mitigation Measure D-1:** Prior to the issuance of a grading or building permit for any portion of the project site, the applicant shall have a qualified geotechnical engineer and certified engineering geologist to prepare and submit to the Department of Building and Safety a final design-level geotechnical, geologic, and seismic hazards investigation that complies with all applicable state and local code requirements. The final design-level geotechnical investigation shall:

- a) Include an analysis of the expected ground motions at the site using accepted methodologies;

- b) Determine structural design requirements as prescribed by the most current version of the California Building Code and City of Los Angeles Building Code to ensure that structures can withstand expected ground accelerations for the Southern California region; and
- c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements.

All project plans for foundation design, earthwork, and site preparation shall incorporate all of the recommendations in the final design level geotechnical investigation. All project plans submitted for the grading, foundation, structures, infrastructure, and all other relevant construction permits shall be reviewed by a qualified geotechnical engineer to ensure compliance with all geotechnical mitigations contained in the final design-level geotechnical investigation. The City shall review all project plans for the project's building and other relevant permits to ensure compliance with the applicable final design-level geotechnical investigation and other applicable Code requirements. The project's structural engineer of record shall also review the final design-level geotechnical investigation, provide any additional necessary mitigation to meet Building Code requirements, and incorporate all applicable mitigations from the investigation into the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements.

**Mitigation Measure D-2:** A qualified geotechnical engineer shall be retained by the Applicant to be present on the project site during excavation, grading, and general site preparation activities to ensure the implementation of the geotechnical mitigations contained in the final design-level geotechnical investigation.

#### **(4) Level Of Significance After Mitigation**

With implementation of Mitigation Measure D-1, potential impacts of the project associated with geology and soils would be reduced to less than significant levels.

### **E. Greenhouse Gas Emissions**

#### **(1) Environmental Impacts**

##### **(a) Construction**

Construction of the project is estimated to emit a total of 7,814 tons of CO<sub>2</sub>e over the 36 months of construction. When amortized across the 30 year lifetime of the proposed project, per SCAQMD methodology for analyzing impacts on global warming, the construction results in approximately 260 tons per year of CO<sub>2</sub>e, which is a component of the project's overall contribution to the accumulation of greenhouse gases.

## **(b) Operations**

Project operations would require the consumption of energy and related generation of greenhouse gas emissions due to construction, vehicles-travel, consumption of electricity and gas, water conveyance and waste processing. The project includes many design features that would reduce the amount of such greenhouse gas emissions. The project's placement of high density housing within a regional center with nearby work, retail and entertainment opportunities as well as access to public transportation would contribute to numerous regional planning policies aimed at reducing vehicle miles traveled. Further, the project would include many site specific measures that would support sustainability principles, and reduce the project's greenhouse gas emissions. The project design includes numerous design/LEED certification features to reduce emissions, as well as features that address strategies included in CalGreen, and LA Green Plan for reducing GHG emissions. These measures would be provided pursuant to and consistent with such policies and programs.

The evaluation of the project impacts addresses how well this project would support State-wide targets established pursuant to AB-32 and California Air Resources Board, which seek to reduce the amount of greenhouse gas emissions in 2020 by 28.4 percent from those that would occur under business as usual, without new actions to reduce such emissions. The project's design features would result in greenhouse gas emissions that are 34.6 percent less than what would occur under a business as usual scenario, thus exceeding the 28.4 percent standard. Therefore, the project would result in a less than significant impact with regard to GHG emissions.

## **(2) Cumulative Impacts**

Although the State requires Metropolitan Planning Organizations and other planning agencies to consider how region-wide planning decisions can impact global climate change, there is currently no established non-speculative method to assess the cumulative impact of proposed independent private-party development projects. Expected reductions in greenhouse gas emissions are expected to come from independent private-party developments as well as other reductions associated with transportation, and patterns of population and employment distribution. Although development under a reduced density scenario results in lower GHG emissions from the use of a particular parcel compared to what is currently or hypothetically allowed (e.g., by creating fewer units and fewer attributable vehicle trips), total regional greenhouse gas emissions will likely fail to decrease at the desired rate or, worse, increase if regional housing and employment needs of an area are met with a larger number of less-intensive development projects. Therefore, it is not simply a cumulative increase in regional development or the resultant GHG emissions that threatens GHG reduction goals.

There exist numerous options for project developers to reduce their contribution to city-, county-, and State-wide greenhouse gas emissions, while helping to meet the region's future housing, jobs, and infrastructure needs. It is expected that other private development projects would include measures to reduce GHG emissions in compliance with applicable policies. Further, in addition to project specific items, there are CALGreen requirements that apply to all projects; and policies that address larger scale strategies such as reducing GHG emissions from automobiles, use of alternative fuels, performance standards for power plants, etc.

It is not possible at this time to accurately quantify GHG emissions expected from related projects or all of the GHG reductions anticipated from the above-discussed strategies. Because of the complex physical,

chemical and atmospheric mechanisms involved in global climate change, there is no basis for concluding that an emissions increase resulting from the project and related projects could actually cause a measurable increase in global GHG emissions sufficient to force global climate change. As indicated above, the proposed project would be consistent with State and City goals, and result in a greenhouse gas emission profile that reduces emissions 34.6 percent as compared to business as usual, exceeding the AB 32 reduction target of 28.5 percent reduction by 2020. Therefore, the project's contribution to cumulative GHG emissions would not be cumulatively considerable, and the project's cumulative impacts would be less than significant.

### **(3) Mitigation Measures**

Construction and operational GHG emissions from the proposed project would meet AB 32 reduction targets. In addition, the project would be consistent with the *LA Green Plan* and the Green Building Ordinance. With implementation of the proposed project design features, project construction and operation would result in less than significant impacts. No mitigation measures are required.

### **(4) Level Of Significance After Mitigation**

The project would not have significant impacts on GHG emissions and no mitigation measures would be required.

## **F. Hazards and Hazardous Materials**

### **(1) Environmental Impacts**

Historical use of the project site may present a concern as contamination may have occurred from the former Union Oil Company portable island that occupied the site in the 1930s, or the former Twentieth Century Fox Film Corporation stationary and print shop that occupied the site in the 1940s and 1950s. No agency records were found regarding these former uses. Therefore, Mitigation Measure D-1 is recommended in the event that contamination is found during excavation and grading. Project construction and operations would use typical construction and household products consistent with regulations for the protection of the public from hazardous materials.

The project site is located within a designated methane zone under the Los Angeles Methane Seepage Regulations and is therefore subject to soil gas testing and implementation of a methane mitigation system pursuant to the regulations. Mitigation Measures are proposed to ensure compliance with the City regulations, and to protect construction workers from methane exposure during the excavation of the project site.

The project site is located within the primary area of the instrument approach to the Santa Monica Municipal Airport and within the Visual Flight Rule (VFR) Traffic Pattern Airspace. The maximum building height that would not affect operational procedures at the project site is 608 feet above ground level (AGL)/870 feet above mean sea level (AMSL), a substantially greater height than that of the proposed project. As such, the project would not affect operational procedures; however, the Applicant would file the appropriate forms subject to the approval of the FAA to ensure that the project would not result in significant impacts relative to airport safety. As a result, compliance with FAA guidelines would reduce potentially significant impacts to a less than significant level.

## **(2) Cumulative Impacts**

All development located within the vicinity of the project site would be subject to the same local, regional, State, and Federal regulations pertaining to hazards and hazardous materials. Therefore, with adherence to such regulations, the simultaneous development of the proposed project and related projects would not result in cumulatively significant impacts with regard to hazards and hazardous materials.

## **(3) Mitigation Measures**

**Mitigation Measure F-1:** If visual or olfactory indication of contamination is discovered during excavation or grading on-site, such activities shall be temporarily halted and redirected around the area. The City of Los Angeles and appropriate regulatory agencies shall be notified and the appropriate evaluation and response measures implemented so as to render the area suitable for excavation and grading activities to resume.

**Mitigation Measure F-2:** Prior to issuance of a building permit, the Applicant shall demonstrate compliance with Los Angeles Department of Building and Safety (LADBS) Methane Mitigation Standards for the appropriate Site Design Level pursuant to the City's Methane Seepage Regulations and to the satisfaction of the LADBS.

**Mitigation Measure F-3:** During subsurface excavation activities, including borings, trenching, and grading, Cal-OSHA worker safety measures shall be implemented as required to preclude an exposure to unsafe levels of soil gases, including but not limited to methane.

## **(4) Level of Significance After Mitigation**

All potentially significant impacts would be less than significant, with implementation of the mitigation measure outlined above.

## **G. Hydrology and Water Quality**

### **(1) Environmental Impacts**

#### **(a) Construction**

Construction of the proposed project would involve site preparation activities including excavation and grading. Such activities would temporarily alter the existing drainage patterns and water flows within the project site. Exposed and stockpiled soils could be subject to erosion and conveyance into nearby storm drains during storm events. In addition, on-site watering activities to reduce airborne dust could contribute to pollutant loading in runoff. However, as the construction site would be greater than one acre, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Activity Permit. In accordance with the requirements of the permit, the project would implement a Standard Urban Stormwater Mitigation Plan (SWPPP), which would specify BMPs and erosion control measures to be used during construction to prevent pollution. BMPs would include but not be limited to street sweeping and vacuuming, sand bag barriers, storm drain inlet protection, wind erosion control, and stabilized construction entrances and exits. These and other BMPs would eliminate or reduce pollutant levels in runoff during construction, consistent with regulatory requirements. In addition, the project would be required to comply with City grading permit regulations, which require necessary

measures, plans, and inspections to reduce sedimentation and erosion. Mitigation measures are proposed to ensure the implementation of such compliance.

## **(b) Operation**

### ***(i) Hydrology***

The proposed project would alter the current vacant, pervious conditions of the project site with the proposed residential project, increasing the amount of impervious surface area on the project site. Water flows would run off impervious surfaces seeking outlet to the local drainage system. There are no known deficiencies within the storm drain system serving the project site.

The project includes a system of biofilter planters that collect rainwater and treat it prior to discharge. Therefore, the project would not alter the run-off rates at the project site, and the project's drainage system has been designed to accommodate expected 50-year flow volumes. General drainage patterns in the project area would not be altered and the stormwater collected on-site would be directed to the existing drainage system.

### ***(ii) Water Quality***

Runoff from the proposed project has the potential to contain pollutants such as nutrients, pesticides, organic compounds, sediments, oil and grease, suspended solids, metals, gasoline, pathogens, and trash and debris among other pollutants. The project proposes to include biofilter planters on-site to minimize the introduction of pollutants to the stormwater system. The proposed biofilter planters would be constructed pursuant to standards established by the City of Los Angeles Watershed Protection Division to assure treatment of contaminants without allowing seepage into the underlying soil. Further, the site would be subject to the City's standard BMPs for project operations.

## **(2) Cumulative Impacts**

The proposed project and related projects would be subject to State NPDES permit requirements for both construction and operation. Each project greater than one-acre in size would be required to develop SWPPPs and would be evaluated individually to determine appropriate BMPs and treatment measures to avoid impacts to water quality. Smaller projects would be minor infill projects with drainage characteristics similar to existing conditions, with negligible impacts. In addition, the City of Los Angeles Department of Public Works reviews all construction projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available. Thus, cumulative impacts to hydrology and water quality would be less than significant.

## **(3) Mitigation Measures**

The proposed project would be subject to the NPDES requirements, including preparation of and compliance with a SWPPP and compliance with SUSMP requirements. Compliance with these requirements, in addition to the project design features outlined above, would ensure that impacts to hydrology and water quality are reduced to a less than significant level. While the proposed project is not anticipated to result in any significant impacts to hydrology and water quality, the following mitigation measures are proposed to further ensure that such impacts would be less than significant.

**Mitigation Measure G-1:** Prior to the start of construction, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in order to fulfill the California SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CA000002 (General Construction Permit) and the City of Los Angeles SUSMP requirements as well as comply with the Los Angeles County Department of Public Works 2006 Hydrology Manual.

**Mitigation Measure G-2:** The project shall comply with the requirements of the applicable National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge and with all applicable requirements of the Regional Water Quality Control Board (RWQCB), Environmental Protection Agency (EPA), and local agencies including the City of Los Angeles regarding water quality. As part of these requirements, the Applicant shall implement Standard Urban Stormwater Mitigation Plan (SUSMP) requirements during construction of the project and shall prepare a Stormwater Prevention Pollution Plan (SWPPP) prior to construction of the project.

**Mitigation Measure G-3:** The project shall implement biofiltration planters to provide treatment with a first flush discharge of 0.75 inches, pursuant to review and approval by the Department of Public Works. The biofilter planters shall be inspected regularly and maintained to provide proper functioning. On-going maintenance and replacement of filters shall be provided by the property's management according to Operations and Maintenance plans consistent with City of Los Angeles Storm Water Maintenance Requirements.

**Mitigation Measure G-4:** All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING—DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

**Mitigation Measure G-5:** The legibility of signs and stencils discouraging illegal dumping shall be maintained.

**Mitigation Measure G-6:** During operation of the project, materials used on-site with the potential to contaminate stormwater shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

#### **(4) Level of Significance After Mitigation**

Impacts to hydrology and water quality would be less than significant. Furthermore, mitigation measures are proposed to ensure that such impacts would be less than significant.

## **H. Land Use**

### **(1) Environmental Impacts**

#### **(a) Consistency of the Proposed Project with Applicable Plans and Policies**

The proposed project would be subject to applicable policies of the Los Angeles General Plan Framework Element, the City of Los Angeles Planning Commission's Do Real Planning policies, the City of Los Angeles Walkability Checklist, the West Los Angeles Community Plan, the CCNSP, the Greening of Century City

Pedestrian Connectivity Plan, applicable land use regulations of the City of Los Angeles Planning and Zoning Code, SCAG's 2008 Regional Transportation Plan, and SCAG's Compass Blueprint Growth Vision plan. The project would be substantially consistent with all of the applicable plan policies.

### **(b) Land Use Compatibility**

The proposed project would be compatible with the predominant characteristics/mix of land uses in the surrounding area. Century City is an intensely developed urban community characterized by a mix of office, retail, hotel, restaurant, entertainment, and residential uses. The introduction of the project's residential uses in the northern part of Century City would foster a mixed-use environment in that area that would be consistent with the existing and growing residential character of the area. The residential use represented by the project would be consistent with other residential uses in the surrounding area and would represent a consistent land use relative to Beverly Hills High School to the south. Public K-12 schools are generally sited in residential areas and considered appropriate land uses in residential zones. With the deep setback of the tower and dense landscaping and gardens between the tower and the high school campus, the proposed project would be compatible with the adjacent school to the south and residential uses to the east.

Century City is surrounded on all sides by lower-density land uses, which contributes to the aesthetic benefits of Century City as a series of towers rising above the low-profile landscape outside its boundaries. In addition, Century City incorporates a range of building heights, which contributes to the quality and interest of the skyline. The proposed project would continue this pattern of development by contributing to the variety of building heights within Century City, and in its greater height compared to immediately adjacent buildings outside Century City. The juxtaposition of the taller building and lower density uses in the adjacent City of Beverly Hills would be softened through effects of the project's landscaped setback and open space along Moreno Drive. The project is not out of character with existing land use patterns between Century City and adjacent lower-density residential neighborhoods. The proposed project would, therefore, not substantially and adversely change the existing relationships between numerous land uses or properties in the surrounding area, or have the long-term effect of adversely altering a neighborhood or community through ongoing disruption, division or isolation.

## **(2) Cumulative Impacts**

Eight large-scale related projects are located in the near vicinity of the project site, and/or are located within CCNSP area of Century City, and would potentially contribute to a cumulative land use impact when combined with the project. The related projects would include a variety of uses including residential, office, commercial, and hotel uses. An increase in residential units in the jobs-rich Century City area would be consistent with the goals of the 2008 RTP to balance jobs and housing. This policy is expected to reduce commuting trips and miles traveled. As with the Century City area, the City of Beverly Hills in the vicinity of the Santa Monica Boulevard corridor is designated as a "2% Strategy Opportunity Area" (SCAG, Compass Blueprint Plan), which allows for growth consistent with the 2008 RTP. Therefore, the cumulative total increase in residential units in Century City and adjacent sites in Beverly Hills would be consistent with growth and jobs/housing balance policies for the area and would be less than significant.

Furthermore, development of the eight nearby related projects is expected to occur in accordance with City of Los Angeles and City of Beverly Hills adopted plans and regulations. It is anticipated that any new projects would be subject to the project permit approval process and would incorporate any mitigation measures

necessary to reduce potential land use impacts. Therefore, no significant cumulative land use impacts are anticipated.

### **(3) Mitigation Measures**

The proposed project would not result in significant impacts associated with land use compatibility, division of an existing community, or consistency with regulatory land use plans and guidelines. Therefore, no mitigation measures would be required.

### **(4) Level Of Significance After Mitigation**

Because the project would be consistent with applicable plans and policies and would not create a division or disruption of an established community, land use impacts would be less than significant.

## **I. Noise**

### **(1) Environmental Impacts**

#### **(a) Construction Noise**

##### *(i) On-Site*

Noise impacts would occur during project construction due to the operation of construction equipment such as loaders, backhoes, excavators, dozers, drill rigs, concrete pump trucks, pavers, water trucks, generators, etc. No blasting or impact pile driving would be used. Construction of the proposed project is estimated to last approximately three years, during which time noise levels due to construction would be of varying, intermittent durations and intensities. Noise impacts would be most noticeable at nearby sensitive receptors including the residential neighborhood located across Moreno Drive in Beverly Hills (in particular, the nearest residential units, directly across Moreno Drive) and Beverly Hills High School (in particular, the high school Science and Technology Center building that is located adjacent to the project site). The estimated noise levels would exceed the significance thresholds at the sensitive receptor locations, notwithstanding project design features to reduce such impacts, including the use of sound barriers.

##### *(ii) Off-Site*

In addition to on-site construction noise, haul trucks, delivery trucks, and construction workers would require access to the project site throughout the project's construction period. While construction workers would arrive from many parts of the region, and thus different directions, haul trucks and delivery trucks would generally access the site via a planned route intended to minimize noise impacts to areas south and east of the project site. All heavy truck traffic would come from the west on Santa Monica Boulevard and enter and exit the project site at its northwest corner. By limiting the access to the site for heavy trucks/equipment to its northwest corner, all such traffic would avoid passing in the proximity of the sensitive residential and school uses located along Moreno Drive. Therefore, the off-site noise from such traffic would be less than significant.

#### **(b) Construction Vibration**

Project construction would generate varying degrees of ground vibration, depending on the construction procedures and the construction equipment used. The construction activities that typically generate the

most severe vibrations, blasting and impact pile driving, would not be used for this project. The operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The level of vibration due to project construction would not exceed significance thresholds related to the protection of buildings from damage. The level would just slightly exceed the most conservative vibration thresholds related to human annoyance, and that occurring at just the nearest residential unit across Moreno Drive and at the high school Science and Technology Center. The level of vibration would also exceed the significance threshold for the use of highly vibration sensitive scientific equipment, should such equipment be used in class-rooms along the northern side of the Science and Technology Center. Such potentially significant impacts would occur only at those infrequent times when the equipment types that create the greatest impacts are operating along the edge of the project site nearest to the sensitive receptors. Mitigation measures are proposed to reduce such potentially significant impacts.

### **(c) Operational Noise**

Operational project impacts to neighboring noise-sensitive receptor locations include noise that would be generated by off-site roadway noise, on-site mechanical equipment/point sources (i.e., loading dock and trash pick-up areas), parking facilities, outdoor recreation activities and rooftop helipad-related noise. Impacts due to project operations would be typical of those associated with residential development and would be less than significant. The greatest increase in sound levels due to project-related traffic noise levels would be a negligible 0.5 dBA. Mechanical equipment would be shielded and loading activities would occur along Santa Monica Boulevard, within the project structures and isolated from sensitive uses.

### **(d) Operational Vibration**

The proposed project would include typical residential and commercial-grade stationary mechanical and electrical equipment such as air handling units, condenser units, exhaust fans, cooling towers, and electrical emergency power generators, which would produce vibration. In addition, the primary sources of transient vibration would include passenger vehicle circulation within the proposed parking facilities, on-site refuse/delivery truck activity, and on-site loading dock/refuse collection area activity. Vibration levels from these activities would be negligible and not felt at sensitive off-site locations.

## **(2) Cumulative Impacts**

### **(a) Construction Noise**

Noise from on-site construction activities are localized and would normally affect the areas within 500 feet from the individual construction site. None of the related projects are expected to contribute to a cumulative impact at the project site. However, three of the closest related projects could contribute to cumulative construction noise impacts at the noise sensitive receptors that are located between the identified related projects and the proposed project. Since the timing of the construction activities for related projects cannot be defined and are beyond the control of the City and the Applicant, any quantitative analysis that assumes multiple, concurrent construction projects would be entirely speculative.

Due to the rapid attenuation characteristics of ground-borne vibration and distance of the related projects to the proposed project, there is no potential for cumulative construction- or operational impacts with respect to ground-borne vibration.

## **(b) Operational Noise**

The project site and surrounding area have been developed with uses that have previously generated, and would continue to generate noise from a number of community noise sources including vehicle travel, mechanical equipment (e.g., HVAC systems), and lawn maintenance activities. Each of the related projects that have been identified within the general project vicinity would also generate stationary-source and mobile-source noise as a result of ongoing day-to-day operations. The related projects are general residential, retail, commercial, or institutional in nature. Such uses are not typically associated with excessive exterior noise. While each project would produce traffic volumes that are capable of generating roadway noise impacts, the cumulative impact would be negligible, and less than significant. Due to LAMC provisions that limit stationary-source noise from items such as roof-top mechanical equipment and emergency generators, noise levels would be less than significant at the property line for each related project.

## **(3) Mitigation Measures**

### **(a) Construction**

Construction-related noise has the potential to result in significant noise and vibration impacts at sensitive receptors. Project Design Features to reduce potential noise impacts include a 20-foot sound barrier wall adjacent to Beverly Hills High School on the south side of the project site, and a 12-foot sound barrier wall on the eastern side of the project site that faces the residential development across Moreno Drive. In addition, to the provision of the sound barriers, the following mitigation measures are proposed.

**Mitigation Measure I-1:** Exterior on-site construction activities shall be limited to Monday through Friday from 7:00 A.M. to 9:00 P.M.

**Mitigation Measure I-2:** The construction staging area shall be located within the project site.

**Mitigation Measure I-3:** To avoid vibration impacts to the nearest residential unit to the project site, construction equipment within 75 feet of that unit (i.e. 15 feet within the project site) shall limit vibration equipment to machinery expected to generate no more than 85 VdB at 25 feet. (See Vibration Mitigation Zone 1 on **Figure I-1**, *Vibration Mitigation Zones*, on page 1-35.)

**Mitigation Measure I-4:** The Applicant shall designate a construction relations officer to serve as a liaison with surrounding property owners including Beverly Hills High School. The liaison shall be responsible for responding to concerns regarding construction noise or vibration. The liaison's telephone number(s) shall be posted at multiple locations along the perimeter of the project site. In addition, the liaison shall coordinate with Beverly Hills High School administration in advance of, and throughout project construction to reduce disruption of class-room activities. The liaison shall work with the School administration to identify opportunities to reduce conflicts with school activities through work scheduling and the arrangement of construction activities on the project site.

**Mitigation Measure I-5:** To avoid vibration impacts on student activity in the Science and Technology Center:

- a) High vibration construction activities shall be avoided within 35 feet of the Science and Technology Center (i.e. along the southern 10 feet of the project site facing that building) during class-room sessions, when school is in session. (See Vibration Mitigation Zone 2 on Figure I-1.)
- b) If based on consultation with the administrator at Beverly Hills High School it is determined that highly sensitive equipment, e.g. microscopes, are in use at the Science and Technology Center, high vibration activities within 100 feet of that building shall be coordinated through consultation between the construction relations officer and the school administrator to reduce impacts at times of equipment use through scheduling, staging and equipment control of construction activities. (See Vibration Mitigation Zone 3 on Figure I-1.)

**(b) Operation**

Operation impacts at off-site receptors would be less than significant. Therefore, no mitigation measures are required for building operations.

**(4) Level of Significance After Mitigation**

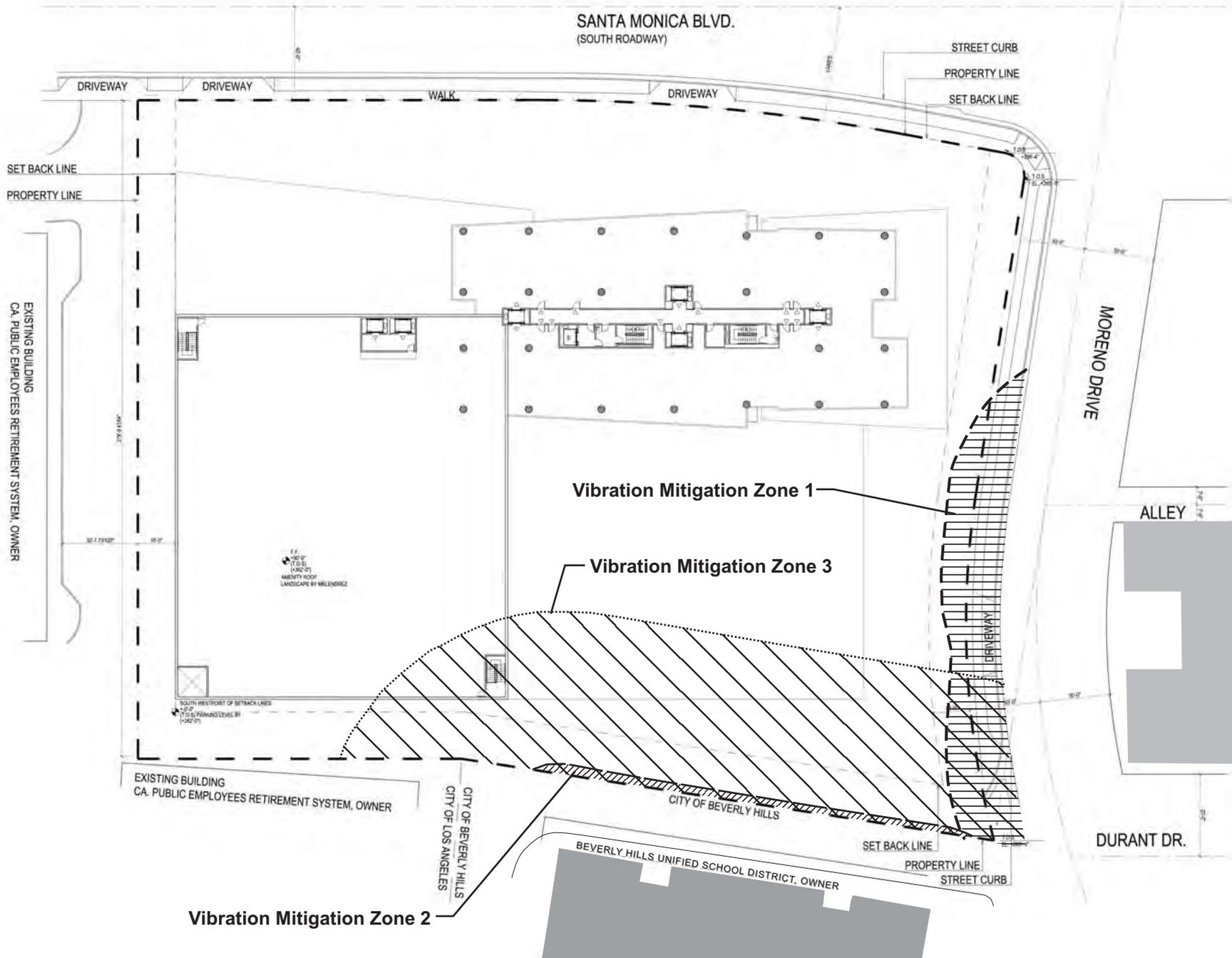
**(a) Construction**

Mitigation Measure I-1 would preclude construction noise impacts from occurring during the noise-sensitive nighttime periods, or weekends. Mitigation Measure I-2 would avoid the noise impacts associated with construction activities that might otherwise occur off-site in the vicinity of sensitive uses. Mitigation Measure I-4 would specifically lessen project impacts during critical school activities; and would generally result in a lower overall noise profile due to construction activities. However, the significance thresholds would still be exceeded during times of more intense construction activity. Thus, short-term construction noise impacts would be significant and unavoidable.

Mitigation Measure I-3 would reduce vibration impacts at nearby residential development to levels that would be less than significant. Implementation of Mitigation Measures I-4 and I-5 would reduce potentially significant vibration impacts through modification of construction activities. As the vibration analysis is extremely conservative, representing atypical maximum events, and the mitigation measures would allow impacts to be reduced, it is expected that potential vibration impacts at the Science and Technology Center would be extremely limited. Notwithstanding, since the significance thresholds may be exceeded on occasion, it is conservatively concluded that impacts would be significant and unavoidable.

**(b) Operation**

The projects noise impacts to off-site sensitive uses during project operation are less than significant. No mitigation measures are required.



**Vibration Mitigation Zones**

10000 Santa Monica Boulevard  
 Source: Handal Architects, LLP; PCR Services Corporation, 2011.

FIGURE  
**1-1**  
 (DEIR  
 Figure IV.1-2)

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## **J.1. Public Services-Fire Protection**

### **(1) Environmental Impacts**

#### **(a) Construction**

Project construction would create a temporary increased demand for fire protection services. However, in compliance with Occupational Safety and Health Administration (OSHA) and Fire and Building Code requirements, construction managers and personnel would be trained in fire prevention and emergency response. Additionally, all project construction would comply with applicable existing codes and ordinances and fire suppression equipment specific to construction would be maintained on-site. Construction-related traffic on adjacent streets could potentially affect emergency access to the project site and neighboring uses; however, the impacts of such construction activity would be of short duration, on an intermittent basis, and controlled by project mitigation measures. Therefore, impacts regarding emergency access, and related safety would be less than significant.

#### **(b) Operation**

Fire Station No. 92 is located closest to the project site and would be the “first-in” station to respond to an emergency. The proposed project’s net new residents could potentially generate 72 additional incidents per year, constituting a 1.1 percent increase in annual incidents. A 1.1 percent increase in annual incidents is relatively low, and would only slightly increase the demand on LAFD fire protection and emergency medical services. The incremental increase in demand resulting from the proposed project would not be substantial enough to require additional personnel at Fire Station No. 92 or other nearby stations and construction of an additional station or physical alterations to existing facilities would not be required. Nonetheless, Mitigation Measures are recommended to help reduce the number of incidents.

The project Applicant has been coordinating with LAFD during the development of the project design plans in order to ensure that emergency vehicles and equipment have adequate access to the project. In response to this coordination, a fire lane designed in accordance with LAFD requirements would be provided within the project site with access from Santa Monica Boulevard. Additional site access would be provided via Moreno Drive. A fire truck lane would be established at the eastern side of the project site, just outside the edge of the proposed cantilevered overhang. Water flow requirements would be sufficient to support the provision of fire hydrants required by the LAFD. Therefore, impacts regarding the provision of fire services would be less than significant. Notwithstanding, mitigation measures are proposed to ensure compliance with regulations and standards for the protection of the public safety.

### **(2) Cumulative Impacts**

Eleven of the related projects are located within Fire Station No. 92’s “first-in” district. These related projects would cumulatively generate, in conjunction with the proposed project, the need for additional fire protection and emergency medical services. Although a cumulative increase in LAFD fire protection services would occur, cumulative project impacts on fire protection and emergency medical services would be reduced through regulatory compliance, similar to the proposed project. Therefore, cumulative impacts on fire protection and emergency medical services would be less than significant.

### (3) Mitigation Measures

Implementation of the following mitigation measures would ensure that impacts related to fire protection are less than significant.

**Mitigation Measure J.1-1:** Prior to the issuance of a building permit, the Applicant shall consult with the Los Angeles Fire Department and incorporate fire prevention and suppression features and other life-saving equipment (e.g., defibrillators) appropriate to the design of the project.

**Mitigation Measure J.1-2:** The project shall comply with all applicable State and local codes and ordinances found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the City of Los Angeles General Plan, unless otherwise approved.

**Mitigation Measure J.1-3:** Prior to the issuance of building permits, project building plans including a plot plan and floor plan of the buildings shall be submitted for approval by the Los Angeles Fire Department. The plot plan shall include the following minimum design features: location and grade of access roads and fire lanes, roadway widths, distance of buildings from an edge of a roadway of an improved street, access road, or designated fire lane, turning areas, and fire hydrants.

**Mitigation Measure J.1-4:** Prior to the occupancy of the proposed project, the Applicant shall install one on-site fire hydrant. The fire hydrant shall be subject to the approval of the Los Angeles Fire Department and Los Angeles Department of Water and Power.

### (4) Level Of Significance After Mitigation

Implementation of the recommended mitigation measures and compliance with the LAMC Fire Code, the Los Angeles General Plan, the General Plan Safety Element, and all other applicable ordinances and requirements would ensure that the project's impacts on fire protection and emergency medical services are less than significant. Thus, no significant unavoidable impacts are anticipated.

## J.2. Public Services-Police Protection

### (1) Environmental Impacts

#### (a) Construction

There is potential for construction of the proposed project to create a temporary increased demand for police services. However, the impacts of such construction activity would be of short duration, on an intermittent basis, and would be coordinated with LAPD. Further, site safety measures would be implemented for the protection of the public. The perimeter of the project site would be surrounded by a 12-foot construction wall along the project boundary adjacent to Beverly Hills High School. All entry and exit points would be monitored during construction operations. A security guard would log all workers and vehicles into and out of the project site. Implementation of the project design features would help deter potential crime-related activity on-site and in the project vicinity during construction, thus reducing the demand on police protection services. Therefore, impacts to police protection services during construction of the proposed project would be less than significant.

**(b) Operation**

The project site is served by the West Los Angeles Community Police Station, which consists of approximately 214 sworn officers and 13 civilian employees. The residential component of the proposed project could potentially result in twenty eight additional crimes per year. This represents an increase of less than 0.2 percent of the crimes reported in the West Los Angeles Area.

The project would provide extensive security features on-site including provision of 24 hour video surveillance, 24-hour/7-day security personnel, controlled building and parking access, and implementation of a secure perimeter with a combination of fencing, lighting, and landscaping to prevent loitering or unauthorized access to the project site. The on-site security personnel would provide a deterrent and an on-site first responder capability for many security issues. Together, these security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries. Therefore, due to the minimal impact the proposed project would have on police protection services, the security personnel and features incorporated into the project and extra security patrols in Century City provided by the Century City Business Improvement District, the project would not result in demand for additional police protection services that would exceed the capability of the LAPD to serve the project site. The project would not require the provision of new or physically altered police stations in order to maintain acceptable service ratios or other performance objectives for police protection. Therefore, potential impacts to the capability of existing police protection services would be less than significant.

**(2) Cumulative Impacts**

Eighteen of the related projects that are anticipated to be developed within the vicinity of the project site are located within the West Los Angeles Community Police Station service area; and would contribute to the demand for police services. Projects located in other jurisdictions would be served by their respective police departments. However, related projects (particularly those of a larger nature) would likely be subject to discretionary review on a case-by-case basis by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. Additionally, similar to the proposed project, related projects would generate revenue to the City's general fund that could be used to fund LAPD expenditures as necessary to offset the cumulative incremental impact on police services. Furthermore, larger projects would be likely to have on-site security personnel and safety features like those of the proposed project that would further reduce demand on police services. Therefore, cumulative impacts to the existing police protection services would be less than significant.

**(3) Mitigation Measures**

With incorporation of LAMC requirements, project design features, and mitigation measures set forth in Section IV.K, Transportation and Circulation, of this Draft EIR, impacts to police protection services during construction and operation of the proposed project would be less than significant. Therefore, no additional mitigation measures are required.

**(4) Level Of Significance After Mitigation**

The project would result in less than significant impacts to police protection services with the implementation of LAMC requirements, project design features, and recommended mitigation measures.

### **J.3. Public Services-Schools**

#### **(1) Environmental Impacts**

Based on student generation factors provided by the LAUSD, the project is estimated to generate 32 elementary school students, 16 middle school students, and 20 high school students, for a total of 68 students. However, due to the anticipated demographics of the future residents of the project, the project's projected student generation is likely to be substantially less than that estimate.

Students generated by the proposed project would attend Westwood Elementary School, Emerson Middle School, Webster Middle School, and University High School. When the more conservative estimate of project-generated students is added to the projected seat availability at these schools, all school facilities serving the project site would be able to accommodate the new students with the exception of Westwood Elementary School. Westwood Elementary School would result in a shortage of 1 seat with the addition of the project, or a shortage of 31 seats below the 30 seat safety margin used by LAUSD for defining overcrowded schools.

#### **(2) Cumulative Impacts**

Eighteen of the related projects are located within the attendance boundaries of the schools serving the project site and are therefore included in the cumulative analysis. The proposed project in conjunction with related projects could generate 112 students at Westwood Elementary School, 103 students at Emerson Middle School, 58 students at Webster Middle School, and 96 students at University High School. Based on the 2013 – 2014 estimates provide by LAUSD, all school facilities would be able to accommodate these new students with the exception of Westwood Elementary School. Westwood Elementary School would result in a shortage of 81 seats or 111 seats below the 30-seat safety factor with the addition of the proposed project and related projects.

#### **(3) Mitigation Measures**

Implementation of the following mitigation measure would ensure that the project meets its obligation for the payment of school impact fees.

**Mitigation Measure J.3-1:** The project shall pay required school mitigation fees pursuant to Government Code Section 65995 and in compliance with SB 50 (payment of developer fees).

#### **(4) Level of Significance after Mitigation**

Impacts are less than significant; and no mitigation measures are required.

### **J.4. Public Services-Libraries**

#### **(1) Environmental Impacts**

The proposed project's 283 dwelling units would generate approximately 379 new residents. The City of Los Angeles Public Library (LAPL) has identified the West Los Angeles Regional Branch Library, the Westwood Branch Library, the Robertson Branch Library, and the Palms-Rancho Park Branch Library as the libraries

that would serve the project site. The West Los Angeles Regional Branch Library, the nearest to the project site, is currently adequately sized to accommodate the population residing in its service area; with an ability to accommodate an additional 5,853 residents. As a result, the project's 379 net new residents would only comprise 6.5 percent of the additional resident population that could be accommodated by the West Los Angeles Regional Branch Library. This represents a nominal increase in the demand at the West Los Angeles Branch Library and the library's existing service level would be able to be maintained without an additional library or alterations to the existing library. According to the LAPL, the populations being served at the other library facilities exceed the standards set forth in the 2007 Branch Facilities. Furthermore, project residents would be eligible to use the array of technical, arts, and general libraries on the UCLA campus, which is located less than two miles from the project site. As a result, the proposed project would not exceed the population level required for new facilities.

The Beverly Hills Main Library, located approximately 1.2 miles from the project site, would also be available to serve residents of the proposed project. Given the proximity of the library to the project site, some project residents may also use this library. However, given the availability of other Los Angeles and regional libraries, the number of such library visitors would be negligible.

It should also be noted that the project would generate revenue to the City's general fund that could be used for the provision of public services such as library facilities. Also, Los Angeles voters, recognizing the need to provide adequate library services, recently approved Measure L. Measure L increases library funding gradually to 0.03 percent to keep libraries open longer and to improve library services; thereby providing LAPL a mechanism to address the needs of additional population.

Thus, the project would result in a nominal increase in the demand at library facilities serving the site and the project would not increase demand at library facilities serving the project site to the extent that a new library facility or alterations to an existing facilities would be required to maintain existing service levels. Impacts on library services would be less than significant.

## **(2) Cumulative Impacts**

There are 20 related residential projects that would generate a population of approximately 3,759 people, increasing demand for library services. With the addition of the proposed project's estimated population of 379 residents, the total new residents would be 4,138 residents. To the extent that these residents would utilize only one of the area's library's, the cumulative residential growth would not be sufficient enough to result in the need for a new branch library at any of the libraries (i.e., the service area population would not exceed 90,000 residents at any of the area facilities). Residents would likely visit the library most convenient to them (including libraries available at the UCLA campus) and use would be spread across these various libraries so no one facility would be significantly impacted. Similar to the proposed project, related projects would generate revenue to the City's general fund that could be used to fund LAPL expenditures as necessary to offset the cumulative incremental impact on library services. Therefore, cumulative growth anticipated in the community, including the proposed project, would not cause a future population that would exceed the expected service population of libraries serving the project site.

## **(3) Mitigation Measures**

Potential impacts to libraries would be less than significant. Therefore, no mitigation measures are required.

#### **(4) Level of Significance After Mitigation**

Potential impacts to library services and facilities as a result of implementation of the proposed project would be less than significant and no mitigation measures would be required. The proposed project, in conjunction with related projects, would not result in a significant cumulative impact to library services and facilities; therefore, no mitigation measures are necessary.

### **J.5. Public Services--Parks and Recreation**

#### **(1) Environmental Impacts**

The proposed project's 283 dwelling units would generate approximately 379 new residents, increasing demand for park and recreation activity. To meet the project residents' need for park and recreation activities, the project would provide approximately 82,052 square feet (1.88 acres) of common open space and recreation area. This translates to a parkland-to-population ratio of 4.96 acres per 1,000 residents, thus exceeding both the City of Los Angeles long range and short/intermediate-range standards of 4.0 acres and 2.0 acres, respectively. The 82,052 square feet (1.88 acres) consists of approximately 70,720 square feet (1.62 acres) of common outdoor open space (ground-level open space and roof deck) and approximately 11,332 square feet (0.26 acre) of common indoor recreation area in the ancillary building. This level of open space and recreation service is substantially greater than the existing service levels of 0.70 acres of neighborhood and community parkland per 1,000 residents City wide, and 0.77 acres of neighborhood and community parkland per 1,000 residents in the West Los Angeles Community Plan area. The project's parkland-to-population ratio would also exceed the current Beverly Hills ratio of 2.24 acres of parkland per 1,000 residents.

The project's provision of open space would exceed the open space requirements established in Section 12.21 of the LAMC. Section 17.12 of the LAMC, the City's parkland dedication ordinance enacted under the Quimby Act, provides a formula for satisfying park and recreational uses through land dedication and/or the payment of in-lieu fees. Pursuant to Section 17.12, 32 percent of the gross subdivision area would be required to be dedicated to the City of Los Angeles for park or recreational purposes. In the case of the proposed project, this would equate to a land dedication of 0.77 acre. Section 17.12.F of the LAMC allows private recreational areas developed within a project site for use by the particular project's residents to be credited against the project's land dedication and/or in lieu fee requirement.

#### **(2) Cumulative Impacts**

Twenty related residential projects would contribute to increases in the need for additional parks and recreational facilities. The proposed project in conjunction with related projects could generate approximately 4,138 residents. However, all related projects with residential uses would be required to comply with the requirements of the Quimby Act, and LAMC Sections 12.21 and 17.12. As such, potential cumulative impacts to parks and recreational facilities would be reduced to a less than significant level.

#### **(3) Mitigation Measures**

**Mitigation Measure J.5-1:** In the event that the project's amenities do not provide sufficient credit against the project's land dedication and/or in lieu fee requirement, the Applicant shall do one or more of the following at the discretion of the decision-maker: (1) dedicate additional parkland to meet the requirements of Los Angeles Municipal Code Section

17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; or (3) provide on-site improvements equivalent in value to said in-lieu fees.

#### **(4) Level of Significance after Mitigation**

Potential significant impacts to park and recreational facilities associated with the proposed project would be reduced to a level that is less than significant via compliance with Mitigation Measure J.5-1.

### **K. Transportation and Circulation**

#### **(1) Environmental Impacts**

##### **(a) Construction**

Given the level of traffic at some of the study intersections near the project site, the combination of haul truck and employee traffic could cause temporary adverse impacts at some intersections during the construction period. LADOT does not consider temporary construction impacts to be significant and project construction is expected to generate fewer trips than the project when in operation (which as discussed below, would have a less than significant impact). Further, construction impacts on traffic would be intermittent and of short-duration. Therefore, the project impact on traffic during the construction period is considered to be less than significant. Notwithstanding, mitigation measures are recommended to reduce construction impacts.

##### **(b) Operation**

###### ***(i) Intersection Impacts***

The forty-two intersections most likely to be subject to project impacts were evaluated pursuant to procedures and thresholds established by LADOT and the City of Beverly Hills, as applicable. Twenty four of the study intersections are located within the City of Los Angeles, thirteen intersections are located within the City of Beverly Hills, and two intersections (Moreno Drive & South Santa Monica Boulevard and Moreno Drive & Durant Drive) are located on the borders of the Cities of Beverly Hills and Los Angeles. Of the 42 intersections, 32 currently operate at acceptable service levels (LOS D or better) during one or both peak periods. Ten of the intersections operate at lesser levels of service (LOS E or F) during one or both peak periods.

The proposed project is forecasted to generate 1,189 daily trips: 96 during the A.M. peak hour and 108 during the P.M. peak hour. After applying the City of Los Angeles and City of Beverly Hills significance impact criteria, it was determined that the proposed project's contribution to the roadway traffic would not result in any significant impacts to study intersections under existing plus project conditions. Therefore, no mitigation measures would be required.

###### ***(ii) Impacts on Neighborhood Streets***

The analysis of traffic impacts on neighborhood streets addressed potential impacts at five nearby residential road segments. The analysis determined that there would be no increase in roadway traffic at two of the neighborhood segments: Robbins Drive east of Moreno Drive or Young Avenue east of Moreno Drive. With regard to the other three neighborhood road segments, the project is estimated to increase daily traffic on Durant Drive east of Moreno Drive by approximately 3.0 percent; increase daily traffic on Moreno

Drive south of Durant Drive by approximately 3.9 percent; and increase daily traffic on Spalding Drive north of Olympic Boulevard by approximately 1.7 percent. Further, the project is estimated to increase A.M. peak hour traffic on Durant Drive east of Moreno Drive by approximately 2.3 percent; A.M. peak hour traffic on Moreno Drive south of Durant Drive by approximately 3.4 percent; and increase A.M. peak hour traffic on Spalding Drive north of Olympic Boulevard by approximately 3.4 percent. Finally, the project is estimated to increase P.M. peak hour traffic on Durant Drive east of Moreno Drive by approximately 2.7 percent; P.M. peak hour traffic on Moreno Drive south of Durant Drive by approximately 3.3 percent; and increase P.M. peak hour traffic on Spalding Drive north of Olympic Boulevard by approximately 1.5 percent.

The increases in neighborhood traffic would not exceed City of Beverly Hills significance impact criteria, and therefore, the project would have a less than significant impact with respect this issue. Since neighborhood traffic on residential streets nearest the project site (which would be more likely than more distant neighborhood streets to be impacted) would be less than significant, increases in neighborhood traffic on residential streets farther from the project site would also be less than significant.

### ***(iii) Regional Traffic Analysis***

#### ***CMP Monitoring Stations***

Two CMP arterial monitoring stations are located in the project study area. These include (1) the Wilshire Boulevard and Santa Monica Boulevard intersection and (2) the Westwood Boulevard and Santa Monica Boulevard intersection. The project is expected to add approximately five trips in the A.M. peak hour and three trips in the P.M. peak hour at Wilshire Boulevard and Santa Monica Boulevard and approximately 23 trips in the A.M. peak hour and 26 trips in the P.M. peak hour. Because the project is not expected to add more than 50 vehicle trips during the peak hours at either of these intersections, it would not exceed CMP threshold criteria.

Nevertheless, the CMP considers a project impact on a CMP arterial monitoring intersection to be regionally significant if the addition of project traffic increases the V/C ratio by 2 percent or more of capacity ( $\geq 0.020$ ) at an intersection projected to operate at LOS F (after the addition of project traffic). Because both intersections are expected to operate at LOS E or F this threshold criteria would apply. However, the project would not increase the V/C ratio by 2 percent or more at these intersections, and therefore would not have a regionally significant impact under the CMP.

#### ***CMP Freeway Monitoring Station***

The project site is located approximately 2.25-miles to the east of the I-405 freeway and the nearest CMP freeway monitoring station is located at I-405 at Venice Boulevard. According to the trip generation estimates and trip distribution estimates, the project is expected to result in an increase of 10 trips in the morning and 11 trips in the evening peak hour on I-405, south of the Santa Monica Boulevard and an increase of approximately five trips in the morning and six trips in the evening peak hour on I-405, north of Santa Monica Boulevard. Since fewer than 150 trips would be added during the A.M. or P.M. peak hours in either direction at any of the freeway segments in the vicinity of the study area, no further analysis of the freeway segments is required for CMP purposes.

***(iv) Public Transit***

The proposed project is estimated to generate 14 transit trips during the A.M. peak hour and 16 transit trips during the P.M. peak hour. These transit riders would be distributed to the numerous bus lines and buses passing through on an hourly basis, resulting in a few added riders to any individual bus. These numbers of riders are not expected to represent substantial new riders in excess of existing capacity or to conflict with adopted plans or programs supporting alternative transportation. Therefore, impacts on public transit are expected to be less than significant.

***(v) Access***

The proposed project would provide three driveways, including two right-turn-only driveways along Santa Monica Boulevard and a full-access driveway (allowing both left and right turns for entering and exiting) on Moreno Drive, approximately mid-block between Santa Monica Boulevard and Durant Drive. All three driveways would be non-signalized and stop-controlled. The Moreno Drive Driveway is proposed to be closed to vehicular access during weekday morning and afternoon peak periods to facilitate traffic access to/from Beverly Hills High School. The evaluation of service levels at the project driveways is based on potential peak hour delays. The traffic analysis indicates that the two driveway locations open during the weekday morning and evening peak period are projected to operate at acceptable LOS levels (LOS B and LOS C) under future with project conditions. Impacts with respect to driveway access would be less than significant.

***(vi) Parking***

The proposed Project would provide 708 parking spaces in a parking structure located adjacent to the residential building. The City Planning Department's "Residential Parking Policy for Division of Land – No. AA 2000-1," requires new residential condominium development to provide two spaces per unit plus 0.5 spaces per unit for guest parking in parking congested areas (the project area is considered to be "parking congested"), which would result in a requirement of 708 spaces. The project would provide 708 spaces and, therefore, would be consistent with the requirements of the City's "Residential Parking Policy," and respective LAMC requirements.

As indicated, this analysis evaluates the project parking provisions against requirements established in the City Planning Department's "Residential Parking Policy for Division of Land – No. AA 2000-1." This policy provides an elevated parking requirement beyond the parking requirements otherwise established in the LAMC to conservatively accommodate project demand for parking. Therefore, parking per the City requirements is expected to meet demand; and would not exceed the significance threshold standard. Impacts with respect to parking would be less than significant.

***(vii) Pedestrian and Bicycle Access and Safety******Bicycle Access and Safety***

Major streets in the project area, including Santa Monica Boulevard, Avenue of the Stars, and Wilshire Boulevard, provide a network of designated bicycle lanes. The location of a high-density residential use in the proximity of these routes would encourage bicycle activity. The development of two driveways on Santa Monica Boulevard and one driveway on Moreno Drive would not cause conflicts between driveways and respective bicycle lanes. In addition, the project would not allow on-street parking or other design features, such as line-of-sight obstruction, that would increase conflicts between cyclists and vehicles. Therefore,

because the project would not result in a regular increase in bicycle/vehicle conflict, impacts with respect to bicycle access and safety would be less than significant.

#### ***Pedestrian Access and Safety***

The proposed project would locate a high-density residential use within walking distance of a range of services, retail, restaurant, office, entertainment, hotel and other land uses and, as such, would increase pedestrian activity in the area. In addition, the project would improve the pedestrian environment by incorporating specific pedestrian amenities, such as landscaping visible from the street-level and a main entrance oriented to the Santa Monica Boulevard sidewalk. The project area has a mature network of crosswalks and pedestrian safety features, including signalized crosswalks on Moreno Drive. Sidewalks would include landscaped parkways that would separate pedestrians from the public street and, therefore, enhance pedestrian safety. Driveways would feature pavement treatment that would visually cue pedestrians to potential vehicle crossings. Because the project would support pedestrian safety with landscaped parkways and well-marked driveway crossings, it would not result in a regular increase in pedestrian/vehicle conflicts. Therefore, impacts with respect to pedestrian access and safety would be less than significant.

In addition, the project's construction would be implemented under a Construction Management Program that would include numerous features for pedestrian safety, such as crossing guards, controlled truck access, use of flagmen, etc.

#### ***(viii) Consistency with Plans***

The project would not result in significant impacts to the CMP arterial monitoring intersections or the CMP freeway monitoring locations. Thus, the project would be consistent with the CMP. Additionally, the proposed project would locate residential development in proximity to existing and future transit routes; would enhance the street frontage; and would not result in significant operational traffic impacts on any of the study intersections, residential street segments, or the freeway system, and thus, would be consistent with the West Los Angeles Community Plan goals to support public transit, encourage alternative modes of transportation, enhance bicycle routes, discourage non-residential traffic flow on residential streets, maintain safe and efficient street network, and maintain a desired level of service at all intersections.

The proposed project would be consistent with the policies of SCAG and other relevant agencies which encourage the use of transit, by locating a high-density residential use adjacent to the Santa Monica Boulevard transit corridor. The project would not conflict with the implementation of adopted transportation programs, plans, and policies; and as such, impacts would be less than significant.

## **(2) Cumulative Impacts**

### **(a) Project Impacts under Cumulative Base Traffic Conditions**

The estimates of cumulative (also known as future plus project) traffic growth for the study area intersections are based on regional ambient traffic growth and traffic generated by related projects in the vicinity of the project. Future study year conditions without the proposed project are known as "cumulative base conditions." During the morning and/or afternoon peak hours during cumulative base conditions in 2016, 23 of the 42 study intersections are projected to operate at LOS D or better. Nineteen of the intersections are projected to operate at LOS E or worse during one or both of the peak hours. The

cumulative analysis indicates that, based on LADOT and Beverly Hills significance threshold criteria, the proposed project would not create significant traffic impacts at any of the analyzed intersections under cumulative plus project conditions.

### **(b) Impacts on Neighborhood Streets under Cumulative Conditions**

As noted above, the project would not add new traffic at two of the neighborhood street segments: Robbins Drive east of Moreno Drive or Young Avenue east of Moreno Drive. The project increase compared to the cumulative base would increase future daily traffic on Durant Drive east of Moreno Drive by approximately 2.8 percent; increase daily traffic on Moreno Drive south of Durant Drive by approximately 3.7 percent; and increase daily traffic on Spalding Drive north of Olympic Boulevard by approximately 1.7 percent. The project is estimated to increase future A.M. peak hour traffic on Durant Drive east of Moreno Drive by approximately 2.1 percent; A.M. peak hour traffic on Moreno Drive south of Durant Drive by approximately 3.2 percent; and increase A.M. peak hour traffic on Spalding Drive north of Olympic Boulevard by approximately 2.1 percent. The project is estimated to increase future P.M. peak hour traffic on Durant Drive east of Moreno Drive by approximately 2.5 percent; P.M. peak hour traffic on Moreno Drive south of Durant Drive by approximately 2.8 percent; and increase P.M. peak hour traffic on Spalding Drive north of Olympic Boulevard by approximately 1.3 percent.

These increases would not exceed City of Beverly Hills impact significance criteria for traffic impacts on neighborhood streets and, therefore, the project would have a less than significant impact with respect this issue. Since traffic on residential streets nearest the project site (which would be more likely than more distant neighborhood streets to be impacted) would be less than significant, any increases in future peak hour traffic on residential streets farther from the project site would also be less than significant.

## **(3) Mitigation Measures**

### **(a) Construction**

The following mitigation measures are proposed to ensure that construction-related traffic impacts relative to construction staging, construction parking, and Beverly Hills High School remain less than significant.

**Mitigation Measure K-1:** Off-site construction truck staging shall not be located on a residential street. Truck queuing shall not occur in front of retail uses. The haul route to and from the project site shall be as follows: Enter and exit the west side of the project site from Santa Monica Boulevard; and use Santa Monica Boulevard for transit to and from the I-405 Freeway. Trucks shall not be permitted to travel along other residential streets to the east and south of the project site nor along Moreno Drive south of Durant Drive adjacent to Beverly Hills High School.

**Mitigation Measure K-2:** A flagman shall be placed at the truck entry and exit from the project site onto Santa Monica Boulevard to control the flow of exiting trucks, to ensure that the exiting trucks do not turn onto Moreno Drive, and to coordinate the exiting trucks with the traffic signals at Moreno Drive and Santa Monica Boulevard.

**Mitigation Measure K-3:** Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

**Mitigation Measure K-4:** All heavy truck traffic and project workers shall enter and exit the project site via Santa Monica Boulevard near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited.

**Mitigation Measure K-5:** Access shall remain unobstructed for land uses in proximity of the project site during project construction.

**Mitigation Measure K-6:** Full-time lane closures are not anticipated for the project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. Lane closures shall not occur during peak holiday traffic. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route traffic around any such lane closures.

**Mitigation Measure K-7:** A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. The construction management plan shall include the measures identified above, which mitigate construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, do not travel through nearby residential neighborhoods, and are scheduled to minimize conflict with peak drop-off and pick-up times for the adjacent Beverly Hills High School.

**Mitigation Measure K-8:** The Project shall support transportation demand management through such measures as participation in the Century City TMO, facilitation of ridesharing / ridematching by Project residents and employees, and/or the subsidization of transit passes for Project employees.”

## **(b) Operation**

Based on the preceding analyses, traffic impacts on intersections, residential street segments, freeway system, public transit, driveway access, parking, pedestrian and bicycle safety, and consistency with plans would be less than significant. Therefore, no mitigation measures would be necessary. Notwithstanding, Mitigation Measure K-8 was added to the Final EIR as a response to public comments on the Draft EIR. The implementation of this mitigation measure would further reduce traffic impacts below the non-significant levels already identified in the Draft EIR.

## **(4) Level of Significance after Mitigation**

Implementation of the above mitigation measures would reduce traffic impacts associated with construction activities. Further, construction impacts would be short-term, and intermittent. Therefore, construction impacts on traffic would be less than significant.

The project would not result in significant operational traffic impacts. No mitigation measures are required. *Notwithstanding, Mitigation Measure K-8 was added to the Final EIR as a response to public comments on the Draft EIR. The implementation of this mitigation measure would further reduce traffic impacts below the non-significant levels already identified in the Draft EIR.*

## **L.1. Water Supply**

### **(1) Environmental Impacts**

#### **(a) Construction**

The demand for water supplies for construction activities such as soil watering, clean up, masonry, painting, and other related activities would be minimal; and would not be expected to have any adverse impact on available water supplies or the existing water distribution system. Therefore, impacts associated with short-term construction activities would be less than significant.

#### **(b) Operation**

Development of the proposed project would result in an increase in long-term water demand for operational uses, maintenance, and other activities on the project site. The proposed project is estimated to use approximately 58,139 gpd of water equating to 65.1 AF per year. The proposed project would implement project design features to reduce water consumption, and would be compliant with the City's recommended water conservation measures. The use of such water conservation features is not taken into account in the conservative analysis of the project's water consumption. Los Angeles Department of Water and Power (LADWP)'s 2010 Urban Water Management Plan (UWMP) provides water demand projections in five-year increments through 2035. According to LADWP, the City's water demand is estimated to reach 710,760 AF by 2035, which is an increase of 164,989 AF, or 30 percent, from the 2010 consumption. The 65.1 AF per year increase in water demand generated by the proposed project would constitute approximately 0.04 percent of the City's total increase in water demand through 2035, or approximately 0.01 percent of the City's projected water demand for 2030 (710,760 AF). The proposed project would fall within the available and projected water supplies of LADWP's 2010 UWMP. Moreover, LADWP has stated they have water available to serve the proposed project and can supply water from the municipal system. The Applicant would be responsible for providing the necessary water infrastructure on the project site, as well as any extensions to connect the project site to existing water lines in the area. The proposed project would connect to the existing 12-inch water mains located along Santa Monica Boulevard. Given that LADWP would be able to meet the water demand of the project, as well as the existing and planned future water demands of its service area, impacts associated with long-term operation of the proposed project would be less than significant.

### **(2) Cumulative Impacts**

#### **(a) Water Demand**

Eighteen of the related projects are located within the City of Los Angeles and thus within the service area of LADWP. The City of Beverly Hills has their own water service provider, and therefore, related projects within Beverly Hills were not included in this cumulative analysis. The project in conjunction with related projects would yield a total average water demand of approximately 793.389 gpd equating to 889.2 AF per year with the project. LADWP's 2010 UWMP projects yearly water demand to reach 710,760 AF by 2035, which is an increase of 30 percent from 2010 water demand. With the anticipated water demand increase of 793,528 gpd or 889.2 AF per year from the development of the proposed project and related projects, the demand for water would fall within the available and projected water demand of LADWP's 2010 UWMP.

The City of Los Angeles is faced with various ongoing challenges in securing its future water supplies due to among other things droughts, environmental restrictions, and climate change. However, in response to uncertainties regarding water supply, the Mayor and LADWP released a Water Supply Action Plan entitled "Securing L.A.'s Water Supply" dated May 2008. The plan calls for the City to meet this future increased demand through water conservation and water recycling. Furthermore, given that the UWMP plans and provides for water supplies to serve existing and projected needs, including those of future growth and development as may occur through related projects, and that the requirements of SB 610, SB 221 and SB 7 provide means to ensure that the water supply needs of large development projects are carefully considered relative to LADWP's ability to adequately meet future needs, it is anticipated that LADWP would be able to supply the demands of the proposed project and related projects through the foreseeable future. In addition, compliance with the City's recommended water conservation measures would reduce the water consumption estimates of the proposed project and related projects, thereby reducing the demand on City supplies. LADWP would have adequate amounts of water to meet future water demands for the service area with the addition of the proposed project and related projects, and no significant cumulative impacts related to water demand would occur.

### **(b) Water Infrastructure**

Development of the proposed project in conjunction with the related projects would cumulatively increase water demand on the existing water infrastructure system. However, each related project would be subject to discretionary review to assure that the existing public utility facilities would be adequate to meet the domestic and fire water demands of each project. Furthermore, LADWP as well as the City of Los Angeles Department of Public Works conducts ongoing evaluations to ensure facilities are adequate. A new regulator station is currently funded with construction expected to be completed in June of 2012. This infrastructure improvement will greatly enhance water service capacity for a multitude of new projects. Therefore, cumulative impacts on the water infrastructure system would be less than significant.

### **(c) Global Warming and Water Supply**

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

## **(3) Mitigation Measures**

Based on the analysis above, the proposed project would not result in significant impacts related to domestic water supply. No further mitigation measures would be required.

## **(4) Level of Significance after Mitigation**

As indicated above, the proposed project's impacts to water supply and infrastructure would be less than significant.

## **L.2. Wastewater**

### **(1) Environmental Impacts**

#### **(a) Construction**

Wastewater generation from construction activities is not anticipated to cause a measurable increase in wastewater flows at a point where, and at a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Additionally, construction is not anticipated to generate wastewater flows that would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. Therefore, construction impacts to the local wastewater conveyance and treatment system would be less than significant.

#### **(b) Operation**

##### ***(i) Wastewater Generation and Infrastructure***

Based on wastewater generation factors provided by LADWP, the proposed project is estimated to generate approximately 55,352 gpd (0.055 mgd) of wastewater on an average day and approximately 94,098 gpd (0.094 mgd) of wastewater on a peak day. This estimate is conservative as the project's water conservation features would reduce the wastewater generation further.

The proposed project's wastewater would be conveyed via a new 250 foot long, 8-inch line to an existing 27-inch line on Century Boulevard East. LADWP has determined that the existing sewer infrastructure serving the project has sufficient capacity to serve the proposed project. The project would require construction of a new off-site line to meet to the sewer main-line in Century Park East. Mitigation Measure L.2-1, is included to ensure that the project infrastructure is consistent with the LADWP evaluation regarding capacity of the sewer network to meet project needs, and City regulations and standards for the provision of new sewer facilities.

##### ***(ii) Wastewater Treatment***

The wastewater generated by the proposed project would ultimately be conveyed via the Hyperion Treatment Conveyance System to HTP. The average dry water flow for the Hyperion Treatment Conveyance System service area is projected to be approximately 492.3 mgd in 2015, and 511.5 mgd in 2020. These forecasted increases in wastewater flows without the proposed project are well within the current Hyperion Treatment Conveyance System capacity of 550 mgd. According to these projections and based on existing capacity, the Hyperion Treatment Conveyance System would still have a capacity of 58 mgd (or 10 percent) in 2015, and 39 mgd (or 7 percent) in 2020; without considering a 20 mgd increase in capacity to 570 mgd expected with implementation of the City of Los Angeles Integrated Resources Plan (IRP) improvements.

The proposed project's wastewater generation would contribute an average wastewater flow of 55,352 gpd (0.055 mgd) and a peak flow of 94,098 gpd (0.094 mgd). The amount could be easily accommodated within the projected available capacity. Furthermore, development of the project is consistent with the planned growth for the site under current zoning regulations. Therefore, development of the project site is within the anticipated growth projections taken into account by service providers such as LADWP. In addition, effluent conveyed to HTP would not have a significant affect on the Santa Monica Bay as HTP continually monitors all effluent, currently meets applicable water quality standards, and is required to comply with water quality

standards established for beneficial uses. As such, the increase in wastewater flows generated by the proposed project would have a less than significant impact on wastewater treatment facilities.

## **(2) Cumulative Impacts**

All of the 40 related projects in the project vicinity would cumulatively contribute, in conjunction with the proposed project, to the wastewater generation in the project area. The estimated generation for the proposed project and the related uses would be a combined total of approximately 851947.6 gpd (0.85 mgd). The peak flow for the proposed project and related uses is anticipated to be approximately 1,448,310 gpd (1.45 mgd). The cumulative projects would contribute less than one percent to the HTP flow. This wastewater flow is well within the capacity of the Hyperion Treatment Conveyance System.

HTP currently meets applicable water quality standards as set forth by the NPDES. As such, the cumulative projects' wastewater effluent discharged to the Santa Monica Bay would have a less than significant impact on water quality. Implementation of the IRP, upgrades in the advanced treatment processes at HTP, and continual monitoring by the EMD would ensure that effluent discharged into Santa Monica Bay are within applicable limits. As was the case with the proposed project, all related projects in the City of Los Angeles would be subject to LAMC Section 64.15 requiring a determination by LADWP that there is allotted sewer capacity available for each project. Therefore, cumulative impacts on the local sewer infrastructure would be addressed, with required sewer improvements, if needed. The proposed project would not involve the use of Beverly Hills facilities, and therefore the proposed project would not contribute cumulative impacts on such facilities. For these reasons, the cumulative impacts of the project on wastewater services would be less than significant.

## **(3) Mitigation Measures**

**Mitigation Measure L.2-1:** Prior to the issuance of building permits, the Applicant shall provide plans for the proposed project's sewer infrastructure and main-line hook-up to the City of Los Angeles Bureau of Engineering for approval regarding adequacy of capacity and consistency with City sewer regulations and design standards.

## **(4) Level of Significance After Mitigation**

Upon implementation of Mitigation Measure L.2-1 above, the proposed project would result in less than significant impacts with regard to wastewater.

## 2.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

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This section of the Final EIR provides changes and additions to the Draft EIR that have been made to clarify, correct, or add to the information provided in that document. Such changes and additions are a result of public and agency comments received in response to the Draft EIR and/or new information that has become available since publication of the Draft EIR. The changes described in this section do not result in any new or changed conclusions to the Draft EIR analyses or increased significant environmental impacts that would result from the proposed project.

### I. EXECUTIVE SUMMARY

Volume I, Page I-7, add as the third bullet at the top of the page (i.e. fifth bullet in the list starting on page I-6) the following additional necessary approval:

- Zoning Administrator Interpretation for the project's proposed automated parking:

Volume I, Page I-18, bottom of the page, Mitigation Measure B-4 is revised to read as follows:

**Mitigation Measure B-4:** Construction emissions ~~should~~ shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

Volume I, Page I-19, at the end of the list of Mitigation Measures, the following new Mitigation Measures are added:

**Mitigation Measure B-17:** During construction, the Project shall use contractors with haul trucks meeting either EPA Model Year 2010 or EPA Model Year 2007 NOx emissions levels when such equipment is reasonably available to achieve a goal that at least 33 percent of the haul truck fleet meets this standard.

**Mitigation Measure B-18:** On-site equipment greater than 250 horse power, which are on-site for six or more consecutive work days, shall meet Tier 3 or 4 emissions standards and be outfitted with BACT devices certified by CARB. If newer model year engines are not reasonably available, then older equipment engines may be retrofitted to meet Tier 3 or 4 emissions. A copy of each unit's certified tier specification and BACT documentation shall be available for inspection during construction.

**Mitigation Measure B-19:** Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, shall be encouraged to apply for AQMD SOON funds. Information including the AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

**Mitigation Measure B-20:** The Applicant shall reimburse Beverly Hills High School for the service needed to replace air filters along the northern side of the High School Science and Technology Center at three month intervals during project construction.

Volume 1, Page I-23. Replace existing mitigation measure D-1 with revised Mitigation Measure D-1 and new Mitigation Measure D-2 as follows:

**Mitigation Measure D-1:** ~~Prior to issuance of a grading permit, a qualified geotechnical engineer shall prepare and submit to the Department of Building and Safety a final Geotechnical Investigation that provides recommendations to address seismic safety and design requirements for foundations, retaining walls/shoring and excavation. A qualified geotechnical engineer shall be retained by the Applicant to be present on the project site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations specified in the Geotechnical Investigation as well as other recommendations made in subsequent geotechnical investigations prepared for the project subject to City review and approval. When/if needed, the geotechnical engineer shall provide structure-specific geologic and geotechnical recommendations which shall be documented in a report to be approved by the City and appended to the project's previous geotechnical investigations.~~

**Mitigation Measure D-1:** Prior to the issuance of a grading or building permit for any portion of the project site, the applicant shall have a qualified geotechnical engineer and certified engineering geologist to prepare and submit to the Department of Building and Safety a final design-level geotechnical, geologic, and seismic hazards investigation that complies with all applicable state and local code requirements. The final design-level geotechnical investigation shall:

- a) Include an analysis of the expected ground motions at the site using accepted methodologies;
- b) Determine structural design requirements as prescribed by the most current version of the California Building Code and City of Los Angeles Building Code to ensure that structures can withstand expected ground accelerations for the Southern California region; and
- c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements.

All project plans for foundation design, earthwork, and site preparation shall incorporate all of the recommendations in the final design level geotechnical investigation. All project plans submitted for the grading, foundation, structures, infrastructure, and all other relevant construction permits shall be reviewed by a qualified geotechnical engineer to ensure compliance with all geotechnical mitigations contained in the final design-level geotechnical investigation. The City shall review all project plans for the project's building and other relevant permits to ensure compliance with the applicable final design-level geotechnical investigation and other applicable Code requirements. The project's structural engineer of record shall also review the final design-level geotechnical investigation, provide any additional necessary mitigation to meet Building Code requirements, and incorporate all applicable mitigations from the investigation into the

structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements.

**Mitigation Measure D-2:** A qualified geotechnical engineer shall be retained by the Applicant to be present on the project site during excavation, grading, and general site preparation activities to ensure the implementation of the geotechnical mitigations contained in the final design-level geotechnical investigation.

Volume 1, Section I, Page I-23. Subsection (4) Level of Significance After Mitigation is revised to read as follows:

With implementation of Mitigation ~~Measure~~ Measures D-1 and D-2 above, potential impacts of the project associated with geology and soils would be reduced to less than significant levels.

Volume 1, Pages I-46 to I-47, the traffic mitigation measures are revised to read as follows:

**Mitigation Measure ~~IV-K-1~~:** Off-site construction truck staging shall not be located on a residential street. Truck queuing shall not occur in front of retail uses. The haul route to and from the project site shall be as follows: Enter and exit the west side of the project site from Santa Monica Boulevard; and use Santa Monica Boulevard for transit to and from the I-405 Freeway. Trucks shall not be permitted to travel along other residential streets to the east and south of the project site nor along Moreno Drive south of Durant Drive adjacent to Beverly Hills High School.

**Mitigation Measure ~~IV-K-2~~:** A flagman shall be placed at the truck entry and exit from the project site onto Santa Monica Boulevard to control the flow of exiting trucks, to ensure that the exiting trucks do not turn onto Moreno Drive, and to coordinate the exiting trucks with the traffic signals at Moreno Drive and Santa Monica Boulevard.

**Mitigation Measure ~~IV-K-3~~:** Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

**Mitigation Measure ~~IV-K-4~~:** ~~During the school year, when construction is underway, trucks shall not be permitted to exit the site on Moreno Drive during peak drop off and pick up periods for Beverly Hills High School.~~ All heavy truck traffic and project workers shall enter and exit the project site via Santa Monica Boulevard near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited.

**Mitigation Measure ~~IV-K-5~~:** Access shall remain unobstructed for land uses in proximity of the project site during project construction.

**Mitigation Measure ~~IV-K-6~~:** Full-time lane closures are not anticipated for the project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. Lane closures shall not occur during peak holiday traffic. In the event of a lane closure, a worksite traffic control plan,

approved by the City of Los Angeles, shall be implemented to route traffic around any such lane closures.

**Mitigation Measure ~~IV~~K-7:** A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. The construction management plan shall include the measures identified above, which mitigate construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, do not travel through nearby residential neighborhoods, and are scheduled to minimize conflict with peak drop-off and pick-up times for the adjacent Beverly Hills High School.

**Mitigation Measure K-8:** The Project shall support transportation demand management through such measures as participation in the Century City TMO, facilitation of ridesharing / ridematching by Project residents and employees, and/or the subsidization of transit passes for Project employees.

Volume 1, Page I-47, the conclusions regarding traffic impacts in the center of the page are revised as follows:

## b. Operation

Based on the preceding analyses, traffic impacts on intersections, residential street segments, freeway system, public transit, driveway access, parking, pedestrian and bicycle safety, and consistency with plans would be less than significant. Therefore, no mitigation measures would be necessary. Notwithstanding, Mitigation Measure K-8 was added to the Final EIR as a response to public comments on the Draft EIR. The implementation of this mitigation measure would further reduce traffic impacts below the non-significant levels already identified in the Draft EIR.

## 4. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of the above mitigation measures would reduce traffic impacts associated with construction activities. Further, construction impacts would be short-term, and intermittent. Therefore, construction impacts on traffic would be less than significant.

The project would not result in significant operational traffic impacts. No mitigation measures are required. Notwithstanding, Mitigation Measure K-8 was added to the Final EIR as a response to public comments on the Draft EIR. The implementation of this mitigation measure would further reduce traffic impacts below the non-significant levels already identified in the Draft EIR.

## II. PROJECT DESCRIPTION

Volume I, Page I-7, add a third bullet at the top of the page (i.e. fifth bullet in the list starting on page I-6) the following additional necessary approval:

- Zoning Administrator Interpretation for the project's proposed automated parking:

## III. GENERAL DESCRIPTION OF ENVIRONMENTAL SETTING

There are no corrections or additions to this section of the Draft EIR.

## IV. ENVIRONMENTAL IMPACT ANALYSIS

### A. Aesthetics/Visual Resources

There are no corrections or additions to this section of the Draft EIR.

### B. Air Quality

Volume I, Page B-41, Mitigation Measure B-4 is revised to read as follows:

**Mitigation Measure B-4:** Construction emissions ~~should~~shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

On page IV.B-42 of the Draft EIR add the following mitigation measures to the bulleted list of items at the top of the page:

**Mitigation Measure B-17:** During construction, the Project shall use contractors with haul trucks meeting either EPA Model Year 2010 or EPA Model Year 2007 NO<sub>x</sub> emissions levels when such equipment is reasonably available to achieve a goal that at least 33 percent of the haul truck fleet meets this standard.

**Mitigation Measure B-18:** On-site equipment greater than 250 horse power, which are on-site for six or more consecutive work days, shall meet Tier 3 or 4 emissions standards and be outfitted with BACT devices certified by CARB. If newer model year engines are not reasonably available, then older equipment engines may be retrofitted to meet Tier 3 or 4 emissions. A copy of each unit's certified tier specification and BACT documentation shall be available for inspection during construction.

**Mitigation Measure B-19:** Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, shall be encouraged to apply for AQMD SOON funds. Information including the AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

**Mitigation Measure B-20:** The Applicant shall reimburse Beverly Hills High School for the service needed to replace air filters along the northern side of the High School Science and Technology Center at three month intervals during project construction.

## C. Cultural Resources

There are no corrections or additions to this section of the Draft EIR.

## D. Geology

Volume 1, Page IV.D-11. Replace existing mitigation measure D-1 with revised Mitigation Measure D-1 and new Mitigation Measure D-2 as follows:

~~**Mitigation Measure D-1:** Prior to issuance of a grading permit, a qualified geotechnical engineer shall prepare and submit to the Department of Building and Safety a final Geotechnical Investigation that provides recommendations to address seismic safety and design requirements for foundations, retaining walls/shoring and excavation. A qualified geotechnical engineer shall be retained by the Applicant to be present on the project site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations specified in the Geotechnical Investigation as well as other recommendations made in subsequent geotechnical investigations prepared for the project subject to City review and approval. When/if needed, the geotechnical engineer shall provide structure-specific geologic and geotechnical recommendations which shall be documented in a report to be approved by the City and appended to the project's previous geotechnical investigations.~~

**Mitigation Measure D-1:** Prior to the issuance of a grading or building permit for any portion of the project site, the applicant shall have a qualified geotechnical engineer and certified engineering geologist to prepare and submit to the Department of Building and Safety a final design-level geotechnical, geologic, and seismic hazards investigation that complies with all applicable state and local code requirements. The final design-level geotechnical investigation shall:

- a) Include an analysis of the expected ground motions at the site using accepted methodologies;
- b) Determine structural design requirements as prescribed by the most current version of the California Building Code and City of Los Angeles Building Code to ensure that structures can withstand expected ground accelerations for the Southern California region; and
- c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements.

All project plans for foundation design, earthwork, and site preparation shall incorporate all of the recommendations in the final design level geotechnical investigation. All project plans submitted for the grading, foundation, structures, infrastructure, and all other relevant construction permits shall be reviewed by a qualified geotechnical engineer to ensure compliance with all geotechnical mitigations contained in the final design-level geotechnical investigation. The City shall review all project plans for the project's building

and other relevant permits to ensure compliance with the applicable final design-level geotechnical investigation and other applicable Code requirements. The project's structural engineer of record shall also review the final design-level geotechnical investigation, provide any additional necessary mitigation to meet Building Code requirements, and incorporate all applicable mitigations from the investigation into the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements.

**Mitigation Measure D-2:** A qualified geotechnical engineer shall be retained by the Applicant to be present on the project site during excavation, grading, and general site preparation activities to ensure the implementation of the geotechnical mitigations contained in the final design-level geotechnical investigation.

Volume 1, Section IV.D, Page IV.D-11. The last sentence on the page is revised to read as follows:

With implementation of Mitigation ~~Measure~~ Measures D-1 and D-2 above, potential impacts of the project associated with geology and soils would be reduced to less than significant levels.

## **E. Greenhouse Gas Emissions**

Volume 1, Page IV.E-18, revise the third bullet project design feature to read as follows:

~~To the maximum practical extent, r~~Recyclable materials ~~would~~ shall be recycled. ~~The project would be consistent with City strategies aimed to achieve 70 percent recycling by 2020, thus exceeding LEEDTM criteria which includes: diversion of 50 percent of the construction waste from land-fills; use of recycled or recycled-content material for at least 20 percent of the project's construction material total; and use of regionally-sourced material for at least 10 percent of the project's construction. Consistency with these goals would be supported through the provision of a recycling area or room for onsite recycling activities, pursuant to City requirements.~~

## **F. Hazards and Hazardous Materials**

Volume I, Page IV.F-8, revise the first full paragraph to read as follows:

The project site is located within the primary area of the instrument approach to the Santa Monica Municipal Airport and within the Visual Flight Rule (VFR) Traffic Pattern Airspace. ~~The technical height limit for the project site should be 265 feet AGL. However, there~~There are numerous other tall buildings in close proximity to the project site ~~that exceed the technical height limit~~, such as a building located approximately 0.32 mile south that is 589 feet AGL. Based on a preliminary aviation study, the maximum height that would not affect operational procedures is 608 feet above ground level (AGL)/870 feet above mean sea level (AMSL). A structure from 238 to 608 feet AGL should be ~~approvable but would require extended study further review by the FAA for compliance with FAA standards.~~ The finished height of the proposed project's residential building would be approximately 460 feet AGL (including the horizontal plane). As such, the project would not affect operational procedures, however, the Applicant would file the appropriate forms subject to the approval of the FAA to ensure that the project would not result in significant impacts relative to airport safety. As a

result, compliance with FAA guidelines would reduce potentially significant impacts to a less than significant level.

## G. Hydrology and Water Quality

Volume 1, Page IV.G-8, (2) Water Quality, the first paragraph shall be revised as follows:

As described below, in compliance with NPDES and City requirements, BMPs ~~would~~ shall be implemented to address water quality issues during both construction and operation of the project. Construction BMPs ~~would~~ shall include but not be limited to street sweeping and vacuuming, sand bag barriers, storm drain inlet protection, wind erosion control, and stabilized construction entrances and exits. Recommendations regarding appropriate construction BMPs for the project, pursuant to Appendix J, Attachment F of the City of Los Angeles Storm Water Program Handbook, are included in the Hydrology/Water Quality Study, Appendix F of the Draft EIR.

## H. Land Use

There are no corrections or additions to this section of the Draft EIR.

## I. Noise

Volume 1, Page IV.I-18, the last bulleted project design feature at the bottom of the page is revised to read as follows:

All heavy truck traffic and project workers shall enter and exit the project site via the Santa Monica Boulevard driveway near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited. ~~, thus avoiding the use of local streets south of Santa Monica Boulevard.~~

Volume 1, Page IV.I-19, the third bulleted project design feature at the top of the page is revised to read as follows:

The project shall limit construction hours to 7:00 A.M. to 9:00 P.M. on weekdays only, with no construction on weekends. Hauling shall be limited to the hours of 8:30 A.M. to 4:30 P.M. and ~~would~~ shall be scheduled to alleviate congestion at peak school times.

## J. Public Services

### 1. Fire Protection

Volume 1, Page IV.IV.J.1-13, the last two sentences of the second full paragraph on the page are revised as follows:

During construction, the Applicant ~~would~~ shall notify the LAFD of the times of day and locations of all temporary lane closures, and such closures ~~would~~ shall be coordinated to reduce so that they do not occur during peak traffic periods conflicts. ~~to the extent feasible.~~ Moreover, the proposed project would install a new on-site fire hydrant at the southwest corner of Santa Monica Boulevard and Moreno Drive in order to achieve a fire-flow of 6,000 gpm from four fire hydrants.

Volume 1, Page IV.IV.J.1-18, the paragraph starting at the bottom of the page is revised as follows:

Although a cumulative increase in LAFD fire protection services would occur, cumulative project impacts on fire protection and emergency medical services would be reduced through regulatory compliance, similar to the proposed project. All related projects would comply with the LAMC Fire Code and Building Code regulations related to fire safety, access, and fire-flow. Additionally, "second call" stations would help support Fire Station No. 92 in the event of an emergency at these sites. ~~It should also be noted that the project, as well as related projects would generate revenue to the City's general fund in the form of net new property tax, direct (i.e., from on-site commercial uses) and indirect (i.e., from household spending) sales tax, utility user's tax, gross receipts tax, real estate transfer tax on residential initial sales and annual resales, and other miscellaneous household-related taxes (e.g., parking fines). This revenue could be used to fund LAFD expenditures as necessary to offset cumulative impacts to LAFD fire protection facilities and services. Therefore,~~ cumulative impacts on fire protection and emergency medical services would be less than significant.

## 2. Police Protection

Volume 1, Page IV.J.2-8, Section c.(1) shall be revised to read as follows:

The proposed project ~~would~~ shall include ~~numerous~~ the following features to secure the site during project construction and limit circumstances that would require police services:

- Access to the site ~~would~~ shall be highly controlled to prevent public access, particularly by Beverly Hills High School students.
- The project site ~~would~~ shall be secured during construction by a minimum 12-foot high fence, with aesthetic treatment. Entries and exits ~~would~~ shall be limited and monitored for access by security guards. All workers and vehicles ~~would~~ shall be required to sign into and out of the project site.
- Background checks, including fingerprint verification, ~~would~~ shall be performed for construction managers/supervisors and workers with potential student contact (e.g. flagmen, crossing-guards, etc.). Such potential workers having a prior felony record ~~would~~ shall not be permitted to work at the project site.
- Construction employees, subcontractors, materials suppliers, ~~or~~ and consultants ~~would~~ shall be prohibited from having direct contact with school students.
- Crossing guards ~~would~~ shall be provided during project construction to ensure safe pedestrian travel for students.
- In order, to further address safety issues, the project ~~would~~ shall provide a community liaison to address safety concerns at the site. The name and contact info for the Community Liaison ~~would~~ shall be posted in a public location.

## 3. Schools

There are no corrections or additions to this section of the Draft EIR.

## 4. Libraries

There are no corrections or additions to this section of the Draft EIR.

## 5. Parks and Recreation

Volume 1, Page IV.J.5-13, Mitigation Measure is revised to read as follows:

**Mitigation Measure J.5-1:** In the event that the project's amenities do not provide sufficient credit against the project's land dedication and/or in lieu fee requirement, the Applicant shall do one or more of the following at the discretion of the decision-maker: (1) dedicate additional parkland to meet the requirements of Los Angeles Municipal Code Section 17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; or (3) provide on-site improvements equivalent in value to said in-lieu fees.

## K. Transportation and Circulation

Volume 1, Page IV.K-30, Section c.(1), the first paragraph shall be revised as follows:

Construction of the project would occur over an approximately three year period with full occupancy expected by 2016. ~~While the~~ The LAMC requires that construction activities be limited to the hours from 7:00 A.M. to 9:00 P.M. on weekdays and from 8:00 A.M. to 6:00 P.M. on Saturdays and holidays (with no construction on Sundays). Notwithstanding:

- ~~the~~ The proposed project ~~would~~ shall limit construction hours to 7:00 A.M. to 9:00 P.M. on weekdays only, with no construction on weekends. Hauling ~~would~~ shall be limited to the hours of 8:30 A.M. to 4:30 P.M. and ~~would~~ shall be scheduled to alleviate congestion at peak school times.

Volume 1, Paged IV.K-53 to IV.K.54, the mitigation measures are edited to read as follows:

**Mitigation Measure ~~IV-K-1~~:** Off-site construction truck staging shall not be located on a residential street. Truck queuing shall not occur in front of retail uses. The haul route to and from the project site shall be as follows: Enter and exit the west side of the project site from Santa Monica Boulevard; and use Santa Monica Boulevard for transit to and from the I-405 Freeway. Trucks shall not be permitted to travel along other residential streets to the east and south of the project site nor along Moreno Drive south of Durant Drive adjacent to Beverly Hills High School.

**Mitigation Measure ~~IV-K-2~~:** A flagman shall be placed at the truck entry and exit from the project site onto Santa Monica Boulevard to control the flow of exiting trucks, to ensure that the exiting trucks do not turn onto Moreno Drive, and to coordinate the exiting trucks with the traffic signals at Moreno Drive and Santa Monica Boulevard.

**Mitigation Measure ~~IV-K-3~~:** Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

**Mitigation Measure ~~IV-K-4~~:** ~~During the school year, when construction is underway, trucks shall not be permitted to exit the site on Moreno Drive during peak drop-off and pick-up periods for Beverly Hills High School.~~ All heavy truck traffic and project workers shall enter and exit the project site near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited.

**Mitigation Measure ~~IV~~-K-5:** Access shall remain unobstructed for land uses in proximity of the project site during project construction.

**Mitigation Measure ~~IV~~-K-6:** Full-time lane closures are not anticipated for the project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. Lane closures shall not occur during peak holiday traffic. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route traffic around any such lane closures.

**Mitigation Measure ~~IV~~-K-7:** A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. The construction management plan shall include the measures identified above, which mitigate construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, do not travel through nearby residential neighborhoods, and are scheduled to minimize conflict with peak drop-off and pick-up times for the adjacent Beverly Hills High School.

**Mitigation Measure K-8:** The Project shall support transportation demand management through such measures as participation in the Century City TMO, facilitation of ridesharing / ridematching by Project residents and employees, and/or the subsidization of transit passes for Project employees.

Volume 1, Page IV.K47, the conclusions regarding traffic impacts in the center of the page are revised as follows:

## **b. Operation**

Based on the preceding analyses, traffic impacts on intersections, residential street segments, freeway system, public transit, driveway access, parking, pedestrian and bicycle safety, and consistency with plans would be less than significant. Therefore, no mitigation measures would be necessary. Notwithstanding, Mitigation Measure K-8 was added to the Final EIR as a response to public comments on the Draft EIR. The implementation of this mitigation measure would further reduce traffic impacts below the non-significant levels already identified in the Draft EIR.

## **4. LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Implementation of the above mitigation measures would reduce traffic impacts associated with construction activities. Further, construction impacts would be short-term, and intermittent. Therefore, construction impacts on traffic would be less than significant.

The project would not result in significant operational traffic impacts. No mitigation measures are required. Notwithstanding, Mitigation Measure K-8 was added to the Final EIR as a response to public comments on the Draft EIR. The implementation of this mitigation

measure would further reduce traffic impacts below the non-significant levels already identified in the Draft EIR.

Volume 3, Appendix H.2, LADOT Initial Traffic Assessment

This appendix is replaced in its entirety with a new Appendix H.2, Revised Traffic Assessment, included as Appendix C of the Final EIR.

## **L. Utilities and Service Systems**

### **1. Water Supply**

There are no corrections or additions to this section of the Draft EIR.

### **2. Wastewater**

There are no corrections or additions to this section of the Draft EIR.

## **V. ALTERNATIVES**

There are no corrections or additions to this section of the Draft EIR.

## **VI. OTHER ENVIRONMENTAL CONSIDERATIONS**

There are no corrections or additions to this section of the Draft EIR.

## **VII. REFERENCES**

There are no corrections or additions to this section of the Draft EIR.

## **VIII. LIST OF PREPARERS**

There are no corrections or additions to this section of the Draft EIR.

## 3.0 COMMENTS AND RESPONSES ON THE DRAFT EIR

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### A. INTRODUCTION

This section of the Final EIR is prepared pursuant to CEQA Guidelines Section 15088(a) that states “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the noticed comment period and ... may respond to late comments.” As such, the CEQA Guidelines only requires written responses to comments that are received during the public comment period for a Draft EIR. An agency may choose not to respond to any comment received after the close of the Draft EIR public comment period, and an EIR cannot be deemed inadequate for failure to respond to comments received after the close of the public comment period.

The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and circulated for public review period beginning September 15, 2011, and ending on October 31, 2011. The public review lasted 45-days as required by the State CEQA Guidelines Section 15087.

After reviewing Draft EIR, a total of 9 Commenters submitted comment letters to the City, with one commenter providing supplemental comments after the due date. The comment letters are listed below, organized alphabetically within subcategories (State Agencies, Regional Agencies, City of Los Angeles, Homeowner Associations, and Other Interested Parties). Letters were received from the following agencies/parties:

#### **State Agencies**

01 Native American Heritage Commission (NAHC)

#### **Regional Agencies**

02 Southern California Air Quality Management District (SCAQMD)

#### **City of Los Angeles**

03 Los Angeles Bureau of Sanitation

#### **Local Agencies**

04 Beverly Hills Unified School District (by Hill, Farrer & Burrill, LLP)

05 City of Beverly Hills

05a City of Beverly Hills Addendum Letter, November 15, 2011

#### **Homeowner Associations**

06 Beverlywood Homes Association

07 Comstock Hills Homeowners Association

09 Westwood South of Santa Monica Blvd Homeowner’s Association

#### **Other Interested Parties**

09 The Los Angeles Country Club

**Table 3-1**, Comments on the Draft EIR, lists the comment letters and identifies the issues raised in each. The original comment letters as submitted are included in Appendix A, Comment Letters, below. The individual comment items within each letter have been separated and assigned a unique comment numbers. The so numbered segmented comment items are presented on the following pages with corresponding City response. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in Section 2.0 Corrections and Modifications to the Draft EIR of this Final EIR.

**Table 3-1**  
**Comments on the Draft EIR**

LETTER No.	PROJECT DESCRIPTION	GENERAL DESCRIPTION OF ENV. SETTING	A. AESTHETICS/VISUAL RESOURCES	B. AIR QUALITY	C. CULTURAL RESOURCES	D. GEOLOGY	E. GREENHOUSE GAS EMISSIONS	F. HAZARDS AND HAZARDOUS MATERIALS	G. HYDROLOGY AND WATER QUALITY	H. LAND USE	I. NOISE	J.1 FIRE PROTECTION	J.2. POLICE PROTECTION	J.3 SCHOOLS	J.4 LIBRARIES	J.5 PARKS AND RECREATION	K. TRANSPORTATION AND CIRCULATION	L.1 WATER SUPPLY	L.2 WASTEWATER	ALTERNATIVES	OTHER	EXPLANATION OF OTHER
<b>SUMMARY OF WRITTEN COMMENTS</b>																						
<b>State Agencies</b>																						
1	Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, CA 95814 Dave Singleton, Program Analyst				x																	
<b>Regional Agencies</b>																						
2	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765-4182 Ian MacMillan, Program Supervisor			x																		
<b>City of Los Angeles</b>																						
3	City of Los Angeles Bureau of Sanitation Wastewater Engineering Services Division Ali Poosti, Acting Division Manager																		x			



**Table 3-1 (Continued)**

**Comments on the Draft EIR**

LETTER No.	PROJECT DESCRIPTION	GENERAL DESCRIPTION OF ENV. SETTING	A. AESTHETICS/VISUAL RESOURCES	B. AIR QUALITY	C. CULTURAL RESOURCES	D. GEOLOGY	E. GREENHOUSE GAS EMISSIONS	F. HAZARDS AND HAZARDOUS MATERIALS	G. HYDROLOGY AND WATER QUALITY	H. LAND USE	I. NOISE	J.1 FIRE PROTECTION	J.2. POLICE PROTECTION	J.3 SCHOOLS	J.4 LIBRARIES	J.5 PARKS AND RECREATION	K. TRANSPORTATION AND CIRCULATION	L.1 WATER SUPPLY	L.2 WASTEWATER	ALTERNATIVES	OTHER	EXPLANATION OF OTHER	
<b>SUMMARY OF WRITTEN COMMENTS</b>																							
<b>Homeowner Associations</b>																							
6	Beverlywood Homes Association 9911 W. Pico Boulevard Suite 1410 Los Angeles, CA 90035 Scott Diamond, President											x	x				x				x	Opposition to Project	
7	Comstock Hills Homeowners Association 1429 Comstock Avenue Los Angeles, CA 90024 Jan Reichmann, President																				x	Support for Project	
8	Westwood South of Santa Monica Blvd Homeowner's Association P. O. Box 64213 Los Angeles, CA 90064-0213 Barbara Broide, President													x			x					x	Support for Project's Automated Parking Option
<b>Other Interested Parties</b>																							
9	The Los Angeles Country Club 10101 Wilshire Boulevard Los Angeles, CA 90024-4703 Kirk O. Reese, General Manager	x	x	x		x		x	x		x												

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**LETTER NO. 1**

Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814  
Dave Singleton, Program Analyst

**COMMENT 1-1**

Dear Hadar Plafkin:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21 070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3'd 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA- CA Public Resources Code 21000-21177, amendments effective 3/18/201 0) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.'" In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within one-half mile of the 'area of potential effect (APE) based on the USGS coordinates provided. Note: the absence of recorded Native American cultural resources does not preclude their existence. The area (e.g. APE) is known to the NAHC to be culturally sensitive.

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached [list of Native American contacts](#), to see if your proposed project

might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code § 65040.12(e). Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines § 15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001- 3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code § 6254( r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code § 27 491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251

Native American Contacts  
Los Angeles County  
September 27, 2011

LA City/County Native American Indian  
Commission  
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randrade@css.lacounty.gov  
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Cindi Alvitre, Chairwoman-Manisar  
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(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council  
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562-761-6417 - fax

Gabrielino Tongva Tribe  
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(310) 587-0170 - FAX  
[bacuna1@gabrieinotribe.org](mailto:bacuna1@gabrieinotribe.org)

Gabrielino-Tongva Tribe  
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lcandelaria1@gabrielinoTribe.org  
626-676-1184- cell  
(310) 5870170 - FAX  
760-904-6533-home

### **RESPONSE 1-1**

The Draft EIR includes an analysis of Cultural Resources in Section IV.C and concludes that the proposed project would not have a significant impact on cultural resources. As noted in the analysis, the evaluation of project impacts is based on and consistent with applicable Code Sections cited in the comment. Further, the analysis was based in part on a Sacred Lands File (SLF) search. Early consultation was pursued through contact with all of Native American Contacts listed in this comment. Table 1 of Appendix C, Cultural Resources Assessment, of the Draft EIR provides a log of outreach efforts, responses from the contacts and

follow-up as applicable. Further, all of the Contacts received Notices of Availability of the Draft EIR. There are no known Native American resources present on the project site, and none are expected to be encountered. Notwithstanding, the Draft EIR includes mitigation measures to assure that if resources are encountered treatment be provided in consultation with applicable Native American groups.

**LETTER NO. 2**

South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4182  
Ian MacMillan, Program Supervisor

**COMMENT 2-1****Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed 10000 Santa Monica Boulevard Development Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the final environmental impact report (EIR) as appropriate.

**RESPONSE 2-1**

This comment is introductory and does not raise issues regarding the contents of the Draft EIR. The AQMD guidance comments follow with responses for each.

**COMMENT 2-2**

The AQMD staff is concerned about the significant regional and localized impacts from the proposed project. Specifically, the lead agency determined that the project will exceed the AQMD's CEQA significance thresholds for regional NO<sub>x</sub> and PM<sub>10</sub> emissions. Further, the lead agency determined that the proposed project will impose significant localized NO<sub>2</sub> emissions impacts on sensitive land uses (i.e., residences and a school) located within 100 feet of the project site. As a result, the AQMD staff recommends that the lead agency require the additional construction mitigation measures listed below pursuant to Section 15126.4 of the CEQA Guidelines.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
- Reroute construction trucks away from congested streets or sensitive receptor areas,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation,
- Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
- Require all vehicles and equipment to be properly tuned and maintained according to manufacturers' specifications,

**RESPONSE 2-2**

The comment cites information in the Draft EIR regarding potential project impacts and recommends mitigation measures to address them. With a few exceptions outlined below, the Draft EIR already includes a number of project design features and mitigation measures that are identical to and/or equivalent to those recommended by AQMD in this comment. Further, the project has additional measures that provide further reduction to air emissions beyond and above the items cited here.

The project's design features (implemented as Conditions of Approval) and mitigation measures include the items requested in these comments as follows. A flag person is required by Mitigation Measure IV.K-2. The appointment of a construction relations officer to act as a community liaison is required by Mitigation Measure I-4. Tuning/maintenance of equipment per manufacturer's specifications is required by Mitigation Measure IV.B-2 and a project design feature described in Noise, Section 3.c.(1) of the Draft EIR. Rerouting of construction trucks to avoid sensitive receptors and congested roadways is included as a project design feature for Noise, Section 3.c.(1) of the Draft EIR, and by Traffic Mitigation Measure IV.K-1. With the implementation of this design feature and mitigation measure, off-site dedicated turn lanes are neither necessary nor practicable given the local street network. Dedicated turn lanes would unnecessarily take away lane capacity from Santa Monica Boulevard and Moreno Drive, reducing traffic flow and increasing air quality emissions. Alterations to traffic signalization would not be necessary or practicable as project vehicles would exit the site from one controlled exit on an intermittent basis without disruptions to traffic flow. Further, signals along Santa Monica Boulevard are already synchronized/optimized by LADOT. These signals are installed with an Automated Traffic Surveillance and Control (ATSAC) system and an Adaptive Traffic Control System (ATCS). The ATSAC technology monitors traffic conditions and system performance, selects appropriate signal timing strategies, and performs equipment diagnostics and alert functions. ATCS is a personal computer-based traffic signal control software program that provides a full traffic-adaptive signal control based on real-time traffic conditions.

**COMMENT 2-3**

Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,

**RESPONSE 2-3**

Thank you for the comment. After review, however, the recommended mitigation measure requiring all haul trucks to use 2010 and newer diesel haul trucks is not feasible due to constraints on the availability of such equipment. A review of the EMFAC 2011 fleet data for T7 (heavy duty diesel) single construction trucks shows that only approximately 20% of the construction trucks in the Los Angeles region meet EPA 2007 or better emission standards, with model year 2010 engines in even shorter supply.<sup>1</sup> With a low availability of 2007 or newer haul trucks, it is not feasible to fully meet the suggested performance standard.

The information presented in Table IV.B-4 of the Draft EIR shows that the majority (approximately 70%) of NOx emissions are attributed to off-site trucks on a worst case construction day (330 lb/day). Such emission levels are only expected to occur on a few days of project construction, during a period of continuous

<sup>1</sup> California Air Resources Board EMFAC 2011. <http://www.arb.ca.gov/msei/modeling.htm>. Accessed November 2011.

concrete pours; with substantially lower NO<sub>x</sub> emissions occurring during other construction phases. Even with accelerated introduction of newer, cleaner trucks, such as the suggested use of year 2010 or 2007 emission compliant trucks, regional construction air quality impacts during more intensive construction activities, while reduced, would remain significant and unavoidable.

In order to further reduce regional and localized impacts to nearby sensitive receptors, the following mitigation measure is proposed and will be added to the Final EIR:

**Mitigation Measure B-17:** During construction, the Project shall use contractors with haul trucks meeting either EPA Model Year 2010 or EPA Model Year 2007 NO<sub>x</sub> emissions levels when such equipment is reasonably available to achieve a goal that at least 33 percent of the haul truck fleet meets this standard.

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

- During project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:
  - ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

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

Preliminary CalEEMOD runs performed for the project demonstrate that use of Tier 3-4 equipment for on-site construction would reduce total construction emissions by 5-13 percent compared to the current statewide construction equipment fleet mix. Therefore, impacts would remain significant and unavoidable.

The recommended mitigation measure requiring all construction equipment to meet Tier 3 or 4 emissions standards may not be feasible due to limits on the availability of such equipment. Review of the latest CARB Diesel Off-Road Online Reporting System (DOORS) data shows that heavy duty off-road construction equipment meeting Tier 3 or 4 emission standards account for only seven percent of the statewide fleet.<sup>2</sup>

With a low availability of Tier 3 or 4 emissions compliant construction equipment, it is not feasible to require all construction equipment to meet these requirements. However, the following mitigation measure is proposed to reduce regional NO<sub>x</sub> and localized NO<sub>2</sub> impacts from on-site equipment:

**Mitigation Measure B-18:** On-site equipment greater than 250 horse power, which are on-site for six or more consecutive work days, shall meet Tier 3 or 4 emissions standards and be outfitted with BACT devices certified by CARB. If newer model year engines are not reasonably available, then older equipment engines may be retrofitted to meet Tier 3 or 4 emissions. A copy of each unit's certified tier specification and BACT documentation shall be available for inspection during construction.

#### **COMMENT 2-5**

- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

#### **RESPONSE 2-5**

The comment's documentation requests have been incorporated into the new recommended mitigation measures. See Responses 2-4 and 2-5 above.

#### **COMMENT 2-6**

- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

#### **RESPONSE 2-6**

Comment noted. Construction contractors will be encouraged to apply for AQMD "SOON" funds. The following mitigation measure will be implemented as part of the Draft EIR:

**Mitigation Measure B-20:** Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, shall be encouraged to apply for AQMD SOON funds. Information including the AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

<sup>2</sup> Diesel Off-Road Online reporting System Access Database. April 14, 2010. California Air Resources Board.

**COMMENT 2-7**

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html).

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

**RESPONSE 2-7**

Comment noted. All feasible mitigation measures have been implemented to reduce air quality impacts to the furthest extent possible.

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**LETTER NO. 3**

City of Los Angeles  
 Bureau of Sanitation  
 Wastewater Engineering Services Division  
 Ali Poosti, Acting Division Manager

**COMMENT 3-1**

SUBJECT: **10000 Santa Monica Boulevard Project- Draft EIR**

This is in response to your September 15, 2011 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

**RESPONSE 3-1**

This comment is introductory and does not raise issues regarding the contents of the Draft EIR. No further response is necessary.

**COMMENT 3-2****WASTEWATER REQUIREMENT**

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

**Projected Wastewater Discharges for the Proposed Project:**

Type Description	Average Daily Flow per Type Description ( GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPO)
<i>Proposed</i>			
Residential: 1-BR	120 GPD/DU	42 DU	5,040
Residential: 2-BR	160 GPD/DU	170 DU	27,200
Residential: 3-BR	200 GPD/DU	71 DU	14,200
Lounge	80 GPD/1000 SQ.FT	5,881 SQ.FT	470
Gym	250 GPD/1000 SQ.FT	11,332 SQ.FT	2,833
Parking	20 GPD/1000 SQ.FT	280,467 SQ.FT	5,609
Total			55,352

**RESPONSE 3-2**

The comment regarding Bureau of Sanitation responsibility for evaluating sewer availability and the calculation of project wastewater discharges are noted. The estimated wastewater discharge of 55,352 gallons per day is the same as the wastewater estimate reflected in Table IV.L.2-2 of the Draft EIR and considered in the evaluation of project impacts on the sewer system. As such, the Draft EIR is consistent with this comment, and no new significant impacts are anticipated.

**COMMENT 3-3****SEWER AVAILABILITY**

The sewer infrastructure in the vicinity of the proposed project includes an existing 27-inch line on Century Park East. The sewage from the existing 27-inch line discharges into a 33-inch sewer line on Pico Blvd. Figure 1 shows the details of the sewer system within the vicinity of the project.

The current approximate flow level (diD) and the design capacities at diD of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
27	Century Park East	10	6.16 MGD
33	Pico Blvd	17	14.19 MGD

*\*No gauging available*

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. The developer must install a private trap on the private lateral. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

**RESPONSE 3-3**

The information presented in the comment is consistent with the information reflected in the analysis of Wastewater impacts on pages IV.L.2-6 through IV.L.2-8 and Appendix J.3, Wastewater/Sewer Study of the Draft EIR. Appendix J.3 includes a Sewer Capacity Availability Request (SCAR) report previously prepared by the Bureau of Engineering, which reflects the cited information. The comment is further noted for the decision-makers and the project Applicant. During the Bureau of Sanitation plan review process, the Bureau will review the project's sewer design, and ensure implementation of the requested private trap on the project's private lateral, consistent with its standard review practices and design requirements.

**COMMENT 3-4****SOLID RESOURCE REQUIREMENTS**

The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. Should you have any questions, please contact Daniel Hackney of the Special Projects Division at (213)485-3684.

**RESPONSE 3-4**

The proposed project will meet this City requirement. A more general Project Design Feature presented in Section IV.B.3.b of the Draft EIR, on page IV.B-20, has been amended to specifically identify the required, separate recycling room or area. See Section 2.0, Corrections and Modifications to the Draft EIR. No further analysis is required.

**COMMENT 3-5**



**RESPONSE 3-5**

This comment provides an illustration of sewer lines in the project area the supports comments presented in Comment 3-3. As such, its information is addressed in Response 3-3.

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**LETTER NO. 4**

Beverly Hills Unified School District  
c/o Hill, Farrer & Burrill LLP  
One California Plaza, 37th Floor  
300 South Grand Avenue  
Los Angeles, CA 90071-3147  
Kevin H. Brogan

**COMMENT 4-1**

Re: **10000 Santa Monica Boulevard Development Request for  
Comments on Draft EIR  
EIR Case No. ENV-2011-540-EIR  
Client Matter No. B3902-002**

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Dear Mr. Plafkin:

On May 16, 2008, the Beverly Hills Unified School District (District) submitted comments on the Notice of Preparation for the planned development of 10000 Santa Monica Boulevard (Project Site), then known as the SunCal Project. On May 2, 2011, the District submitted comments and questions in response to the Notice of Preparation and Notice of Public Scoping Meeting for the current 283 residential unit development (Project). The south eastern portion of the Project Site abuts Beverly Hills High School, which is a sensitive receptor. The Project and the High School will both utilize access off Moreno Drive.

The gist of the District's comments has always been to provide a safe and healthful environment for its students both during construction and future operation of the Project. That continues to be its primary concern.

**RESPONSE 4-1**

This comment is introductory and does not raise specific issues regarding the contents of the Draft EIR. Previous comments by the Beverly Hills Unified School District (District) have been considered in the preparation of the project's Draft EIR, including the District's comments on the earlier SunCal Project. The Draft EIR has fully and carefully considered Beverly Hills High School (the High School) as a sensitive receptor and has completed a number of analyses that specifically address the project's impacts at the High School. Based on these analyses, the Draft EIR includes numerous mitigation measures to reduce potential impacts. Further discussion regarding the Draft EIR's analyses and features to reduce project impact on the High School follow in the Responses to Comments 4-2 through 4-8.

**COMMENT 4-2**

Developer Agreements and Enforceable Mitigation Measures

According to a publication provided by 10000 Santa Monica LLC it is "taking proactive steps to ensure that issues of interest to the City of Beverly Hills ... are addressed early on and to the extent feasible through the

design of the Project and conditions of approval." These included responses to specific comments from the District and agreements by the developer to mitigate those comments. A copy of this publication is attached hereto as Exhibit A. Some of the issues, comments and agreements contained in Exhibit A are alluded to in the DEIR as part of the ongoing description of project construction and operations (e.g., crossing guards and background checks for construction workers) and form the assumed basis for the analysis of environmental issues. However, while such items are referenced, they are not included as specific, enforceable mitigation measures. And although Exhibit A states that "[a] Construction Management Plan is being prepared and details will be included in the Draft EIR," there are no details on most of these issues provided in the DEIR and certainly no enforcement or monitoring mechanisms discussed.

For most large scale projects, these issues would logically be addressed in a Construction Management Plan. And that is what appears to be contemplated by the DEIR. But while a Construction Management Plan is required by the DEIR's proposed mitigation measures, the details of what would be included in such a plan (with a few exceptions, e.g., location of the haul route, etc.) are not included in the mitigation measures for the DEIR. Instead, they are deferred to a future document "to be developed by the contractor and approved by the City of Los Angeles" at some unspecified time, presumably after the FEIR is certified and the project approved by the City.

In order to comply with CEQA's requirements that mitigation measures be included in the EIR and, if feasible, not deferred to future implementation, the preparation of a Construction Management Plan, should be advanced and included as enforceable mitigation measures in this Project's Final EIR so that the District can be assured that promises made by the developer and other measures necessary to mitigate impact on school operations and activities are made part of the environmental approval process and not deferred to future implementation when there is limited opportunity for project modification or enforcement if the Construction Management Plan is inadequate or violated.

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

As cited in the comment, the Draft EIR provides an on-going description of project construction and operations features that would limit/reduce impacts on the High School; and that are identified in the Draft EIR as project design features. As noted on page II-6 of Section II, Project Description, of the Draft EIR, the project design features that are cited in the Draft EIR would be implemented as Conditions of Approval of the proposed project. Mitigation Measure IV.K-7 requires the preparation of a Construction Management Plan that would provide a framework for all of the construction related project design features and mitigation measures. In order to facilitate the development of the Construction Management Plan, a Preliminary Construction Management Plan (PCMP) has been prepared and included as Appendix B to the Final EIR. The Preliminary Construction Management Plan incorporates the project design features, which will be required as Conditions of Approval, as well as the project's mitigation measures; and establishes a framework for a Final Construction Management Plan that will be prepared by the project Contractor at the on-set of construction activities. The Final Construction Management Plan will at a minimum include the design features and mitigation measures cited in the Draft EIR and included in the Preliminary Construction Management Plan.

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

While such a plan may need to be amended and augmented as construction planning proceeds and details become known, much of the construction planning can be currently identified and addressed, including

many of the issues of concern to the District on which complete identification and discussion of environmental issues hinge.

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

The comment is correct in noting that a Construction Management Plan (CMP) may of necessity be amended and augmented as project planning proceeds and more details become known. Therefore, the Preliminary Construction Management Plan is intended to provide a compilation of the minimum construction procedures that will be required. More detailed provisions of the plan will be identified prior to construction of the project, as details of the final CMP are arranged with the project contractor. CMPs are prepared at the time of project construction when details of a project, scheduling of construction, etc. are known; and therefore, EIRs do not include final CMPs. Further, EIRs rarely include even a Preliminary Construction Management Plan.

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

These include:

- general construction traffic and safety issues, including adequate fencing and visual screening, human crossing guards, encroachment into BHHS northern driveway, construction worker parking location, staging, haul routes, time of day construction, construction schedules, delivery schedules, fencing, access and site surveillance, security, including workers arriving at and leaving the site, and separation of construction workers from students;
- air quality monitoring during construction with thresholds and remedies for exceeding them;
- periodic replacement of air filters for Science and Technology Center;
- dust suppression and washing of Moreno Drive;
- noise and vibration monitoring during construction with thresholds and remedies for exceeding them;
- restriction of construction hours to reduce conflicts with BHHS;
- monitoring of construction impacts to BHHS property, especially the Science and Technology Building.

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

The project includes project design features and/or EIR mitigation measures that specifically address and provide for the protection of the High School. These project design features and mitigation measures are presented in the Preliminary Construction Management Plan, Appendix B to the Final EIR. The measures directly address the protections that are the essence of this request, e.g. fencing/screening, crossing guards, site access, surveillance, parking, staging, haul routes, construction times, security for students, dust suppression and washing of Moreno Drive, etc. Further, an additional mitigation measure has been added that would require the Applicant to reimburse the school for the service needed to replace air filters along the northern side of the High School Science and Technology Center at three month intervals during project construction. See Section 2.0, Corrections and Modifications to the Draft EIR.

A few notes regarding the items in the list follow. First, the project will not encroach into the High School's northern boundary. Second, the project expects to provide for parking within the project site, thus avoiding impacts on local roadways and neighborhoods. If on occasion construction activities preclude this parking option, the project design features/mitigation measures require that worker parking be provided at a remote location with shuttle services, if needed. The actual location of such off-site parking would be determined based on options available at the time of construction, however construction worker parking on residential streets in the project vicinity shall be prohibited. These measures have been included in the Appendix B, Preliminary Construction Management Plan. Also, see Response 4-6 regarding measures to avoid impacts at the High School.

The Preliminary Construction Management Plan does not require on-going, air quality and noise monitoring as such monitoring would not provide additional protection for the high school beyond the protection otherwise provided. In both cases, the analysis of project impacts in the Draft EIR identifies the maximum air quality and noise impacts that might occur due to project construction, compares those levels to appropriate significance thresholds and provides feasible mitigation measures to reduce project impacts. The mitigation measures are required to be implemented regardless of whether the thresholds have been exceeded. The situation is not one in which mitigation measures would not be implemented on days when the thresholds are not exceeded.

Further, air quality monitoring during construction activities is not necessary since the project does not exceed localized thresholds for PM10. Although 1-hr NO2 concentrations during construction exceeds thresholds, this maximum impact occurs during concrete importing activities which takes place only during a few days throughout the construction duration. It may also be noted that the air quality analysis that was performed to determine the appropriate mitigation measures is based on extreme weather conditions in its modeling methodologies to provide for a conservative analysis. Further the project would construct a 20-foot high barrier between the high school and the project site for protection of the High School that was not accounted for in the air quality modeling analysis and that would further reduce air quality impacts. Finally, the High School areas adjacent to the project are buildings and not outdoor open space areas, therefore students would be mainly indoors.

With regard to noise and vibration impacts, the project design features and mitigation measures require a high level of coordination between the project's construction relations liaison and the High School, and provide mechanisms to reduce project impacts to the extent feasible, including the 20-foot, 15 dBA noise reduction barrier between the project and the High School, outreach to the high school when/if extraordinary noise activities are to occur, and the use of Santa Monica Boulevard for construction vehicle site access. In addition, the vibration mitigation measures limit site construction activities along the southern edge of the project site when classes are in session and/or vibration sensitive equipment is being used in the adjacent Science and Technology Building.

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

Early preparation of the Construction Management Plan, and its inclusion as a mitigation measure in the FEIR, is particularly significant since the DEIR acknowledges that the Project has significant and unavoidable short term construction impacts on air quality, noise and vibration, especially for the Science and Technology Center. The Construction Management Plan is critical to mitigate these impacts to the greatest extent possible.

The Construction Management Plan should be prepared with the consultation and, if possible, the approval of the District. Ideally, it would be prepared by an independent, third-party consultant, agreed upon by both the developer and the District. An independent environmental monitor, agreed upon by the developer and the District, funded by the developer, would provide compliance monitoring during construction. A "construction relations officer" on the contractor's staff to serve as a liaison with the high school, as contemplated by the identified mitigation measures, is likely to be an ineffective alternative to an independent monitor. Construction Management Plans, once drafted, are often placed on a shelf and draw little attention from contractors when projects are started and the economics of construction schedules and deadlines intervene.

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

The Preliminary Construction Management Plan is included as Appendix B of the Final EIR for review by the District and other interested members of the public. The Plan will be implemented with oversight from an independent mitigation monitor, which will be required by the City of Los Angeles as a Condition of Approval, who will monitor and ensure enforcement of all mitigation measures, including the Preliminary Construction Management Plan. The mitigation monitor will be required to make periodic reports to the City of Los Angeles regarding the applicant's compliance with the mitigation measures detailed in this Final EIR. Further, the project's mitigation measures include the provision of a construction relations officer with a contact phone number provided on the project site. The District can contact the officer immediately with any concerns, and follow-up with the City of Los Angeles, whose number will also be provided. In addition, during construction hours there would be an on-site construction manager responsible for construction activities.

#### **COMMENT 4-6**

The daily activities at Beverly Hills High School have the potential for numerous conflicts with the construction of the Project and, thereafter, the building's ongoing operations. For example, the DEIR states that construction hauling would be limited to the hours of 8:30-4:30 and would be scheduled to alleviate congestion at peak school times. However, there is no indication what those times cover and how that restriction will be determined and enforced. For the District, peak school times include, not only the pick up and drop off hours, heavily traveled by both automobiles and pedestrians, which obviously impact traffic, public safety, and security issues, but also numerous other school events, such as open house, bi-weekly board of education meetings, PTA meetings, sporting events, after school athletics, weekend soccer, basketball, tennis events, carnivals, homecoming week, state testing week, summer school, etc. How are these issues to be handled? The DEIR is silent. At the very least, the Construction Management Plan to be included in specific mitigation measures should mandate the closure of the Moreno gate to the property for many, if not all of these events, upon 48 hour notice from the District.

#### **RESPONSE 4-6**

As requested by the District, Project Design Features for Noise, identified in Section 3.c.(1) on page IV.I-18 of the Draft EIR and for Traffic, Mitigation Measure IV.K-1 on page IV.K-53 of the Draft EIR, prohibit all construction trucks from using the Moreno Drive exit, and limit access to the project site to Santa Monica Boulevard. The project design feature has been edited to make clear that the limited access applies to construction workers as well. See Section 2.0 Corrections and Modifications to the Draft EIR. This Project Design Feature has also been incorporated into the Preliminary Construction Management Plan. Therefore, further limitations on haul schedules would not be required to avoid impacts along Moreno Drive and in the

immediate vicinity of the High School. In addition, numerous design features and mitigation measures require coordination with the High School, in particular Mitigation Measure I-4, which requires the project's construction liaison officer to maintain on-going communications with the High School regarding noise sensitive activities.

**COMMENT 4-7**

Finally, completing the Construction Management Plan, including its requirements as mitigation measures, and subjecting it all to public review and comment before the FEIR is certified and the project approved is particularly important since Beverly Hills High School, which will suffer the most from construction related impacts, is not located in the City of Los Angeles. The City of Los Angeles department that will be assigned to approve the Construction Management Plan, were it allowed to be deferred to some future time, will not have the same level of sensitivity and responsiveness to the school's concerns although it may have the best intentions. If compliance with CEQA requires possible significant environmental impacts to be mitigated to the fullest extent possible, these matters must be addressed now rather than later.

**RESPONSE 4-7**

The Preliminary Construction Management Plan has been included in the Final EIR as Appendix B for the review and comment of the District.

**COMMENT 4-8**

## Beverly Hills Issues

10000 Santa Monica LLC is taking proactive steps to ensure that issues of interest to the City of Beverly Hills associated with development of the proposed 10000 Santa Monica Project are addressed early on and to the extent feasible through the design of the Project and conditions of approval. Our understanding of City of Beverly Hills Issues associated with development of the site is based on comments from interested parties in the City of Beverly Hills that were submitted to the City of Los Angeles in response to the 2008 Notice of Preparation (NOP) for an Environmental Impact Report (EIR) regarding the former SunCal Project that was proposed on the project site. Our understanding of issues has also been informed through recent outreach meetings with the City of Beverly Hills, Beverly Hills Unified School District (BHUSD), and other stakeholder groups in the City.

The following table summarizes key issues raised by parties in Beverly Hills on the SunCal Project and through recent outreach, along with a listing of actions being taken through project design and commitments to project conditions that can address these concerns where feasible and applicable to the 10000 Santa Monica Project. Although not detailed below, at the request of BHUSD, 10000 Santa Monica LLC has committed to supporting implementation of mitigation measures of interest to the District that were included in the 9900 Wilshire Boulevard Project EIR, where they are applicable and feasible for the proposed Project.

Environmental Issues Raised	Actions Proposed
<b>Comments From the Beverly Hills Unified School District</b>	
<b>Safety</b>	
<ul style="list-style-type: none"> <li>• <b>Fencing/Screening</b> - to dissuade students from entering project site.</li> </ul>	Agree to support a project condition restricting student access to the site.
<ul style="list-style-type: none"> <li>• <b>Crossing Guards</b> - provide crossing guards at nearby intersections during construction.</li> </ul>	Agree to support as a project condition.
<b>Security</b>	
<ul style="list-style-type: none"> <li>• <b>Protection from Predators</b> - construction personnel/crossing guard screening for fingerprinting, felonies, etc.</li> </ul>	Agree to support as a project condition.
<b>Traffic</b>	
<ul style="list-style-type: none"> <li>• <b>Encroachment into BHHS Northern Driveway</b> - pedestrian/vehicular conflicts should be evaluated.</li> </ul>	Will be analyzed in the Traffic Report.
<ul style="list-style-type: none"> <li>• <b>Construction Traffic Management Plan</b> - include details in Draft EIR regarding excavation haul routes, other construction traffic and safety issues.</li> </ul>	A Construction Management Plan is being prepared and details will be included in the Draft EIR. The plan will address haul routes, parking lot location, staging, time-of-day, individual construction phases, delivery schedules, fencing/separation of the construction activities from the public, controlled access to the construction site, and site surveillance.
<ul style="list-style-type: none"> <li>• <b>Alternative Haul Routes</b> -- consider hauling of debris/soil at night, weekends.</li> </ul>	A preliminary haul route plan has been proposed that requires hauling during times that avoid school peak periods.

**COMMENT 4-8 (CONTINUED)**

Beverly Hill Issues

Environmental Issues Raised	Actions Proposed
<p><u>Air Quality</u></p> <ul style="list-style-type: none"> <li>• <b>Construction Air Monitoring</b> - Fund air quality monitoring during construction and halt construction if needed to reduce impacts to less than significant.</li> </ul>	<p>The proposed project would require only a small amount excavation (approximately 7 percent of that associated with the former SunCal Project) and air quality impacts pertaining to dust would be negligible relative to the previous SunCal project. Notwithstanding, this request will be considered pursuant the results of the air quality analysis in the EIR.</p>
<ul style="list-style-type: none"> <li>• <b>Ventilation Upgrades</b> - to filter harmful levels of project generated pollutants.</li> </ul>	<p>Issue is being addressed through the EIR report. However, regardless of the outcome project will provide for the replacement of the filters located on the north face of the BHHS science building every 3 months. The school shall request the replacement through their maintenance company and the project will reimburse the school accordingly.</p>
<ul style="list-style-type: none"> <li>• <b>Athletic Field/Outdoor Areas</b> - protect from construction dirt and debris, temporary enclosures, other.</li> </ul>	<p>Agree to support conditions for mitigating dirt and debris effects on school outdoor areas. Will provide a 12 foot construction fence with temporary aesthetic improvements. In addition, the project shall make accommodations for washing down Moreno drive as often as needed to keep the street as clean as practically possible.</p>
<p><u>Noise</u></p> <ul style="list-style-type: none"> <li>• <b>Special Noise and Vibration Thresholds</b> - request that special thresholds of significance be used to assess impacts on BHHS.</li> </ul>	<p>Issue will be studied in the EIR. The project will also work out a detailed Construction Management Plan, with the school's input, which will limit work which may accede noise thresholds to off school hours.</p>
<ul style="list-style-type: none"> <li>• <b>Noise Monitoring</b> - Fund noise monitoring at BHHS during construction. If significant noise/vibration occurs, halt or modify construction or add additional noise barriers.</li> </ul>	<p>Agree to support conditions and fund noise monitoring/ mitigations at BHHS during construction with reasonable industry standards.</p>
<ul style="list-style-type: none"> <li>• <b>Restrict Construction Hours</b> - Avoid construction during BHHS testing and special event days -- No construction, or noise or vibration effects.</li> </ul>	<p>Restriction of construction hours to reduce conflicts with BHHS will be addressed in the Construction Management Plan.</p>
<p><u>Solar/Shade Impacts/Other</u></p> <ul style="list-style-type: none"> <li>• <b>Provide 3-D Model</b> - for public review ("2-D presentations are not adequate") to understand shade/shadow and solar impacts on BHHS and to assist with understanding of project density, massing.</li> </ul>	<p>A model of the project will not be necessary. It should be noted that the project would provide only negligible shading at the northern edge of the BHHS site at very infrequent/limited times; and no impacts during the critical light sensitive times addressed in EIRs. Furthermore, the project would reduce building heights approximately 24 percent of that for the former SunCal Project.</p>

**COMMENT 4-8 (CONTINUED)**

Beverly Hill Issues

Environmental Issues Raised	Actions Proposed
<p><u>Structural/Geology</u></p> <ul style="list-style-type: none"> <li>• <b>Structural Damage to BHHS Buildings</b> – Address potential for damage to retaining wall and the Science and Technology Building deep foundation.</li> </ul>	<p>Issue is being addressed in a geological report for inclusion in the EIR. The geologic report will particularly address stabilization of on-site and off-site structures. The project will avoid the use of any foundation systems that may cause potential damage to the existing science building foundations.</p>
<ul style="list-style-type: none"> <li>• <b>Cumulative Impacts</b> – considerable new development, in particular Beverly Hilton Project, 9900 Wilshire Project and other related projects identified in the Hilton EIR, must be considered.</li> </ul>	<p>The traffic consultants will include related projects to be considered in the cumulative analysis that reflect the most current information regarding potential feasible projects. The particular projects cited are currently on the list that is included in the MOU with the L.A. Department of Transportation. The current list of related projects is based on review of recent Beverly Hills EIR, and the list will be provided to the City of Beverly Hills for review.</p>
<p><b>City of Beverly Hills</b></p>	
<p><u>Project Information Provided</u></p> <ul style="list-style-type: none"> <li>• Requested more information regarding the project than had been previously disclosed.</li> </ul>	<p>Crescent Heights is submitting to the City for inclusion in the Draft EIR the types of elevations, sections, plot plan data, site areas, parking arrangements, etc. requested.</p>
<p><u>Traffic</u></p> <ul style="list-style-type: none"> <li>• Street segment studies for Moreno Drive, south of Durant; Durant Drive east of Moreno Drive; Spalding Drive north of Olympic.</li> </ul>	<p>The traffic study will analyze Moreno Drive and Durant Drive street segments. The MOU will be shared with Beverly Hills.</p>
<ul style="list-style-type: none"> <li>• Parkway "crossover" in front of the project site also to be analyzed.</li> </ul>	<p>Will be addressed in the traffic study pursuant to the MOU.</p>
<ul style="list-style-type: none"> <li>• Residential loading (i.e. moving van) impacts.</li> </ul>	<p>The traffic study will address onsite loading.</p>
<ul style="list-style-type: none"> <li>• Queuing Analysis to/from Moreno Drive.</li> </ul>	<p>The issue has been addressed in the design of the site plan. The project will feature a drive on the property which will accommodate a queuing capacity which will eliminate any traffic backup onto Moreno.</p>
<ul style="list-style-type: none"> <li>• Intersections of importance to the City of Beverly Hills (14 cited Intersections) be analyzed using Beverly Hills' thresholds of significance.</li> </ul>	<p>The requested intersections have all been identified in the MOU with the L.A. Department of Transportation that will serve as the basis for the traffic analysis.</p>
<ul style="list-style-type: none"> <li>• Traffic analysis methodology should include the following: No trip credits for past site use; use of traffic counts that are less than two years old reflecting post Santa Monica Parkway conditions.</li> </ul>	<p>The traffic methodology will follow these recommendations per the MOU.</p>

**RESPONSE 4-8**

This comment presents Exhibit A that is identified in Comment 4-2, above. The Exhibit presents a discussion of proactive steps identified by the project Applicant to address concerns raised by the District and the City of Beverly Hills. Comment 4-2 has included the Exhibit to support its requests for development of a Construction Management Plan. The items pertaining to the Construction Management Plan have also been recited in Comments 4-2 through 4-6 above. As such, the supporting exhibit is addressed in Response 4-2 through 4-7.

**COMMENT 4-9**

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**PROOF OF SERVICE**

I, Scott Amundson, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is First Legal Support Services, 1511 W. Beverly Boulevard, Los Angeles, California 90026. On October 31, 2011, I served the within documents:

**LETTER OF OCTOBER 31, 2011, TO HADAR PLAFKIN,  
PROJECT COORDINATOR, DEPARTMENT OF CITY  
PLANNING RE 10000 SANTA MONICA BOULEVARD  
DEVELOPMENT REQUEST FOR COMMENTS ON DRAFT  
EIR**

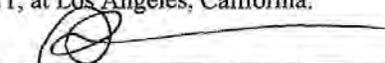
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Hadar Plafkin, Project Coordinator  
Room 750, City Hall  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on October 31, 2011, at Los Angeles, California.

  
\_\_\_\_\_  
Signature

HPB 1095818.1 B3902002

**RESPONSE 4-9**

This comment provides proof of service for the letter which has been received and incorporated into the Final EIR. It does not raise issues regarding the contents of the Draft EIR. No further response is necessary.

**LETTER NO. 5**

City of Beverly Hills  
 Department of Community Development  
 455 N. Rexford Drive, Room 140  
 Beverly Hills, CA 90210  
 Peter Noonan, AICP CEP, Associate Planner

**COMMENT 5-1**

The City of Beverly Hills (the "City") received Notice of Availability (NOA) of an Environmental Impact Report (EIR) for the project proposed at 10000 Santa Monica Boulevard, 10022 Santa Monica Boulevard and 201 Moreno Drive ("10000 Santa Monica Boulevard").

We have summarized our understanding of the project as follows:

<u>Project Site</u>	2.4 Acres - Century City Planning Area
<u>Open Space</u>	0.99 Acres (43,141 square feet) of ground-level landscaping mostly located on the south/eastern portion of the site.
<u>Building 1</u>	
Use	Residential/ Condominiums
Units	283 Units
Height	39 Floors/ 460 Feet
<u>Building 2</u>	
Uses	- 708 Parking Spaces (for the Residential Building) - Pool and Spa on Roof
Height	9 Floors/ 90 Feet (plus 2 levels of parking below ground)

**RESPONSE 5-1**

This comment is introductory and does not raise issues regarding impacts on the environment. The understanding of the project reflected in the comment is generally correct. However, it should be noted that the project's ancillary building, referred to as Building 2, would be up to 90 feet in height inclusive of nine levels of parking atop 1 level of partially subterranean parking. Under the project's proposed Automated Parking Option the maximum height of Building 2 would be 40 feet

**COMMENT 5-2**

- Traffic Analysis. The City is reviewing the traffic impact analysis in the report and would requests a 10-day extension in order to complete its analysis. In the meantime, the City has completed its review of the other sections in the report and has the following comments:

**RESPONSE 5-2**

The non-traffic comments included within this letter are responded to below. The commenter submitted the referenced additional traffic comments to the City on November 22, 2011, three weeks after the end of the

public review period. Although the comments were submitted well beyond the required date, the comments have been included and responded to below. See Letter 5A, below.

**COMMENT 5-3**

- Parking Provided. This project is immediately adjacent to the City of Beverly Hills and parking demand should be analyzed based on City of Beverly Hills standards. If the project site was under parked, it is foreseeable that the project could create greater parking demand on streets in the City of Beverly Hills. Given the projects proximity to the City of Beverly Hills, the parking requirements for the City of Beverly Hills should be taken into consideration to assure that parking demand is met. 283 units are proposed in the project, and 708 parking spaces will be provided. The City of Beverly Hills Municipal Code provides the following parking requirements for multiple-family buildings. Please note that any den or similar room capable of being used as a bedroom should be considered a bedroom for the purposes of calculated parking requirements:
  - Studio – 1 parking space
  - One Bedroom Units – 2 parking spaces
  - Two Bedroom Units – 2.5 parking spaces
  - Three and four Bedroom Units – 3 parking spaces
  - Five Bedroom Units – 4 parking spaces
  - Guest Parking Ratio – 1 space per every 4 units.

The final EIR should include an analysis of parking similar to the following example:

*If the City of Beverly Hills parking standards were used a 283 unit building that included 708 parking spaces could consist of:*

- 141 One-Bedroom Units – 282 parking spaces
- 142 Two-Bedroom Units – 355 parking spaces
- Guest Parking – 71 parking spaces

**RESPONSE 5-3**

The project is located in the City of Los Angeles and is compliant with the City of Los Angeles parking requirement standards for new condominiums per the City's Residential Parking Policy for Division of Land – No. AA 2000-1. Per the policy, new condominiums, six units or more, are required to provide the following:

2 spaces per dwelling unit

½ space per dwelling unit for guests in parking congested areas

Given that the Applicant is providing a project to meet the needs of a high end market, the Applicant has every incentive to ensure that sufficient parking is provided on site to meet the needs of its clientele. Further, the project is located on an in-fill site with a large availability of goods and services within walking range and excellent access to public transit, factors that would encourage less reliance on private automobiles. Completion of Metro's Westside Subway Extension, which will include a Century City stop,

would also provide further opportunity for project residents and Century City population to forego the use of private automobiles

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

- Sewer Connections. Currently the project is not proposed to connect to the City of Beverly Hills sewer system. Please note however, in the event that the project would be connected to the City of Beverly Hills system additional studies including a sewer area study and calculations using Los Angeles County, Department of Public Works standards and format should be conducted to assure adequacy of the existing lines. Depending on adequacy, the applicant could expect to pay for upgrades to the system if any are needed.

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

The comment is noted. As indicated in the comment, the project would not connect to the City of Beverly Hills sewer system. This is reflected in the Draft EIR's analysis of project impacts on the local sewer system. Therefore, no further analyses nor response is required.

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

- Potential Fault Zones. New information is available on fault zones within the Century City and western Beverly Hills areas that suggests the geological technical studies conducted for this EIR are incomplete at best and inadequate at worst. The Century City Fault Investigation Report, Volumes One and Two, prepared by Parsons Brinkerhoff for Los Angeles Metro and dated October 14, 2011 should be taken into account and the geological findings in this report reconciled with the findings of that report to fully disclose, analyze and potentially mitigate potential faults within the project area.

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

The commenter cites the publication of the Century City Fault Investigation Report prepared by Parsons Brinkerhoff for the Los Angeles Metropolitan Transit Authority ("Metro") for its Westside Subway Extension Project. The Draft EIR noted this ongoing investigation by Metro, and stated that once released it would be incorporated into the final Geotechnical Investigation prepared for the proposed project. As summarized below, and detailed in the December 15, 2011, report prepared by GeoDesign, Inc., which report is attached at Appendix D of the Final EIR, Metro's Century City Fault Investigation Report does not change the Draft EIR's conclusion that there are no active faults on the project site. Upon close analysis, and given the site-specific data presented in the Draft EIR, Metro's Century City Fault Investigation Report presents no compelling evidence that any active faults are present at the project site. An active fault, as defined under the Alquist-Priolo Act, is a fault that has shown evidence of movement within the past 11,000 years (i.e., Holocene). Potentially active faults are those that have shown evidence of movement between 11,000 and 1.6 million years ago (i.e., Pleistocene). Inactive faults are those that have not exhibited displacement younger than 1.6 million years before the present.

The Draft EIR included the project's preliminary geotechnical report, which was prepared to determine the overall engineering feasibility of the project and to inform the project's preliminary designs. This preliminary geotechnical report, dated June 8, 2011, was included in the Draft EIR as Appendix D. As discussed in the Draft EIR and the June 8, 2011, geotechnical report, the project site is not located within a State-designated earthquake fault zone, and there are no known active faults on the property. As with most regions in the state, however, the project site is located within the seismically active region of southern

California, with the Peak Ground Accelerations at the site for the Maximum Considered Earthquake estimated at 0.45g. The June 8, 2011, geotechnical report contains preliminary design requirements to accommodate these geologic hazards, and Mitigation Measure D-1 requires that a final geotechnical investigation be undertaken to confirm the design requirements identified in the June 8, 2011, geotechnical report. The project will be constructed consistent with these final design requirements and as approved by the City's Department of Building and Safety to ensure compliance with all regulatory requirements. As with all new development, the project would be built in conformance with all applicable state and local building codes.

Metro's Century City Fault Investigation Report was commissioned to analyze the potential for active faults along the proposed routes for the Westside Subway Extension Project including preferred subway station and tunnel locations in the Century City area. Metro's study was not undertaken to study the proposed project. As a by-product of its study, the Century City Fault Investigation Report included analysis of the suitability of locations on Santa Monica Boulevard near the project site for a subway station and analysis of the adjacent Beverly Hills High School for a tunnel location. Metro's public presentation of its study included graphics showing faults associated with the West Beverly Hills Lineament, which its graphics suggested could impact the project site. The Century City Fault Investigation Report based its conclusions on interpretations of regional data compiled for the purposes of Metro's study, the compilation and analysis of previous geotechnical investigations in the Century City area, and physical testing performed occurring outside of the project's proposed building envelope on the project site. None of the new physical testing performed by Metro analyzed in the Century City Fault Investigation Report was taken from within the building envelope proposed for the project site, meaning within the footprint of the project's proposed buildings. Rather, the Century City Fault Investigation Report includes graphics that depict the presence of faults on the project site based solely on data gathered from locations outside the building envelope.

Expert interpretation of the Century City Fault Investigation Report's data and project site-specific data, including an analysis of previous geotechnical investigations done on the project site and within the proposed project's building envelope, concludes that there is no compelling evidence that active faults are present on the project site. Project site-specific data consists of 8 borings and 3 cone penetration tests, which are routinely used by geologists to evaluate the presence of active faults. Continuity in geologic strata is clearly demonstrated between the on-site borings and cone penetration data. Continuity in geologic strata precludes the presence of active faults at the project site. There is no indication in the Century City Fault Investigation Report that the data contained in Appendix D to the Draft EIR was reviewed as part of the Century City Fault Investigation Report.

Metro's data cited in the Century City Fault Investigation Report data was focused on Metro's proposed subway station locations and subway tunnel locations. As to the project site, it lacks the necessary resolution to determine the presence of and the activity of geologic features inferred at the project site because it does not appear to rely on the project site-specific data from the project's Draft EIR. Rather, any information in the Century City Fault Investigation Report as to the project site appears to relate entirely to data taken from locations outside the proposed building envelope. The project site-specific data allows for more precise determination regarding the presence of active faults at the project site. A reconciliation of the findings in the Century City Fault Investigation Report and the Draft EIR demonstrate that there is no compelling evidence of active faults on the project site.

As part of the building permit process, the project will be designed in accordance with all appropriate seismic codes and regulations, including the City of Los Angeles Building Code as well as regulations of the Department of Building and Safety and the Bureau of Engineering. As required by Mitigation Measure D-1, which has been revised in the Final EIR, a technical engineering geology report will be prepared, similar to the Century City Fault Investigation Report, which will be reviewed and ultimately require approval by the City of Los Angeles Department of Building and Safety's Grading Division (Grading Division). Further, Mitigation Measure D-2 requires that a qualified geotechnical engineer be present on the project site during excavation, grading, and general site preparation activities to ensure the implementation of the geotechnical mitigations contained in the final design-level geotechnical investigation. Such a process will ensure that the project meets all seismic and geotechnical requirements.

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

- **Air Quality, Dust, Vibration, Noise.** The report indicates that the project would result in significant impacts to air quality, dust levels, vibration and noise for the areas around the project site and for Beverly Hills High School. Due to prevailing winds it could be foreseeable that El Rodeo Middle School may also be affected and additional analysis should be conducted to assure that mitigation measure adequately address any potential impacts.

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

The significant impacts identified in the Draft EIR pertain to the project's short-term construction impacts. Long-term impacts of the project on air quality, dust, vibration and noise due to project operations would, as indicated in the Draft EIR, be less than significant.

The El Rodeo Middle School is located approximately 1,300 feet away from the project site. This is in contrast to the High School which lies approximately 25 feet south of the project site and the nearest residential development that lies approximately 60 feet east of the project site. Therefore, the Draft EIR analyzed sensitive uses that would be subject to greater impacts than would occur at the substantially more distant Middle School. As such, the Draft EIR identified the greatest level of construction impacts expected and proposed feasible mitigation measures to reduce those impacts. Such mitigation measures would also reduce impacts at the Middle School.

Due to the attenuation characteristics of noise with distance, the CEQA Thresholds Guide uses 500 feet as a screening criterion for the evaluation of construction noise impacts. The El Rodeo Middle School is located farther than this 500 foot threshold distance. As indicated in the Noise and Vibration analyses in the Draft EIR, potentially significant vibration impacts at the High School dissipate to a less than significant level at a distance of approximately 25 feet of the edge of the project site, or 75 feet from the edge of the project if sensitive technical equipment (e.g. microscopes in the Science and Technology building is being used). In other words, vibration impacts dissipate quickly and would not extend beyond the immediate project vicinity. Therefore, the Middle School would not be subject to significant vibration impacts. Further, the noise analysis indicated that construction noise surrounding the project site dissipates to a less than significant impact in a more immediate area (just over 300 feet in the residential neighborhood to the east). Construction noise impacts at the Middle School would be less due to the farther distance, intervening buildings that would block/buffer sound, and the fact that the Middle School location on a major roadway would have higher levels of ambient sound than the quieter residential neighborhood east of the project site.

The project noise level at the Middle School, given those conditions, is estimated to be approximately 51 dBA given those circumstances, well below the threshold of significance.

With regard to particulate matter, the Draft EIR identified a significant impact regarding PM10 emissions, which referred to regional emissions that would be generated by the project. However, the analysis of the project's localized air quality construction impacts on the High School and nearby residential development indicates that the project's PM10 impacts would be less than significant at those locations prior to mitigation; and therefore localized dust impacts due to construction would be less than significant at the more distant Middle School. Therefore, additional mitigation measures for dust would not be required pursuant to CEQA. Notwithstanding, because the project is located next to the High School, the Draft EIR includes mitigation measures that exceed SCAQMD rules for dust control to reduce dust impacts; such measures further reduce potential impacts at the Middle School.

The health risk assessment (HRA) prepared for project construction emissions analyzed the closest receptors with the potentially highest concentration of diesel particulate emissions. The HRA demonstrated that impacts would be less than significant at the nearest receptors. Therefore, health risk impacts at the Middle School would also be less than significant with regard to construction emissions.

The Draft EIR also included localized dispersion modeling for NO<sub>2</sub> at the closest sensitive receptors in order to identify the greatest level of air quality construction impacts expected from NO<sub>2</sub>. Results of the dispersion modeling identified a significant 1-hr NO<sub>2</sub> impact. As such, the Draft EIR included a number of mitigation measures to reduce those impacts. Such mitigation measures would reduce impacts at all locations surrounding the project site. The project's greatest level of NO<sub>2</sub> emissions would occur only on extreme occasions, particularly those associated with the project's concrete pours, which would only occur on a few days during the entire construction period. Further, the Middle School's location 1,350 feet away is not downstream of the wind coming off of the project except at very infrequent times. While at very infrequent and short periods of time the 1-hr NO<sub>2</sub> level may exceed the significance threshold at the Middle School, the impacts would be substantially less than those reported for the High School and residential areas. Additionally, as indicated, the project has included feasible mitigation measures to address significant NO<sub>2</sub> impacts which would reduce potential impacts at the Middle School as well. Subsequent to preparation of the Draft EIR, additional mitigation measures were added to further reduce NO<sub>2</sub> impacts. For further discussion regarding the additional mitigation measures refer to Responses 2-3 and 2-4 and Section 2.0, Corrections and Modification to the Draft EIR. All feasible mitigation measures have been included to reduce the project's construction impacts.

#### **COMMENT 5-7**

Additionally, the City of Beverly Hills asks that mitigation measures used be comparable to, and consistent with, the mitigation measures included in the 9900 Wilshire Project (SCH No. 2006071107) and The Beverly Hilton Revitalization Plan (SCH No. 2006091053) projects. The City will provide the relevant mitigation measures to the City Los Angeles under separate cover.

#### **RESPONSE 5-7**

The 10000 Santa Monica Boulevard Project is a unique and distinct project with different uses and a different project site than the two projects cited in the comment. Their boundary conditions are different and their construction activities vary. Further the mitigation measures for the 9900 Wilshire Project and the

Beverly Hilton were developed in part to reduce impacts associated with demolition, whereas the proposed project requires no demolition. The Draft EIR for the 10000 Santa Monica Boulevard Project proposes mitigation measures pursuant to CEQA guidelines that were developed to directly address this project's impacts.

No mitigation measures were submitted under separate cover by the commenter. The City of Los Angeles reviewed the mitigation measures developed for the 9900 Wilshire Project and the Beverly Hilton during preparation of the Draft EIR and included mitigation for this project that it considers comparable to the Beverly Hills measures and consistent with the expected effects as applied to this distinct project. In some cases mitigation measures for this project are more stringent due to its unique characteristics. For example this project requires a 20 foot sound barrier that would provide 15 dB of sound reduction between the project site and the Beverly Hills High School. A Preliminary Construction Management Program that delineates the mitigation measures has been prepared for the public's review and included as Appendix B to this Final EIR. For further discussion of the mitigation measures refer to Responses to Comment Letter 4, submitted on behalf of the Beverly Hills Unified School District.

**COMMENT 5-8**

Thank you for this opportunity to comment on the environmental review. Please notify us when the final environmental impact analysis is available. If you have any questions regarding the comments we are providing, please contact me by phone at (310) 285-1127, or email [pnoonan@beverlyhill.org](mailto:pnoonan@beverlyhill.org).

Sincerely,

Peter Noonan, AICP CEP  
Associate Planner

**RESPONSE 5-8**

This comment provides guidance for future communication and does not raise issues regarding the contents of the Draft EIR. No further response is necessary.

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**LETTER NO. 5A**

City of Beverly Hills  
Department of Community Development  
455 N. Rexford Drive, Room 140  
Beverly Hills, CA 90210  
Peter Noonan, AICP CEP, Associate Planner

**COMMENT 5A-1**

The City of Beverly Hills has completed its review of the traffic impact analysis in the environmental impact report referenced above for the project at 10000 Santa Monica Boulevard and is providing the following comments:

**RESPONSE 5A-1**

This comment is introductory and does not raise issues regarding the contents of the Draft EIR. Comments regarding traffic and responses follow.

**COMMENT 5A-2**

- 1- The existing signal timing and operation of the intersection of Moreno and South Santa Monica is part of City of Los Angeles signal system. This is a boundary signal and the City of Beverly Hills shares 50% of the signal approaches. The timing plan could be more flexible and sensitive to Beverly Hills traffic demand particularly, with respect to the traffic of the Beverly Hills High School. With the construction of the proposed project the signal operation should be studied for increased conflicts at the above intersection related to anticipated trips. In the event that potential impacts are identified, this intersection should be redesigned for improved signal operation both during the construction phase and after the completion of the project.

**RESPONSE 5A-2**

The traffic study scope, including analysis approach, methodology and assumptions, were developed in consultation with the City of Beverly Hills as well as the City of Los Angeles. Per LADOT's direction, the analysis of the Moreno Drive and South Santa Monica Boulevard intersection was conducted in tandem with the intersection of the North Santa Monica Boulevard/South Santa Monica Boulevard crossover. These two traffic signals are located in close proximity to each other and coordinated to operate like one signal. As discussed in the Draft EIR, the project will not result in a significant impact at any study intersection including the intersection of Moreno Drive and South Santa Monica Boulevard. Therefore, no mitigation measures are required for this intersection.

Further, the traffic signals at the two intersections are already coordinated and optimized by LADOT as they are installed with City of Los Angeles' Automated Traffic Surveillance and Control (ATSAC) system and an Adaptive Traffic Control System (ATCS). The ATSAC technology monitors traffic conditions and system performance, selects appropriate signal timing strategies, and performs equipment diagnostics and alert functions. ATCS is a personal computer-based traffic signal control software program that provides a full traffic-adaptive signal control based on continuous monitoring of real-time traffic conditions, thus

accounting for traffic demand and green time optimization on all approaches of the Moreno Drive and South Santa Monica Boulevard intersection.

**COMMENT 5A-3**

2- Due to particular circulation patterns near and adjacent to the proposed project site, it may not be possible to assess accurately the potential residential trip impacts of this Los Angeles project within the City of Beverly Hills; therefore, it may be necessary to conduct further studies once the project is completed [sic] and the residential units are occupied. Similar to projects in the past, one method of accommodating such further studies and potential mitigation measures would be for the applicant to deposit a certain amount of funds via the City of Los Angeles to be accessible for use by the City of Beverly Hills. This funding would be used for conducting post project counts and studies, and if needed, to implement mitigation measures to address the potential residential impacts. The amount of this fund needs to be calculated by the EIR consultant with respect to the future costs of traffic studies and traffic control measures. As a reference and comparison base a few years ago the Fox project in Los Angeles provided \$80,000 to the City of Beverly Hills for this purpose.

**RESPONSE 5A-3**

The commenter's suggestion that particular circumstances may exist such that it may not be possible to accurately assess the project's residential trip impacts is not supported by evidence within the comment. The analyses in the Draft EIR were performed using well accepted methodologies, and as indicated in Response to Comment 5A-2, the analysis approach, methodology and assumptions of the Draft EIR were developed in consultation with the City of Beverly Hills as well as the City of Los Angeles. The Draft EIR analysis for project impacts was performed according to CEQA Guidelines, based, as required, on the existing conditions. The Draft EIR cumulative analysis was based on a conservative estimate of additional development anticipated to occur in the near future. The Draft EIR concluded that the project would have less than significant impacts on street intersections, and likewise would have less than significant impacts on neighborhood street segments. No circumstances have been identified by the commenter that would alter the conclusions of the Draft EIR.

In summary, the Draft EIR provides a full and adequate analysis of the traffic impacts that complies with CEQA and the traffic analysis methodologies of the Cities of Los Angeles and Beverly Hills. Furthermore pursuant to CEQA Guidelines Section 15126.4(a)(3) and (4) mitigation measures are not required for effects which are not found to be significant; mitigation measures must have a nexus to the impacts and mitigation measures must be "roughly proportional" to the impacts of the project. There are no CEQA requirements that require projects to perform on-going speculative studies. Therefore, additional studies are not required.

**COMMENT 5A-4**

The City of Beverly Hills is providing these comments for inclusion with public comments received during the public comment period. Thank you for this opportunity to comment on the environmental review. Please notify us when the final environmental impact analysis is available. If you have any questions regarding the comments we are providing, please contact me by phone at (310) 285-1127, or email pnoonan@beverlyhill.org.

**RESPONSE 5A-4**

The comments in this letter have been incorporated into the Final EIR along with the original letter submitted by the commenter. This comment raises no further issues regarding the contents of the Draft EIR.

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**LETTER NO. 6**

Beverlywood Homes Association  
9911 W. Pico Boulevard  
Suite 1410  
Los Angeles, CA 90035  
Scott Diamond, President

**COMMENT 6-1**

Re: ENV-2011-0540-EIR  
10000 Santa Monica Boulevard Project  
(10000 Santa Monica Boulevard, Los Angeles, California 90067)

Dear Mr. Plafkin:

On behalf of the Beverlywood Homes Association ("Beverlywood"), I am submitting the following comments in response to the Draft Environmental Impact Report Notice for the 10000 Santa Monica Boulevard Project. I am also requesting notice of any and all hearings, filings and related events, including a hard copy of all reports prepared in this matter, as soon as they become available. (Notice can be mailed to my attention at Beverlywood Homes Association, 9911 W. Pico Boulevard, Suite 1410, Los Angeles, CA 90035.)

**RESPONSE 6-1**

This comment is introductory and does not raise issues regarding the contents of the Draft EIR. The commenter is on the City's distribution list at the address indicated in the comment and will receive further notices and reports, consistent with City policy.

**COMMENT 6-2**

Beverlywood is one of the largest single-family residential HOA's in Los Angeles, with over 1350 homes. Beverlywood is part of the Neighborhood Protection Plan ("NPP") and the Century City Neighborhood Transportation Mitigation Project ("CCNTMP"), both of which were implemented to address the increased projected traffic from the Fox expansion and subsequent development in and around Century City, projections that have unfortunately come true. However, unlike other communities covered by the NPP and the CCNTMP, the City of Angeles has thus far failed to provide any meaningful protection to the over 3,000 residents of Beverlywood, in direct contravention of these two plans. Traffic on our neighborhood streets has reached unsafe, unreasonable and intolerable levels, up to and/or exceeding 25,000 cars per day! This has been confirmed by the EIR prepared for the Museum of Tolerance project as well as recently conducted traffic studies in and around our neighborhood relating to other pending projects.

Motor Avenue, to the contrary, is currently capped at 600 cars per peak hour (the result of a city resolution). This and others "arrangements" have resulted in turn restrictions from National to Motor, along with countless traffic calming measures on Motor itself, the result being that Motor is at full capacity under current law and unable to carry any additional vehicular traffic to or from Century City relating to this or any other project.

This leaves Beverlywood (and thus Beverwil Drive and Beverly Drive- the closest north-south streets immediately east of Motor), exposed to yet additional cut-through traffic both to Century City in the AM and from it in the PM Beverlywood thus strongly urges you to study the following intersections in and around Beverlywood, all of which, once again, are within the NPP and the CCNTMP:

- Beverly and Pico
- Beverly and Cashio
- Beverly and Monte Mar
- Beverwil and Pico
- Beverwil and Cashio
- Beverwil and Monte Mar
- Beverwil and Castle Heights
- Castle Heights and Cattaraugus
- Castle Heights and National
- National and Beverly
- National and Bagley
- National and Canfield
- National and Robertson
- National and Manning
- Robertson and Olympic
- Robertson and Pico
- Robertson and Cadillac/Hillsboro
- Robertson and Cattaraugus
- La Cienega and Olympic
- La Cienega and Pico
- La Cienega and Cashio
- La Cienega and Cadillac
- Interstate 10 (Santa Monica Freeway) and Robertson
- Interstate 10 (Santa Monica Freeway) and La Cienega
- Interstate 10 (Santa Monica Freeway) and Manning/National
- Interstate 10 (Santa Monica Freeway) and Overland
- Olympic and Roxbury

- Olympic and Doheny
- Pico and Roxbury
- Pico and Doheny

In addition, the following street segments must be analyzed:

- Beverwil between S. Rodeo and S. Camden
- Beverwil, between Pico and Alcott
- Roxbury, between Pico and Costello
- Beverly, between Whitworth and Pico
- Beverly, between Pico and Alcott
- Beverly, between Monte Mar and Kirkside
- Pico, between Century Park East and Roxbury
- Pico, between Avenue of the Stars and Motor
- Robertson, between Pico and Alcott
- Monte Mar, between Bagley and Rexford
- 18th Street, between Robertson and Hillsboro
- Hillsboro, between Sawyer and Cresta
- Cattaraugus, between Robertson and Canfield
- Beverwil, between Sawyer and Cisco
- Castle Heights, between Bolton and Beverwil
- Beverlwood (sic), between Beverwil and Anchor
- Castle Heights, between National and Vicar
- Beverly, between National and Flint
- Canfield, between Kincardine and Kincardine
- National, between Robertson and Livonia
- National, between Manning and Barbydell
- Manning, between National and Woodbine

Beverlywood has previously submitted comments with respect to the Century Plaza Project and the YULA Project. Inexplicably, the City also failed to analyze *any* streets located in Beverlywood with respect to either of these EIR's. Nor did the City analyze any streets in Beverlywood with respect to this project, even though Beverlywood met with the developer, on more than one occasion, to express these very concerns. This practice of ignoring Beverlywood, the southern access point to Century City, must cease. With respect to this project and any future projects in or around Century City, the city must analyze the impact of any such project on Beverlywood.

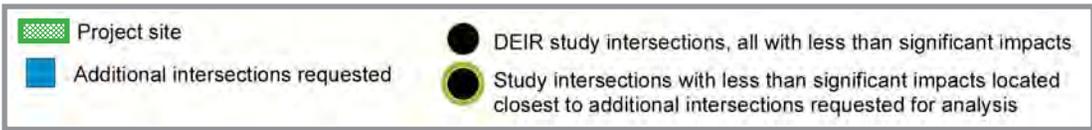
**RESPONSE 6-2**

The Draft EIR specifically refers to intersections located in the Beverlywood area and provides reasons as to why the intersections were not selected as part of the traffic analysis (Draft EIR, page IV.K-11). The scope of traffic study was developed in consultation with the City of Beverly Hills as well as the City of Los Angeles Department of Transportation. The selection of study intersections was generally based on distribution and assignment of project trips along anticipated travel routes and the potential for more than 10% of project trips (approximately 10 trips in the morning peak hour and 11 trips in the evening peak hour) traversing through an intersection, a level of traffic below which there is no potential for a significant impact under City of Los Angeles or City of Beverly Hills project impact criteria. The 42 intersections selected for analysis in the traffic study met this threshold, based on their potential to be significantly impacted by the project. The intersections identified in the comment were not selected as part of the study because project traffic through these locations was expected to be fewer than 10 trips in the morning peak hour and 11 trips in the evening peak hour, and therefore would not be potentially significantly impacted by the project. The location of the additional intersections requested in reference to the study intersections are shown in **Figure 3-1, Location of Additional Intersections**. As indicated, the additional intersections are located approximately 1 to 4 miles (travel distance) from the project site. None of the project's study intersections, including those intersections closest to Beverlywood, that were determined to result in a potentially significant impact. Since the project's trips would disburse even farther after moving past the analyzed intersections, intersections located even farther from the project, including those intersections listed in the comment letter, would not have the potential to be significantly impacted. Based on the analysis included in the traffic study, the project would not result in a significant impact at any of the intersections identified in the comment.

Per LADOT's traffic study guidelines, the objective of the residential street impact analysis is to determine the potential for cut-through traffic impacts on a residential street that can result from a project. Some of the street segments identified by the commenter do not qualify as residential (local) streets. The street segments selected as part of the traffic study are located within the immediate vicinity of the project. These segments were determined not to be significantly impacted by the project. Since the project's trips are expected to disburse farther after moving past the analyzed intersections and segments, the street segments identified by the commenter are not expected to be significantly impacted by the project. The project trip distribution and assignment takes into consideration City of Los Angeles' ordinance for a trip cap along Motor Avenue, south of Pico Boulevard, and recognizes that LADOT can enforce this via changes to traffic signal timing along Motor Avenue. Project traffic traveling to/from the south of Pico was assigned accordingly to available routes, which includes the I-405, Overland Avenue, Motor Avenue and Beverly Drive. As discussed above, the intersections and segments identified in the comment were not selected as part of the study because project traffic through these locations was expected to be fewer than 10 trips in the morning peak hour and 11 trips in the evening peak hour, and therefore would not be potentially significantly impacted by the project.

**COMMENT 6-3**

And while Beverlywood has yet again been overlooked, surprisingly, the city failed to study any southern access point to Century City. This, in spite of the fact, that the city studied ten intersections on Santa Monica Boulevard from the proposed project site to the 405 Freeway. It is as if the city and/or the developer somehow believe that all vehicular traffic relating to this project will utilize the 405 Freeway on-ramp and off-ramp at Santa Monica Boulevard. Unfortunately, this is completely unrealistic. Therefore, in order for this study to be accurate, fair and complete, the following additional (southern access point) intersections must also be studied:



Not to scale

### Location of Additional Intersections

10000 Santa Monica Boulevard  
 Source: Fehr & Peers, November 2011.

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- Motor and National
- Motor and Palms
- Motor and Venice
- Motor and Manning
- Pico and Overland
- Pico and Manning
- Pico and Prosser
- Pico and Patricia

In addition, the following additional (southern access point) street segments must also be analyzed:

- Motor, between Pico and Monte Mar
- Motor, between Manning and Patricia
- Motor, between Palms and Tabor
- Motor, between Woodbine and National
- Manning, between Motor and Gilmerton
- Hughes, between National and Tabor
- Palms, between National and Clarington
- National, between Jasmine and Clarington
- Overland, between Coventry and Exposition
- Manning, between Pico and Ayres
- Overland, between Pico and Ayres
- Bagley, between Harlow and Exposition

### **RESPONSE 6-3**

The geographic distribution of trips generated by the proposed project was based on the characteristics of the street system serving the project site, the level of accessibility of routes to and from the proposed project site, and the location of employment and commercial centers to which residents of the project would be drawn. The general distribution pattern for this study was developed in consultation with LADOT. The assignment of project trips took into consideration the locations of the proposed driveways with respect to the network of regional and sub-regional roadways, the right-turn-only nature of the driveways on Santa Monica Boulevard, and the proposed closure of the project's Moreno Drive driveway during the morning and the evening peak periods to facilitate traffic access to Beverly Hills High School. Closure of the Moreno Drive driveway will force residents/visitors to use Santa Monica Boulevard to access the project site. Even though the majority of traffic is likely to use Santa Monica Boulevard to access the project during the morning and evening peak hours, to be conservative, traffic was also assigned on streets south of Santa Monica Boulevard, and it was determined that the project would not result in significant impacts at these study intersections or

street segments located south of the project site. The study does analyze the following four southern access points to Century City:

- Beverly Glen Boulevard & Pico Boulevard
- Motor Avenue & Pico Boulevard
- Avenue of the Stars & Pico Boulevard
- Century Park East & Pico Boulevard

As discussed above, the intersections and street segments identified in the comment were not selected as part of the study because project traffic through these locations is expected to be fewer than 10 trips in the morning peak hour and 11 trips in the evening peak hour, and therefore would not be potentially significantly impacted by the project.

#### **COMMENT 6-4**

Beverlywood further requests that the projected cumulative impact of traffic from this project be analyzed in conjunction with each of the other proposed, approved and/or nearly completed adjacent projects, including, but not limited to:

- Century City Center (Century Plaza Hotel Expansion)
- Beverly Hilton expansion
- Robinson May development
- Westfield Shopping Center expansion and Mixed Use Tower
- The Century (Related)
- YULA.
- Museum of Tolerance
- William Morris/Endeavor
- JMB

#### **RESPONSE 6-4**

The related projects listed in this comment were included as part of the project's cumulative impacts analysis. The following is a list of projects identified in the comment with the related project numbers as they appear on the list of related projects in Table III-1 of the Draft EIR, page III- 15, and Table 6 – Related Project List, page 41 of the Appendix H.1 Traffic Study:

- Century City Center (Century Plaza Hotel Expansion) – Related Project #16
- Beverly Hilton Expansion – Related Project #22
- Robinsons May Development Store – Related Project #20
- Westfield Shopping Center Expansion and Mixed-Use Tower – Related Project #14
- The Century (Related) – already built

- YULA – Related Project #13
- William Morris/Endeavor – already built
- JMB – Related Project #18

**COMMENT 6-5**

While traffic is a major concern to our community, so is the lack of adequate Fire Department staffing, given that Fire Station No. 58 has been cut in half and Fire Station No. 92 has been cut by a third. Specifically, Fire Station No. 58 no longer has a Life Force Unit, leaving one Hook and Ladder truck for the entire area (at Fire Station No. 92). Worse yet, according to the Fire Department itself, each station no longer has the capacity to respond to simultaneous calls. As the result of these drastic cuts- which only recently took effect on July 5, 2011- it is doubtful whether the Fire Department can properly service our community as currently configured, much less one that includes the proposed 10000 Santa Monica Boulevard Project along with all the other proposed/approved projects. Police resources are similarly in scarce supply. As such, Beverlywood objects to any further development given the severe curtailment of Los Angeles emergency response capacity.

**RESPONSE 6-5**

The project impacts on fire and police resources are analyzed in Sections IV.J.1-1 and IV.J.2 of the Draft EIR. As indicated, the project would have less than significant impacts on the provision of these services. As further indicated in the Section IV.J.1 analysis of fire impacts and Appendix I.2, Fire Service Correspondence, of the Draft EIR, Station 92 would be the first-in station for the project site and second call stations include Stations 37 and 71. Station 58, referenced in the comment, is not expected to be either a first-in station or second call station servicing the project site. Changes in the deployment of fire fighting resources on July 5, 2011 under the FY 2011-2012 Deployment Plan are discussed at pages IV.J.1-5, IV.J.1-9 and IV.J.1-15 of the Draft EIR. As indicated, the changes in the deployment of fire fighting resources would apply to Station 92, but not to Stations 37 or 71. The changes are part of a Department wide program that is intended to increase the efficiency of fire fighting services without reducing service levels. The changes are part of a one year program that will be re-evaluated yearly to determine appropriate level of staffing at fire department stations.

Further, the proposed 10000 Santa Monica Boulevard project is expected to generate only a 1.1 percent increase in annual fire- and emergency-related incidents within the Station 92 first-in area, and therefore would only slightly increase the demand on LAFD fire protection and emergency medical services. The project also includes project design features to reduce potential utilization of fire department resources, including an automated sprinkler system (as described on page IV.J.1-13 of the Draft EIR). Likewise, the project would include project design features and on-site security services to reduce the potential impact on police services including on-site 24 hour/7 days per week private security personnel (as described on page IV.J.2-9 of the Draft EIR. With inclusion of the project design features, impacts on fire fighting and police services would be limited and project impacts would be less than significant. The project also includes Mitigation Measures J.1-1 through J.1-4 that provide for LAFD review of project plans, and compliance with required Fire Department regulations and design specifications for development.

**COMMENT 6-6**

Finally, Beverlywood incorporates the comments of all others objecting to this project as if fully articulated herein, including, but not limited to, the adverse impact this project will have on our scarce water and power resources.

**RESPONSE 6-6**

The comment is noted and forwarded to decision-makers for their consideration on a decision action for the project. All comments received on the Draft EIR have been incorporated into the Final EIR and responded to as submitted. The project's impacts on water resources are fully analyzed in Section IV.L.1, Water Supply of the Draft EIR. The impacts on power resources are analyzed in the project's Initial Study, Appendix A.2 and discussed further in Section VI.F, Effects Found Not to be Significant, of the Draft EIR (page VI-11). In both cases the analyses indicated that project impacts would be less than significant. The proposed project would include a considerable number of project design features that would reduce the consumption of water and power resources when compared to traditional projects. These measures are fully delineated in the sections of the Draft EIR that analyze impacts on Air Quality, Section IV.B (page IV.B-20) and Greenhouse Gas Emissions, Section IV.E (page IV.E-17); and have been incorporated into the Preliminary Construction Management Program, Appendix B of the Final EIR.

**LETTER NO. 7**

Comstock Hills Homeowners Association  
1429 Comstock Avenue  
Los Angeles, CA 90024  
Jan Reichmann, President

**COMMENT 7-1**

Dear Mr. Plafkin:

I have reviewed the project planned for 10000 Santa Monica Blvd. and am pleased to offer a firm endorsement personally and on behalf of our organization whose residences are just north of Century City. The building is considerably smaller than the previously designed "Green Blade", has fewer units and is in a price range that becomes affordable to not only adjacent homeowners if they ever wish to move from their homes, but to professionals who work in and around Century City.

Aesthetically it is beautiful and I am pleased to say that the developer reached out to the adjacent communities for their input. We think it will be an asset to the neighborhood. We also appreciate that it will be all residential rather than office or hotel which would indicate many more car trips.

**RESPONSE 7-1**

The commenter's support for the project is noted and forwarded to decision-makers for their consideration on a decision action for the project.

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**LETTER NO. 8**

Westwood South of Santa Monica Blvd  
Homeowner's Association  
P. O. Box 64213  
Los Angeles, CA 90064-0213  
Barbara Broide, President

**COMMENT 8-1**

This letter is written on behalf of the Westwood South of Santa Monica Blvd. Homeowners Association representing over 3800 single family and condominium homeowners in the area bounded by Santa Monica and Pico Boulevards on the north and south, and by Beverly Glen and Sepulveda Boulevards on the east and west. We write in response to the DEIR issued on the above referenced residential condominium project which seeks entitlements from the City.

**RESPONSE 8-1**

This comment is introductory and does not raise issues regarding the contents of the Draft EIR. No further response is necessary.

**COMMENT 8-2**

**Schools:** While the majority of our comments will address traffic concerns, there is one other area that will significantly impact our community. We seek a mechanism that will address these negative impacts resulting from projected school attendance at Westwood Charter Elementary School which lies in the middle of our community. A large proportion of the residents in our community purchased homes in this area because it lies within the boundaries of the Westwood Charter School. At one point a couple of years ago, an increase in enrollment resulted in a proposal to change the school's boundaries which would have sent those homes in the western portion of our area to Nora Steery Elementary School, located just west of the 405 Freeway. That proposed change would have separated our neighborhood and would have resulted in children attending a school that they could no longer access on foot or by bike. The property values of the homes on the affected streets (west of Veteran Avenue) would have likely suffered a drop in value having lost their relationship with a high performing neighborhood school. We see that this project forecasts a possible increase in school enrollment that would result in a "shortage of 31 seats below the 30 seat safety margin used to LAUSD for defining overcrowded schools." The suggested mitigation for this impact, the payment of a school mitigation fee will not remedy the probable impact of redistricting for our families. As the children of residents in the 10000 Santa Monica Blvd. project will be unable to walk and are highly unlikely to ride a bicycle to Westwood Charter School, we request that the new students be enrolled in a different school and an arrangement made with LAUSD to ensure that students from 10000 Santa Monica Blvd. do not trigger any changes that would cause our families to be forced to leave Westwood Charter. Westwood Charter is a neighborhood school with children playing with their peers in walking distance from school and their homes. A change in this would result in major impacts in family life for children and parents alike.

**RESPONSE 8-2**

The Draft EIR's analysis of the project's impacts on schools, Section IV.J.3 of the Draft EIR, has been prepared consistent with CEQA requirements, LAUSD evaluation practices and requirements of Government Code Section 65995 and SB 50 regarding the payment of developer fees. Pursuant to these guidelines, the project would not result in a significant impact to schools after mitigation. The Draft EIR includes a very conservative estimate, and therefore likely overestimates, the number of students that would attend LAUSD schools.

First, the project's estimated 32 students that would attend Westwood Elementary School is based on student generation factors that reflect City-wide household characteristics. However, as indicated on page IV.J.3-8 of the Draft EIR, households in Century City are smaller and have fewer school-age students than other areas of the City. For instance, census tract information for the project vicinity indicates that in 2009 there were only 330 total school-aged children (ages 5-18) among 3,785 households. This is a rate of 0.0871 students per household; where-as the total student generation used in the Draft EIR's analysis for all grade levels throughout the LAUSD is 0.2406 students per household. Using the 0.0871 students per household, the project would generate approximately 25 students, much less than the 68 students conservatively analyzed in the Draft EIR. Further, based on the expected lower student generation rate, there would only be 10 additional students attending Westwood Elementary School in contrast to the 32 students estimated in the Draft EIR analysis.

Second, the Draft EIR's analysis conservatively assumes that none of the project's future residents have students currently attending the affected schools, and that all children living at the project would be new to the LAUSD's schools. Third, it is likely given the expected market for the project's residences that a significant portion of the project's school-aged children would attend private schools, thus reducing increased demand on LAUSD schools even further.

Finally, it should be noted that the cited "shortage of 31 seats below the 30 seat safety margin used to [sic] LAUSD for defining overcrowded schools" implies greater impact than actually expected to occur as a result of the proposed project. The actual estimated shortage is one seat, aside from the safety factor.

The project's proposed mitigation, the payment of fees as cited in the comment, is considered to be appropriate and sufficient mitigation to address school impacts, under the State Law cited above. Notwithstanding, the project Applicant has approached the LAUSD to request that the school fees paid for the project be targeted to local needs. The Applicant will continue to support this recommendation. The comments regarding cumulative impacts at the Westwood Elementary School and proposed mitigation are noted and forwarded to decision-makers for their consideration on a decision action for the project

**COMMENT 8-3**

**Parking:** We would like to applaud this project's efforts to install an automated parking option which could serve as a model for other developments in the vicinity. This is a new technology with great promise for reducing parking costs and minimizing the footprints of projects on the land thus, hopefully leading to an increase in open space and a reduction of construction costs.

**RESPONSE 8-3**

The commenter's support for the use of an automated parking system is noted and forwarded to decision-makers for their consideration on a decision action for the project.

**COMMENT 8-4**

**Traffic:** A number of our comments related to traffic disagree with the LA City DOT's interpretation of what makes up a significant traffic impact. We understand that it is not our role to define such terms. However, for example, although DOT may consider an intersection at Level D of service to be acceptable, we do not agree. There are a number of such intersections noted in the study in addition to the 10 study intersections operating at E and F Levels during one or both peak hour periods. While the status or rating of an intersection may not be affected, the added traffic will add delays experienced by drivers thus having a negative impact on traffic, safety and quality of life. Traffic delays also translate to added cut-through traffic that encroaches upon residential neighborhoods.

**RESPONSE 8-4**

The traffic study follows the traffic study guidelines and significant impact criteria required by the City having jurisdiction over an analyzed intersection. The criteria under both cities (Los Angeles and Beverly Hills) are more stringent for intersections operating at a poor level of service (LOS), e.g., LOS 'E' or 'F'. This means that fewer trips are required to trigger a significant impact at intersections with LOS E or F as compared to intersections operating at a higher level of service. The project does not result in a significant impact at any of the intersections identified to be operating at LOS E or F under both existing plus project and future plus project conditions.

**COMMENT 8-5**

It is interesting that no mention is made in the DEIR about the EXPO line and the importance of participating in a shared transit service that will connect Century City residents and commuters to the EXPO line whose closest station will be at Westwood Blvd. This would help to meet the planning goal which encourages "linkages to future transit" and an increase of work and non-work transit trips enhancing the mobility of seniors, disabled and the transit dependent. Policy 11-1.2 which seeks an increase in the use of multiple occupancy vehicle programs for shopping and other activities to reduce mid-day traffic is another goal that could be reached with a project-related mitigation to participate in the offering of such a service in Century City for residents throughout the community. Westfield has already tested the model at the holiday season and it has proved to be a successful service which can and should be further developed to decrease traffic congestion, reduce pollution and increase safety.

**RESPONSE 8-5**

It is likely that upon opening of the Expo LRT, some residents /visitors will use the transit service to travel to/from the project but since the project is proposed to be constructed and open before the Exposition Light Rail Transit Line Phase II (Expo LRT) is built, to be conservative, no transit trip credit was applied to the project's trip generation estimates. The project will also be located within close proximity to the proposed Westside Subway Extension (Subway) and may result in some resident/visitors using the Subway line to travel. However, to be conservative, no trip credits were applied. The project's impacts on traffic are less than significant and therefore no mitigation measures are required. However, this comment is being forwarded to the decision-makers for further review and consideration.

**COMMENT 8-6**

The text of the traffic section of the study does not accurately describe all the streets noted (while the detailed table in the appendix seems to contain correct details related to parking that are omitted in the text both in the Executive Summary and Appendix). We would consider the relevant area for this project on Pico to go beyond Kerwood Drive. We note that parking is allowed on portions of Pico during hours other than peak rush hour periods. On Beverly Glen Blvd., there are portions that lack left turn channelization, specifically at non signalized intersections in our area. On Westwood Blvd. in our area while metered parking is allowed, there are peak hour prohibitions. Veteran Avenue south of Missouri Avenue has parking on but one side (southbound) to Pico. Cotner Avenue has street parking restrictions in our area on some segments, most notably overnight parking restrictions. The physical description of Moreno Drive does not contain an adequate characterization of that street which runs along the frontage of Beverly Hills High School. It is not a typical street and contains many stops and speed humps as well. The likelihood or assumption that vehicles will take Moreno southbound toward Spaulding and Olympic in order to head west or south is doubtful. It is more likely that they will go from Santa Monica Blvd. to Beverly Glen and head south on Beverly Glen. If access to Moreno is limited during peak school transit times, then all traffic will be forced onto Santa Monica Blvd. We have long time concerns about the safety of Beverly Glen as it pertains to speeding, danger from cars queuing to turn without a lane in which to do so, cut through traffic speeding of the street and onto adjacent residential streets (such as Tennessee) and so on.

**RESPONSE 8-6**

The detailed table (Table 1 – Existing Surface Street Characteristics, Page 10 of the Traffic Study) is accurate. The text in the Draft EIR provides a generic description of the whole stretch of the roadway within the study area while the table presents more detailed data for each street segment of the roadway stretch. The traffic study correctly describes Moreno Drive as a “local facility” with one travel lane in each direction. A local residential street typically features speed bumps and stop controlled intersections as traffic calming features. The analysis assumes closure of Moreno Drive driveway during the morning and evening peak periods and the resulting trip assignment to sub-regional and local roadways to access the Santa Monica Boulevard driveways. Although a majority of the trips were assigned to use Santa Monica Boulevard to travel to/from other sub-regional and regional routes, a small number of trips were assumed to use Moreno Drive to travel north/south to/from Olympic Boulevard. The traffic analysis includes the study of three intersections along Beverly Glen Boulevard. These intersections are Santa Monica Boulevard & Beverly Glen Boulevard (#7), Olympic Boulevard & Beverly Glen Boulevard (# 24), and Pico Boulevard & Beverly Glen Boulevard (#42). As indicated in the Traffic Study, none of these three intersections are projected to be significantly impacted by the project traffic under both existing plus project and future plus project conditions.

**COMMENT 8-7**

We appreciate having the opportunity to comment on the DEIR document which we found to be a “cut above” the traffic study work contained in most environmental documents submitted for projects in this vicinity. Our concerns about cumulative impacts remain as we would argue that intersections at unsatisfactory levels of service that experience new/added traffic in any amounts experience a diminution of service that has a negative impact on those using the roadways. No doubt that we cannot blame the 10000 Santa Monica Blvd. project for the current traffic that exists and we recognize that their residential project will have lesser impacts than would possible commercial or mixed use projects that might be presented on this site. Nonetheless, we note that in many locations and particularly at peak travel hours, any new traffic

represents traffic that cannot be absorbed. (The sponge is full!) Thus, the “livability,” and quality of life in the area suffers. As the study notes, 10 intersections of the 42 studied are at level E or F. While the figures do not exceed CMP threshold criteria, the traffic generated by Crescent Heights LLP residents (and related staff) will add to delays at an intersections such as Westwood and Santa Monica Blvds. By the year 2016 it is projected that the 10 level E or F intersections will increase in number to 19 (!) (yet this is still not considered to be significant by the current standards). We see environmental impacts that are somewhat limited individually but cumulatively considerable. We see the incremental effects of this project as being considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.

Our area contains a large number of the “problem” intersections now and projected to be so in the future when taking into account cumulative impacts. Included in the 19 intersections projected to operate at levels E or F at least during one peak travel time each day are: Beverly Glen/Olympic, Overland /Olympic, Westwood/Santa Monica, Sepulveda/Santa Monica, Cotner/I405/Santa Monica, Veteran/ Santa Monica, Overland/ Santa Monica, Beverly Glen/Santa Monica.

#### **RESPONSE 8-7**

The criteria under both cities (Los Angeles and Beverly Hills) are more stringent for intersections operating at poor LOS, e.g., LOS ‘E’ or ‘F’. This means that fewer trips are required to trigger a significant impact at intersections with LOS E or F as compared to intersections operating at a higher level of service. The project would not result in a significant impact at any of the intersections identified to be operating at LOS E or F under both existing and project and future plus project conditions, which takes into consideration cumulative impacts from related projects.

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

We did not notice any mention of a need to avoid lane closures for construction during holiday shopping periods. We trust that this will be noted and a calendar of dates where closures are forbidden is developed. We also seek further clarification as to the proposed locations for off-site staging for haul trucks. While the DEIR states that haul route trucks will not stage adjacent to residential areas (including on residential arterial such as Olympic, we trust), we also wish to make certain that lines of trucks do not park in front of commercial / retail concerns making it impossible for them to be seen and for patrons to park on the street. We have had such situations where trucks have been lined up from blocks one after another.

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

The Draft EIR has identified numerous project design features and mitigation measures to reduce construction impacts on local roadways and neighborhoods; including preparation of a Construction Management Plan. A Preliminary Construction Management Plan has been prepared and included as Appendix B to the Final EIR. Per the construction mitigation measures provided under Section IV.K.5 of the Draft EIR, full-time lane closures are not anticipated for the project. Temporary lane closures, when needed, will be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible, and will be scheduled to avoid lane closures during the peak holiday shopping periods. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, will be implemented to route traffic around any such lane closures. Also, off-site truck staging will be provided in a legal area furnished by the construction truck contractor; and will not occur adjacent to retail areas. The staging would occur at remote locations with “radio” contact to call for vehicles (e.g. haul trucks) as needed. Therefore,

extensive queuing is not expected. Clarification regarding restrictions on lane closures during holidays and queuing in front of retail uses have been provided in Section 2.0 Corrections and Modifications to the Draft EIR, and included in the Preliminary Construction Management Plan.

#### **COMMENT 8-9**

We note that at specified times the entry/exit driveway to the project will be closed off of Moreno Drive to yield to traffic related to BHHS. There is potential for congestion as vehicles seek to avoid Moreno from Santa Monica Blvd. going eastbound (and rightfully so) but wish to go west on Santa Monica. How is it envisioned that the vehicles will make this transition given that there are no entries onto the northern Santa Monica Blvd roadway past Moreno until one reaches Wilshire Blvd. –and that places them at one of the THE most congested intersections in the area. Will all haul route trucks be stopped entirely from leaving the property during peak school traffic hours since they will be unable to exit onto Moreno Drive and proceed west onto Santa Monica Blvd. directly?

#### **RESPONSE 8-9**

During the project construction period, haul trucks will enter and exit the project site from the west driveway located along Santa Monica Boulevard. On exit, the trucks will make a right turn on to eastbound Santa Monica and then turn left onto the crossover at the Moreno Drive signal to go westbound on North Santa Monica Boulevard. This maneuver on exit will be facilitated by deployment of construction flagmen at the driveway and a traffic control officer at the intersection of Moreno Drive and Santa Monica Boulevard. After project completion and occupancy, it is assumed that the majority of the residents/visitors will exit out of the west driveway along Santa Monica Boulevard when the Moreno Drive Driveway is closed to vehicular traffic during the morning and evening peak hours, which will allow the motorists to maneuver to the left-turn pocket to turn onto the crossover and proceed to westbound Santa Monica Boulevard. A very small number of trips – an anticipated maximum of three to five trips in the peak hours - may exit out of the east driveway along Santa Monica Boulevard when the Moreno Drive exit is closed and use an alternative route to get to westbound Santa Monica Boulevard. These patterns were assumed in the traffic analysis contained in the Draft EIR.

#### **COMMENT 8-10**

We would like to see more discussion related to the need to foster involvement in the Century City TMO (to help to foster the involvement of residential properties for both residents and building employees) and recognition of the value of doing so – particularly with the coming of the EXPO Line! The project should be a paying participant in the Century City TMO (a portion of homeowner dues might be dedicated to such a purpose), with a special emphasis on collaborating with other residential and commercial properties to establish the operation of an internal Century City circulator, and an EXPO shuttle. The operation of a community shuttle has long been discussed as being a needed and worthwhile community amenity that would help to reduce local traffic trips and serve the elderly and others who choose not to drive. Participation in the development of such a shuttle and in its operation with a fixed route that would connect the site with Westside Pavilion, Century City, UCLA Medical Center, local library, etc. is to be encouraged. At the very least we should have internal Century City connections and a linkage to the EXPO Line.

**RESPONSE 8-10**

The project's impacts on traffic are less than significant and therefore no mitigation measures are required. However, this comment is being forwarded to the decision-makers for further review and consideration.

**COMMENT 8-11**

We look forward to further discussion of this project as it moves through the entitlement process. Please notify us of any future meetings or hearings that may be scheduled in conjunction with the project.

**RESPONSE 8-11**

This comment does not raise issues regarding the contents of the Draft EIR. The commenter is included on the distribution list for future meetings and hearing and will be notified as requested.

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**LETTER NO. 9**

The Los Angeles Country Club  
10101 Wilshire Boulevard  
Los Angeles, CA 90024-4703  
Kirk O. Reese, General Manager

**COMMENT 9-1**

**Re: 10000 Santa Monica Boulevard, SCH No. 2011041042**

Dear Mr. Plafkin:

The Los Angeles Country Club ("LACC") appreciates this opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the 10000 Santa Monica Boulevard Project LACC has continually operated the South Course since 1911, predating much of the development in the area, and, as you may be aware, LACC's South Course is located directly north of the proposed Project ("Proposed Project") site.

**RESPONSE 9-1**

This comment is introductory and does not raise issues regarding impacts the contents of the Draft EIR. No further response is necessary.

**COMMENT 9-2**

At the outset, LACC is concerned about the failure of the DEIR to treat the established use of the South Course as a sensitive receptor. Although LACC is a private facility, it is nonetheless an outdoor recreational facility. While the DEIR for the Proposed Project documents sensitive receptors in the area, the majority of the focus on sensitive receptors is pointed to the adjacent Beverly Hills High School and residential uses to the east of the Proposed Project site. While we understand that Beverly Hills High School and the residences in the south of Beverly Hills are important sensitive receptors for both construction and operational impacts of the Proposed Project, the DEIR fails to acknowledge the importance of LACC, the sensitive receptor across the street This is especially important for LACC, as LACC members cannot shut their windows or close their doors to prevent a construction or operational impact when using the South Course.

**RESPONSE 9-2**

The Beverly Hills High School and the residential neighborhood to the east of the project site lie immediately adjacent to the project site and involve the exposure of people at relatively fixed locations (school buildings, homes and yards) to potential impacts for potentially extended periods of time. In contrast, users of the private Los Angeles Country Club (LACC) are typically not on the site on a daily basis, and move quickly through the golf course, which extends far beyond the small area of the course in proximity to the project site. At its closest, the LACC's golf course is approximately 220 feet from the project, and located across 10 traffic/turn lanes and a landscaped parkway within Santa Monica Boulevard. At its farthest, the golf course is approximately 6,500 feet (1.25 miles) from the project site. Nonetheless, potential impacts to the LACC were thoroughly analyzed in the Draft EIR. In addition, all of the project's mitigations measures to reduce noise and air quality impacts (other than sound barriers, which as noted below are not required to reduce

noise impacts at LACC), would also reduce impacts at the LACC. For further discussion regarding the project's shading, air quality and noise impacts and appropriate mitigation measures to reduce project impacts on the LACC, refer to Responses to Comments 9-4 through 9-7, 9-8 and 9-12 below.

### **COMMENT 9-3**

Our comments on the DEIR are included below. We believe that, after reviewing the DEIR and new information that has arisen since the DEIR was issued, recirculation of the DEIR is the appropriate action to ensure continued public safety and full disclosure of the potential environmental impacts of the Proposed Project consistent with the California Environmental Quality Act ("CEQA.") CEQA Guidelines section 15088.5 instructs that "significant new information" requiring recirculation can include "[a] substantial increase in the severity of an environmental impact [that] would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." After our review of the DEIR, it is clear that this standard has been met, and that issues of great severity were not adequately addressed in the DEIR. We are hopeful that a recirculated DEIR will address many of the deficiencies in the current DEIR and will ensure that the Proposed Project impacts to LACC are fully considered.

### **RESPONSE 9-3**

As indicated in Responses 9-4 through 9-13, below, the Draft EIR discloses all of the project's potentially significant impacts, and no significant new information has been provided that would require recirculation of the Draft EIR. Recirculation of the Draft EIR is neither required nor appropriate per CEQA Guidelines. For further discussion regarding the Draft EIR's analyses, conclusions and mitigation measures, and reasons why re-circulation is not required, please refer to Responses 9-4 through 9-13.

### **COMMENT 9-4**

#### **The DEIR Fails to Identify Significant Shade and Shadow Impacts on LACC**

The DEIR's analysis of shade and shadow impacts fails to apply the significance threshold for shade and shadow impacts and fails to acknowledge how shade and shadow may affect LACC's operations. A cursory glance at the shade and shadow diagrams included in the DEIR should be a preliminary indication that there could be a significant impact to LACC from the Proposed Project. See Figures IV.A-17 -20. More troubling, however, is the effort the DEIR makes in trying to conceal that the Proposed Project will have a significant impact on LACC as defined by the LA CEQA Thresholds Guide. LACC is a sensitive receptor consistent with the LA CEQA Thresholds Guide. LA CEQA Thresholds Guide, p. A.3-1. As a reminder, the Los Angeles CEQA Thresholds Guide defines a significant shade and shadow impact, in part, as follows:

A project impact would normally be considered significant if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00p.m. Pacific Standard Time (between late October and early April.) L.A. CEQA Thresholds Guide, p. A.3-2.

The DEIR attempts to break up the analysis of potential Winter Solstice shade and shadow impacts by indicating that "areas where golfing activities occur" would not be shaded for more than three hours, therefore resulting in a less than significant impact. DEIR, p. IV.A-39. However, this statement is merely an attempt to amend the clear language of the significance threshold by sleight of hand and does not change the remainder of the section text and Figure IV.A-17, which indicate that LACC will be shaded from before 9:00

a.m. to 12:20 p.m. on the Winter Solstice, which clearly exceeds three hours. DEIR, p. IV.A-39. Thus, by the City's own threshold, there will be a significant shade and shadow impact on LACC. Likewise, the DEIR attempts to minimize impacts during the Spring and Fall Equinoxes by asserting that "no single location or green within the golf course will be shaded for than about [sic] two hours." DEIR, p. IV.A-39. Again, that statement attempts to amend the language of the threshold in order to avoid identifying a significant impact.

The Los Angeles CEQA Thresholds Guide does not provide any sort of exception allowing for a less than significant impact in "areas where golfing activities occur" versus other areas, or for "single location[s] or green[s]". DEIR, p. IV.A-39. Instead, the "Project Impacts" section of the LA CEQA Thresholds Guide instructs the preparer of the DEIR to "determine the number of hours a project structure would shade an adjacent sensitive use." Los Angeles CEQA Thresholds p. A.3-4. In this case, the Proposed Project will create a significant impact because "shade-shadow sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April)" therefore resulting in a significant impact. L.A. CEQA Thresholds Guide, p. A.3-2.

#### **RESPONSE 9-4**

The Draft EIR analyzed the project's shading impacts in a manner that is consistent with the guidance and thresholds of the LA CEQA Thresholds Guide. The Draft EIR identifies all shading that would occur on the golf course during the analyzed hours, and as requested by the commenter, analyzes how shade and shadow may affect LACC's operations. The project would cast new shadows on any given area within the golf course for substantially less time than three hours, and in fact no single location or green within the golf course would be continuously shaded by the project for more than two hours. The short amount of shading that would occur from the noon to 12:20 P.M. time period during the winter solstice falls on a small cluster of trees located at the southeast corner of the golf course. This small cluster of trees, which would not be significantly impacted by shading from the project, is located outside of the playing areas, does not contain sod, and is internally shaded within itself. Therefore this shading would not be perceptible to golfers or affect golf play or sod conditions.

In assessing the project's impacts on shading, the Draft EIR also analyzed potential impacts as they would affect golf course activities and operations, i.e. golf play and sod conditions. During those times when the project's greatest impacts would occur to golfers on the tees, fairways and greens, the project would generate a narrow band of shade across the playing areas, which in many cases would be off-set in areas that are already shaded. The width of the band would be a maximum of approximately 205 feet wide and golf players passing by would pass through the area in a very short time span. As the band of shade would move across the golf course, it would cause its effects to shift in location, but not to increase in time. That is, there would be no residual/phantom shading contributing to a longer shading effect for golfers passing through later in the day. This situation is different than shadow effects on uses such as a public swimming pool, a residential yard, or a picnic area in a public park where people congregate in one location in which access to direct sunlight is of high value.

In the case of sod, it is very clear that shading impacts only occur when shading falls on a particular sod location. As indicated in the Draft EIR, "As a result, not only would impacts on golfers be limited, impacts on golf course sod which requires sunlight for photosynthesis would not be exposed to shading greater than two hours, thus leaving considerable sunlight throughout the majority of the day for photosynthesis. Therefore, shade impacts on the golf course would be less than significant." It may also be noted that the

greatest impact on any vegetation would occur on the south face of trees along the southern edge of the project site, vegetation that is less sensitive than the sod, for no more than approximately 2.5 hours. For the reasons stated above, shadow sensitive uses would not be shaded for more than threshold durations analyzed in the Draft EIR.

#### **COMMENT 9-5**

In addition, the DEIR analysis relies on existing trees on the LACC South Course to conclude there would be a less-than-significant impact, as those existing trees cast their own shadows. DEIR, p. IV.A-39. As stated previously in this letter, the LACC South Course is a use that has operated on the site since 1911 and, as can be expected, has many older trees. There is no guarantee that these trees will continue to survive, and, when they reach their natural lifespan, they will be replaced with younger trees that will take years to mature. As noted in the LA CEQA Thresholds Guide,

Shadow effects are dependent upon several factors, including the local topography, the height and bulk of a project's structural elements, sensitivity of adjacent land uses, season, and duration of shadow projection. LA CEQA Thresholds Guide, p. A.3-1.

All of these features have one thing in common: they are permanent. Features on a site that are not permanent, such as aged trees, cannot be treated as existing intervening conditions to reduce project impacts when they could be removed for a reason such as weather, disease, age, or even preference. It is preemptive and inconsistent with CEQA to rely on a feature that is not permanent, such as mature treescape, to reduce the analysis of operational environmental impacts to a less than significant level. The DEIR also fails to account for the impacts of casting shade on these existing trees in the first instance.

#### **RESPONSE 9-5**

Shading from existing trees, although referenced in these responses, was not subtracted/credited in the shading analyses in the Draft EIR. That is, all of the shadows shown in the shading diagrams reflect shading from the proposed project as if there were no shading from existing trees. Likewise, the durations of shading discussed in the analysis do not subtract time for shading from existing trees. However, it should be noted that CEQA Guidelines require projects to be evaluated against a baseline represented by the conditions that are present at the time the NOP is distributed. It does not require evaluation against speculative baselines. Therefore, it should be noted that the shading analysis in the Draft EIR is extremely conservative. With regard to the last point in this comment, refer to Response 9-4 regarding shading impacts on trees.

#### **COMMENT 9-6**

In addition, the DEIR's reliance on existing high-rise development in Century City to effectively reduce shade and shadow impacts fails to acknowledge the impact of prior development and future cumulative development in shading the LACC South Course. As the area surrounding LACC continues to density and shading impacts to LACC continue to increase, continued shading inhibits photosynthesis and turf development on the LACC South Course. While Century City and Beverly Hills continue to grow increasingly higher to accommodate residential buildings with smaller footprints and greater heights, cumulative impact analyses such as the one included in the DEIR fail to acknowledge the significant impact on the LACC South Course. See DEIR p. IV.A-54 (noting that "the related project's high-rise components would cast shadows on the surrounding area.") For example, the 9900 Wilshire Project, included as a Cumulative Project on p. IV.A-52, will have a dramatic shade and shadow impact on the LACC South Course. An overlay of shade and

shadow impacts would illustrate the cumulatively considerable impact that will result, and the finding of a significant impact would be consistent with the LA CEQA Thresholds as indicated in the Cumulative Impact analysis on p. A.3-4. LA CEQA Thresholds Guide, p. A.3-4.

#### **RESPONSE 9-6**

The Draft EIR analysis does not, as stated in the comment, rely on existing high-rise development to reduce the project's impacts. The shading diagrams provided in the Draft EIR show the shadows from existing buildings in the project vicinity and across Santa Monica Boulevard from the project site. As indicated in the shading diagrams, existing buildings in the vicinity of the proposed project shade other parts of the golf course than does the proposed project. Hence, with regard to sod areas, there are no combined shading effects associated with existing development that would cause a cumulative effect on turf areas. To affect a turf area, the shading must fall on the turf area. Shading at distant locations cannot contribute to shading impacts of the proposed project unless the shadows reach the same turf area as the project. The 9900 Wilshire Boulevard project is located northeast of the Los Angeles Country Club whereas the proposed project is located to the southeast. Therefore, shading from the two projects shade different sections of the golf course on different days at different times of the year. There are no days in the year in which the two projects would shade the same parts of the golf course, and therefore no days in which each project could contribute to a prolonged impact on sod areas beyond those indicated for the proposed project, alone. Further, the discussion of cumulative impacts starting at page IV.A-52 of the Draft EIR, as cited in the comment, addresses the combined effects of the proposed project with the 9900 Wilshire Boulevard project, as well as other proposed high-rise, related projects in Century City and concludes that the significance threshold would not be exceeded.

#### **COMMENT 9-7**

A shade and shadow impact need not impact only those portions of a sensitive receptor where human activity most frequently occurs. A significant impact is a physical change to the existing environment. The foliage and greenspace of LACC is an essential part of the recreational use of LACC, and the significant shade and shadow impacts of the Project on LACC's greenspace is indisputable according to the City's own guidelines. In addition, potential mitigation measures, including replacement of turf materials with heartier varieties and improved irrigation systems at LACC, were not considered, further demonstrating the inadequacy of the analysis. Therefore, the DEIR should be recirculated to identify a significant shade and shadow impact on LACC.

#### **RESPONSE 9-7**

As discussed in Responses 9-4 through 9-5, the Draft EIR shading analysis has appropriately addressed the project's impacts on shade sensitive uses, using a baseline that is consistent with CEQA Guidelines. The maximum amount of shading that the project would have at any turf location is about 2-hours in the early part of the day, well below the project threshold and allowing a considerable number of remaining sunlight hours. As such, the project would not have significant shading impacts on the golf course, and no mitigation measures are required.

#### **COMMENT 9-8**

##### **The DEIR Fails to Identify a Significant Air Quality Impact on LACC**

The Air Quality impact analysis fails, like much of the analysis included in the DEIR, to address the fact that while sensitive receptors such as Beverly Hills High School and residential uses have doors, windows, and HVAC systems to filter air, the LACC is a sensitive receptor consistent with the LA CEQA Thresholds. LA CEQA Thresholds pp. B.1-4, B.2-4. LACC is an outdoor recreational facility. Members using the South Course are subject to a direct impact of the air quality effects for prolonged periods of exertion as they engage in physical activity while golfing. In addition, many of the LACC members and guests are older and are more vulnerable to exposure to diesel exhaust, dust, and other air quality impacts of excavation and construction. This potential impact must be addressed in a recirculated DEIR and appropriate mitigations included in the Mitigation Monitoring and Reporting Program.

### **RESPONSE 9-8**

The Draft EIR concludes that the project's impacts on air quality due to long term operations of the project would be less than significant.

The Draft EIR analyzed construction air quality impacts at the closest sensitive receptors in order to identify the greatest level of air quality construction impacts expected. While the project's regional construction impacts on NO<sub>x</sub> and PM<sub>10</sub>, would be significant, the Draft EIR determined that the project's localized impacts due to construction would be less than significant for CO, PM<sub>10</sub>, and PM<sub>2.5</sub> (i.e. particulate matter/dust) emissions, at all sensitive receptor locations in proximity to the project; and therefore the impacts at the Los Angeles Country Club would also be less than significant. Results of the dispersion modeling identified a significant 1-hr NO<sub>2</sub> construction impact as a result of the project, therefore the Draft EIR included a number of mitigation measures to reduce those impacts. Further, additional mitigation measures have been recommended to reduce NO<sub>2</sub> impacts, as indicated in Response 2-3 and 2-4 and in Section 2.0, Corrections and Additions to the Draft EIR. While impacts would remain significant and unavoidable, all feasible mitigation measures have been identified to reduce the localized significant air quality impacts from NO<sub>2</sub> resulting from the project's construction at adjacent sensitive uses, which would also reduce potential impacts at the LACC. Therefore, recirculation of the Draft EIR is not required.

The health risk assessment (HRA) prepared for project construction emissions analyzed the closest receptors with the highest concentration of diesel particulate emissions in order to determine the greatest potential for significant impacts. The construction HRA demonstrated that impacts would be less than significant at the receptors with the highest potential concentration of diesel particulate emissions. Therefore, health risk impacts to the receptors at the golf course would also be less than significant with regard to construction emissions.

As noted in Response 9-2, above, the Beverly Hills High School and the residential neighborhood to the east of the project site involve the exposure of people at relatively fixed locations (school buildings, homes and yards) to potential impacts for potentially extended periods of time. In contrast, users of the private Los Angeles Country Club (LACC) are typically not on the site on a daily basis, and move quickly through the golf course, which extends far beyond the small area of the course in proximity to the project site. The analysis of the project's air quality impacts on the High School and residential uses treats those uses as outdoor areas without building filtering. That is, the analyses assume that the students, a highly sensitive population, and residents are outdoors all of the time during which construction is occurring. Therefore, the localized impacts identified in the Draft EIR at these sensitive locations are greater than the impacts that would occur to population on the golf course.

**COMMENT 9-9****Significant New Information Requires that the DEIR Geology Analysis be Recirculated to Account for Recently Identified Fault Lines**

As you are now undoubtedly aware, Metro recently considered geological studies regarding fault locations in the immediate area of the Proposed Project site in order to further analyze two potential alignments for the proposed Purple Line extension. As a result of those studies, Metro announced a preference for siting of the Purple Line extension along Olympic Boulevard with a station at Constellation, supported by a study showing newly discovered fault lines along Santa Monica Boulevard near Century City. Although the DEIR states that the closest known active fault to the site is the Santa Monica Fault, "located to the north of Santa Monica Boulevard within the golf course property about 0.25 km north of the site," a map recently issued by Metro as part of these studies and attached hereto as Exhibit A, shows two fault traces running through the Proposed Project site, and shows the entirety of the site in a "Fault Zone Area." DEIR, p. IV.D-4. LACC has worked with Metro and has additional documentation of these and other local and recently found fault lines. The DEIR further states that "the Santa Monica Fault does not cross the subject property ... the surface rupture hazard at the site is virtually non-existent." DEIR, p. IV.D-4. This conclusion appears to be incorrect in light of new information and, as a result, a recirculated DEIR should be issued given this significant new information regarding fault traces located directly under the Proposed Project site.

**RESPONSE 9-9**

The commenter cites the publication of the Century City Fault Investigation Report prepared by Parsons Brinkerhoff for the Los Angeles Metropolitan Transit Authority ("Metro") for its Westside Subway Extension Project. The Draft EIR noted this ongoing investigation by Metro, and stated that once released it would be incorporated into the final Geotechnical Investigation prepared for the proposed project. As summarized below, and detailed in the December 15, 2011, report prepared by GeoDesign, Inc., which report is attached at Appendix D of the Final EIR, Metro's Century City Fault Investigation Report does not change the Draft EIR's conclusion that there are no active faults on the project site. Upon close analysis, and given the site-specific data presented in the Draft EIR, Metro's Century City Fault Investigation Report presents no compelling evidence that any active faults are present at the project site. An active fault, as defined under the Alquist-Priolo Act, is a fault that has shown evidence of movement within the past 11,000 years (i.e., Holocene). Potentially active faults are those that have shown evidence of movement between 11,000 and 1.6 million years ago (i.e., Pleistocene). Inactive faults are those that have not exhibited displacement younger than 1.6 million years before the present.

The Draft EIR included the project's preliminary geotechnical report, which was prepared to determine the overall engineering feasibility of the project and to inform the project's preliminary designs. This preliminary geotechnical report, dated June 8, 2011, was included in the Draft EIR as Appendix D. As discussed in the Draft EIR and the June 8, 2011, geotechnical report, the project site is not located within a State-designated earthquake fault zone, and there are no known active faults on the property. As with most regions in the state, however, the project site is located within the seismically active region of southern California, with the Peak Ground Accelerations at the site for the Maximum Considered Earthquake estimated at 0.45g. The June 8, 2011, geotechnical report contains preliminary design requirements to accommodate these geologic hazards, and Mitigation Measure D-1 requires that a final geotechnical investigation be undertaken to confirm the design requirements identified in the June 8, 2011, geotechnical report. The project will be constructed consistent with these final design requirements and as approved by

the City's Department of Building and Safety to ensure compliance with all regulatory requirements. As with all new development, the project would be built in conformance with all applicable state and local building codes.

Metro's Century City Fault Investigation Report was commissioned to analyze the potential for active faults along the proposed routes for the Westside Subway Extension Project including preferred subway station and tunnel locations in the Century City area. Metro's study was not undertaken to study the proposed project. As a by-product of its study, the Century City Fault Investigation Report included analysis of the suitability of locations on Santa Monica Boulevard near the project site for a subway station and analysis of the adjacent Beverly Hills High School for a tunnel location. Metro's public presentation of its study included graphics showing faults associated with the West Beverly Hills Lineament, which its graphics suggested could impact the project site. The Century City Fault Investigation Report based its conclusions on interpretations of regional data compiled for the purposes of Metro's study, the compilation and analysis of previous geotechnical investigations in the Century City area, and physical testing performed occurring outside of the project's proposed building envelope on the project site. None of the new physical testing performed by Metro analyzed in the Century City Fault Investigation Report was taken from within the building envelope proposed for the project site, meaning within the footprint of the project's proposed buildings. Rather, the Century City Fault Investigation Report includes graphics that depict the presence of faults on the project site based solely on data gathered from locations outside the building envelope.

Expert interpretation of the Century City Fault Investigation Report's data and project site-specific data, including an analysis of previous geotechnical investigations done on the project site and within the proposed project's building envelope, concludes that there is no compelling evidence that active faults are present on the project site. Project site-specific data consists of 8 borings and 3 cone penetration tests, which are routinely used by geologists to evaluate the presence of active faults. Continuity in geologic strata is clearly demonstrated between the on-site borings and cone penetration data. Continuity in geologic strata precludes the presence of active faults at the project site. There is no indication in the Century City Fault Investigation Report that the data contained in Appendix D to the Draft EIR was reviewed as part of the Century City Fault Investigation Report.

Metro's data cited in the Century City Fault Investigation Report data was focused on Metro's proposed subway station locations and subway tunnel locations. As to the project site, it lacks the necessary resolution to determine the presence of and the activity of geologic features inferred at the project site because it does not appear to rely on the project site-specific data from the project's Draft EIR. Rather, any information in the Century City Fault Investigation Report as to the project site appears to relate entirely to data taken from locations outside the proposed building envelope. The project site-specific data allows for more precise determination regarding the presence of active faults at the project site. A reconciliation of the findings in the Century City Fault Investigation Report and the Draft EIR demonstrate that there is no compelling evidence of active faults on the project site.

As part of the building permit process, the project will be designed in accordance with all appropriate seismic codes and regulations, including the City of Los Angeles Building Code as well as regulations of the Department of Building and Safety and the Bureau of Engineering. As required by Mitigation Measure D-1, which has been revised in the Final EIR, a technical engineering geology report will be prepared, similar to the Century City Fault Investigation Report, which will be reviewed and ultimately require approval by the City of Los Angeles Department of Building and Safety's Grading Division (Grading Division). Further,

Mitigation Measure D-2 requires that a qualified geotechnical engineer be present on the project site during excavation, grading, and general site preparation activities to ensure the implementation of the geotechnical mitigations contained in the final design-level geotechnical investigation. Such a process will ensure that the project meets all seismic and geotechnical requirements.

The commenter further states that the Draft EIR's conclusion that "the Santa Monica Fault does not cross the subject property" appears to be incorrect in light of the Century City Fault Investigation Report. The Geotechnical Investigation Report, included in the Draft EIR as Appendix D, concludes that the Santa Monica Fault is located to the north of Santa Monica Boulevard within the golf course property about 0.25 kilometers north of the project site. Contrary to the commenter's statement, the Century City Fault Investigation Report continues to show the Santa Monica Fault running north of the project site.

The Draft EIR analyzed potential impacts from geologic hazards and found that any potentially significant impact would be mitigated to less than significant levels. As discussed above, the Century City Fault Investigation Report contains no new information resulting in a different conclusion. Therefore, the Draft EIR is not required to be recirculated under CEQA.

#### **COMMENT 9-10**

##### **The DEIR Hydrology and Water Quality Analysis Fails to Account for Potential Significant Impacts to LACC's Water Well**

The Hydrology and Water Quality analysis concludes that the Project will result in a less than significant impact to groundwater due, in part, to the proposed use of a mat foundation. DEIR pp. IV.G-10. The DEIR, however, does not foreclose the possibility that construction dewatering would be required if piles are used in construction. *Id.* Thus, the DEIR must analyze the potentially significant impact of the reasonably foreseeable possibility of construction de-watering.

As you may be aware, LACC has water wells on its property that provide water to the LACC property including irrigation water for the North and South Courses. Construction dewatering, if determined to be necessary, could result in impacts to the water table and LACC's nearby well. The DEIR should study the reasonably foreseeable potential impacts of dewatering on the drainage and recharge of the surrounding water table. This potential impact must be considered and analyzed in a recirculated [*sic*] DEIR consistent with CEQA.

#### **RESPONSE 9-10**

The development of the project site will not require dewatering and therefore will not have any impacts on the groundwater that is located below the LACC. The foundation system for the proposed structures on the subject property will consist of conventional, mat, or caisson foundations. The conventional and mat foundations only extend a few feet below the ground surface and do not extend to the groundwater surface that is located between 36 and 50 feet below the project site. If groundwater is encountered while drilling the caissons, the water will be displaced by concrete placement and brought to the surface and disposed of. Actual dewatering and drawing down of the groundwater surface will not occur.

Further, the LACC is too distant from the project site to be affected by drawdown even if dewatering were to occur. The LACC is also located up gradient from the subject site. That is, similar to the ground topography that slopes from the north to the south away from the Santa Monica Mountains, the groundwater surface similarly slopes downward to the south. Since groundwater from the project site cannot flow uphill to LACC, any groundwater encountered on the subject site cannot affect properties upslope and to the north where the LACC is located.

### **COMMENT 9-11**

#### **The DEIR Hazards Analysis Indicates the Project Description May be Inaccurate and Defers Mitigation**

While building height is common in Century City, part of the DEIR height analysis is unclear. The DEIR indicates that due to the Proposed Project's vicinity to Santa Monica Municipal Airport, "the technical height limit for the project site should be 265 feet AGL." DEIR, p. IV.F-8. The Proposed Project is anticipated to be significantly higher than 265 feet AGL at 460 feet AGL, exceeding the applicable height limit by almost 200 feet. This ambiguity renders the project description ambiguous and possibly inaccurate.

Furthermore, the proposed height of the building appears at odds with the environmental impact conclusion. How can a building that is near double the height of the allowed height result in a less than significant impact to the environment? The DEIR states that the "filing of forms subject to the approval of the FAA" will ensure safety. DEIR, p. IV.F-8. This mitigation does not meet the requirement that mitigation be clear and enforceable. It fails both from a safety perspective, as well as a CEQA perspective. The DEIR analysis assumes that the Proposed Project would be approved at its current height, but if it were approved by the FAA at a lower height, for example, 265 feet AGL, that would result in a significantly different project. The deferral of "extensive study" of the proposal to after Proposed Project approval is troubling and does not meet CEQA's basic mandate that the DEIR be an "Informational Document." CEQA Guidelines section 15121. This potential impact must be further analyzed and addressed in a recirculated DEIR.

### **RESPONSE 9-11**

The discussion of FAA regulations on pages IV.F-7 and IV.F-8 of the Draft EIR has been clarified in Section 2.0, Corrections and Modifications of the Final EIR. The discussion on page IV.F-8 of the Draft EIR is based, in part, on an FAR Part 77 Airspace Obstruction Report. As indicated in that report, "the maximum building height that would not affect operational procedures is 608 feet AGL [above ground level]/870 feet AMSL [above mean sea level]." The proposed project height is substantially below this limit, and therefore would not affect operational airflight procedures. Notwithstanding, and as further discussed on page IV.F-8 of the Draft, and in the technical report, a building of this height should be reviewed to ensure that it includes "obstruction marking and lighting" for the public safety. Reference to "further study" in FAA parlance is not a deferral of study to determine significance of impacts, but a means to finalize the marking and lighting for development projects that is consistent with existing performance standards established by the FAA. Enforcement of appropriate markings and lighting as/if required is guaranteed through FAA review pursuant to the filing of Form 7460-1, which is a proposed project action. No significant impacts would be created by the project, and recirculation of the Draft EIR is not required.

**COMMENT 9-12****The DEIR Fails to Identify LACC as a Sensitive Receptor Regarding Noise and Inadequately Mitigates the Noise Impacts Upon LACC**

LACC is troubled by the potential for both extended construction and operational noise impacts. The construction noise impacts over a 30 month construction period would be overwhelming to an outdoor recreational use such as the LACC. As is clear from Project renderings and the shade and shadow analysis figures, the Project will dominate the area to the south of the LACC site. Yet, as indicated in Figure IV.I-1, LACC is not even shown as a "Noise Sensitive Receptor Location," which is inconsistent with the LA CEQA Thresholds. LA CEQA Thresholds Guide, p. 1.1-3. As mentioned previously, LACC members do not have the option, when playing the course, to close windows or doors to limit noise impacts. Instead, they will effectively be prohibited from quietly enjoying their own course.

Noise travels along sightlines. Sightlines to the Project from the LACC South Course will be dramatic. As a result, potential noise impacts will also be dramatic as a high-rise structure is constructed adjacent to the South Course. Although the DEIR acknowledges a significant impact from construction noise, the DEIR does not identify any mitigation measures to substantially reduce or avoid noise impacts on LACC. The DEIR also fails to include any analysis supporting a conclusion that no such feasible measures exist. All of the proposed mitigation measures are geared toward the residential and school uses to the east of the site. Admittedly, these uses are important, but LACC is also sensitive receptor consistent with the LA CEQA Thresholds. As indicated in the LA CEQA Thresholds, park uses are considered a noise sensitive use. LA CEQA Thresholds, p. 1.1-3. Why LACC is not considered in this analysis is an oversight that must be corrected in a recirculated DEIR.

As you are undoubtedly aware, a "Statement of Overriding Considerations," supported by substantial evidence on the record, will be required to resolve the DEIR's conclusions regarding significant construction noise. CEQA Guidelines section 15093. The "Statement of Overriding Considerations" will require findings that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR." CEQA Guidelines section 15091. This burden cannot be met given the currently proposed construction noise mitigation measures-which do not include any mitigation measures to substantially reduce or avoid the significant noise impact on LACC.

LACC is adamant that additional noise mitigation measures including sound blankets, noise walls, and advanced construction techniques must be used to implement all feasible mitigation, consistent with CEQA and the findings the City will have to make to approve the Proposed Project. LACC understands that complete mitigation of construction noise impacts may not be possible, but it is unacceptable for the DEIR to discount construction noise impacts as inevitable, ignore the impacts to LACC and its members, and fail to identify any mitigation.

The Cumulative Project analysis also fails to recognize the placement of LACC between the Proposed Project and potential construction from the 9900 Wilshire and Beverly Hilton Revitalization Plan Projects. Once again, the analysis focuses on the residential uses to the east of the Project site and ignores LACC's recognized sensitive use.

LACC is also concerned about operational noise that may result from the Project. Noise from residence balconies and pool noise from the Ancillary Building planned to house an elevated pool deck facility could be significant. While LACC is aware that it is separated from the Project site by Santa Monica Boulevard, the proposed elevation of these uses could result in potential impacts to LACC users. However, once again, the DEIR only addresses the residential uses to the east of the Project site. Residents of homes to the east of the Project site can close their windows to limit the noise from drunken party guests, domestic disputes, and the like, but LACC members could be deprived of their right to quiet enjoyment of the South Course. These impacts must be addressed in a recirculated DEIR and must be mitigated to ensure a less-than-significant impact.

### **RESPONSE 9-12**

Unlike the residential uses and High School, which are located adjacent or more proximate to the project site with the potential to expose students and residents to noise impacts for long durations, golfers are typically not on the course on a daily basis and move through the southern edge of the golf course on a golf cart or walking fairly quickly. Accordingly, golfers would have only periodic exposure to construction noise for short durations. It should also be noted that project construction, and construction related noise, would not occur on the weekends, (neither Saturday nor Sunday) when the golf course is heavily populated, unlike the High School, which is most heavily populated during the week. In addition, the area of the golf course in question is located adjacent to Santa Monica Boulevard, a heavily travelled, 10 traffic/turn lanes, Class II major highway that generates substantial noise. This existing noise setting suggests a greater level of existing noise than reflected in the comment.

Notwithstanding, the most conservative analysis indicates that impacts at the southern edge of the golf course would be less than significant, pursuant to the significance thresholds used in the Draft EIR. The measured ambient noise level along Santa Monica Boulevard was recorded at approximately 67 dBA, and therefore, pursuant to the City of L.A. CEQA Thresholds Guide (2006), the significance threshold for construction related activities would be 72 dBA at the LACC. The maximum construction related activity noise level s during the project's noisiest phase, building construction, would be 71 dBA at the southernmost edge of the LACC, with proposed project design features to reduce noise, as discussed in the Section IV.I.3.c of the Draft EIR. Such sound levels would be below the significance level of 72 dBA. The project's design features would be implemented as Conditions of Approval for the project, and included in the project's Construction Management Plan. This conservative estimate of sound increase would occur at the southern edge of the Los Angeles Country Club, adjacent to Santa Monica Boulevard. The construction noise generated by the project would be reduced further within the interior of the golf course. Finally, the maximum sound level analyzed would only occur during a few maximum noise events when the greatest level of noise generation is occurring along the very northern edge of the project site.

The proposed project would not add a notable contribution to cumulative noise impacts. Due to the low level of construction noise from the proposed project, and the substantially greater sound levels from the more proximal 9900 Wilshire Project, located immediately adjacent to the LACC, the sound levels from the 9900 Wilshire Project would dominate the sound environment and the proposed 10000 Santa Monica Boulevard project would not add a perceptible addition to the sound level. It may also be noted that any potential for a cumulative effect would require the two projects to overlap in construction times, and have maximum sound generation occurring simultaneously at the northeast corner of the 10000 Santa Monica Boulevard Project and southwest corner of the 9900 Wilshire Boulevard Project, which is very unlikely.

Long-term noise generated by off- and on-site sources during operation of the proposed project would result in less than significant impacts at the LACC. Due to the distance between the LACC and the project site (approximately 220 feet), on-site sources of noise would have minimal effect on the LACC. As indicated in the Draft EIR, the expected sound levels associated with roof top uses such as swimming and court games would be low intensity uses which would generate low levels of noise. The sound levels would be less than the intervening traffic noise levels along Santa Monica Boulevard. These project activities would occur south of project buildings which would buffer noise and/or a wall along the roof-top recreation deck area facing Santa Monica Boulevard. Further, given the line of sight characteristics required for noise impacts that are cited in the comment, and the elevated location of the activities, impacts would be further buffered. The Draft EIR evaluated the project's noise impacts due to traffic during project operations, with increases in sound levels presented in Table IV.I-13 on Page IV.I-27 of the Draft EIR. As indicated, project generated increases in sound level would be a maximum of 0.1 dBA and cumulative traffic impacts would be less than 1.0 dBA, which is less than the conservative 3 dBA CNEL significance threshold for noise-sensitive receptors.

As indicated above, the proposed project would not generate significant noise impacts at the LACC during either the construction or operations phases. Further mitigation measures would not be required. As such, recirculation of the Draft EIR would not be required.

#### **COMMENT 9-13**

#### **The DEIR Traffic Analysis Uses Improper Significance Thresholds and Fails to Identify Significant Impacts**

The DEIR analysis of the Proposed Project's traffic impacts is incorrect in asserting that the Proposed Project results in no significant operational impacts. Specifically, the DEIR attempts to use two separate thresholds of significance in one document, stating that the City of Los Angeles Threshold is used for intersections located within the City of Los Angeles, and a second City of Beverly Hills Threshold is used for intersections located within the City of Beverly Hills. DEIR, pp. IV.K-258-29. This method of analysis is not consistent with the LA CEQA Thresholds, which note that "the Thresholds Guide applies to non-exempt, discretionary projects (including public and private projects and plans) in the City of Los Angeles." LA CEQA Thresholds Guide, p. viii. Specifically, the LA CEQA Thresholds Guide applies to projects within the City of Los Angeles and is not limited to impacts within the City of Los Angeles.

This distinction is not merely one of form-but of substance. The Beverly Hills significance threshold conceals a significant impact that would occur if the City of LA threshold were used. Additional Proposed Project traffic would result in a significant impact on the Spalding Drive and Olympic Boulevard intersection, as Proposed Project traffic would result in a 0.010 increase in Volume to Capacity Ratio in an "E" rated intersection, which is considered a significant impact under the LA CEQA Thresholds. DEIR, pp. IV.K-28, Table IV.K-6. The DEIR used the less conservative Beverly Hills threshold to conceal the real Proposed Project impact and state that the Proposed Project would have no significant traffic impacts. The DEIR must be recirculated to show that the Proposed Project may result in a potentially significant impact to operational traffic in the area. Full disclosure must be made prior to a City determination on the Proposed Project.

**RESPONSE 9-13**

The comments correctly points out that the Traffic Study uses two sets of significant impact criteria. For study intersections under the City of Los Angeles' jurisdiction, City of Los Angeles significant impact criteria was used; and for the study intersections under the City of Beverly Hills' jurisdiction, the City of Beverly Hills significant impact criteria was used. Cities are permitted to set their own significant impact thresholds and it is appropriate for a lead agency (in this case, the City of Los Angeles) to recognize and use another City's criteria (in this case, the City of Beverly Hills) for intersections located in the other City's jurisdiction. Further, this methodology was developed in consultation with the City of Beverly Hills as well as the City of Los Angeles. Therefore, the use of the City of Beverly Hill's criteria for intersections in the City of Beverly Hill is appropriate under CEQA.

The intersection of Spalding Drive and Olympic Boulevard is located in the City of Beverly Hills. The Project's traffic study therefore used the City of Beverly Hills' significance threshold to analyze the Project's traffic impact at this intersection, which was determined to be less than significant. If the City of Los Angeles' significance threshold had been used, the Project would result in one trip over the significance threshold, and only during the A.M. peak hour. While not required due to the Project's less than significant impacts at this intersection, an additional mitigation measure has nonetheless been added to the Final EIR which would reduce the level of Project traffic at this intersection below even the City of Los Angeles' significance threshold. Since no new significant impacts have been identified, recirculation of the Draft EIR is not required. The proposed new mitigation measure is as follows:

**Mitigation Measure K-8:** The Project shall support transportation demand management through such measures as participation in the Century City TMO, facilitation of ridesharing / ridematching by Project residents and employees, and/or the subsidization of transit passes for Project employees.

**COMMENT 9-14**

In addition, the trip distribution used in the DEIR appears to misunderstand the current use of major roadways and freeway access points. The Trip Distribution Table for the Proposed Project, located at Figure IV.K-4, states that only 3 percent of Proposed Project traffic is expected to use Motor Avenue, while the analysis assumes eight percent of Proposed Project traffic will use Overland Avenue, presumably to access the 10 Freeway. As the neighbors in Cheviot Hills are constantly aware, Motor Avenue is an extremely popular freeway access route, especially among locals. The DEIR does not include any recent traffic counts on Motor Avenue to justify its distribution analysis. As the Proposed Project will include residents, it is reasonably foreseeable that more than three percent of Proposed Project residents will use Motor Avenue for freeway access. This flawed assumption skews the impact analysis of the traffic study. Traffic counts on Motor Avenue are required to justify the distribution assumptions made in the DEIR, because the everyday experience of people in the area demonstrates that the current distribution assumptions do not represent what really happens on these streets, and must be analyzed in a recirculated DEIR.

**RESPONSE 9-14**

The geographic distribution of trips generated by the proposed Project was based on the characteristics of the street system serving the Project site, the level of accessibility of routes to and from the proposed Project site, and the location of employment and commercial centers to which residents of the Project would be drawn. The general distribution pattern for this study was developed in consultation with LADOT. The

Traffic Study recognized that there are measures implemented along Motor Avenue that restrict/discourage traffic to traverse the roadway. As part of this response, a 24-hour traffic count along Motor Avenue between Pico Boulevard and Cresta Drive was obtained from LADOT's counts database. The traffic count was collected in September 2009, included as Appendix B of the Traffic Study which is included as Appendix H.1 of the Draft EIR, and shows a total of 18,341 vehicles over a 24-hour period. The proposed project is estimated to generate a total of 1,189 trips. Even if all of the 11% (currently assigned as 8% on Overland Avenue and 3% on Motor Avenue) of Project trips were assigned on Motor Avenue, that would equate to 131 trips. This level of trip generation would represent only 0.71% of trips on Motor Avenue and would not be enough to result in a significant impact along Motor Avenue. However, the traffic study is reasonable in assuming only 3% project trips on Motor Avenue since the project trip distribution and assignment takes into consideration the City of Los Angeles' ordinance for a trip cap along Motor Avenue, south of Pico Boulevard, and recognizes that LADOT can enforce this via changes to traffic signal timing along Motor Avenue.

#### **COMMENT 9-15**

#### **The "Cumulative Base Traffic Conditions" Approach Fails to Apply Project Traffic to Existing Conditions**

The DEIR assesses the significance of Project traffic by adding Project trips to a "cumulative base traffic conditions" rather than to existing conditions. The cumulative base traffic condition approach assumes an ambient traffic growth rate and the traffic trips associated with the related projects-which are not yet built and may never be built. Our understanding is that recently published court opinions (e.g. *Sunnyvale West v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351) require that the project impacts be measured against existing conditions as they exist today, and cannot assume the occurrence of future conditions. The DEIR fails to do this. By first adding a cumulative base traffic condition, the DEIR creates a speculative baseline rather than a real baseline.

#### **RESPONSE 9-15**

The Traffic Study analyzes the potential for significant Project impacts under both existing plus project and future (cumulative) plus project conditions. Table IV.K-6 of the Draft EIR (Table 7 (pages 54 and 55) of the Draft EIR Appendix H-1, Traffic Study) shows the results of the analysis under existing plus project conditions. Table IV.K-10 of the Draft EIR (Table 8 (pages 57 and 58) of the Traffic Study) shows the analysis under the future plus project conditions, which includes traffic generated by related projects. The existing plus project analysis is compliant with the *Sunnyvale West v. City of Sunnyvale* court decision.

#### **COMMENT 9-16**

The LACC appreciates the opportunity to comment on the DEIR and is hopeful that a Recirculated DEIR incorporating these comments will be available soon. Please feel free to contact me directly should you have any questions. I look forward to hearing from you.

#### **RESPONSE 9-16**

As discussed in Response 9-3, above, and as supported by Responses to Comments 9-4 through 9-13, recirculation of the Draft EIR is not required. As indicated, Draft EIR presents the appropriate level of

information to support its conclusions, the Draft EIR discloses all of the project's potentially significant impacts and there is no substantial new information required to support the conclusions of the Draft EIR.

## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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### A. INTRODUCTION

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the California Environmental Quality Act (CEQA) Guidelines requires that:

*[I]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The Los Angeles Department of City Planning has been designated as the Lead Agency for the proposed project.

Where appropriate, the project’s Draft and Final EIRs identified mitigation measures to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur. This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the project’s mitigation measures.

As shown on the following pages, each required mitigation measure for the proposed project is listed and categorized by impact area, with an identification accompanying of the applicable:

- **Enforcement Agency:** The agency with the power to enforce the Mitigation Measure.
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made.
- **Monitoring Phase:** The phase of the Project during which the Mitigation Measure shall be monitored.
- **Monitoring Frequency:** The frequency at which the Mitigation Measure shall be monitored.
- **Action Indicating Compliance:** The action of which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure has been implemented.

The project’s MMRP will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been

implemented. The City's existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMRP procedures and will also serve to provide the documentation for the reporting program.

The substance and timing of each certification report that is submitted to City Planning shall be at the discretion of City Planning. Generally, each report will be submitted to City Planning in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. City Planning, in conjunction with the Project applicant, shall assure that project construction occurs in accordance with the MMRP. The South Coast Air Quality Management District (SCAQMD) shall be responsible for the implementation of corrective actions relative to violations of SCAQMD rules associated with mitigation. Departments listed below are all departments of the City of Los Angeles, unless otherwise noted.

## **B. MITIGATION MEASURES AND IMPLEMENTATION**

### **Aesthetics/Visual Resources, Light/Glare, and Shading**

**Mitigation Measure A-1:** The Applicant shall provide a 12-foot construction fence for neighborhood protection during construction of the project, which is covered with an aesthetic treatment.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic Field Inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field Inspection sign-off

**Mitigation Measure A-2:** The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic Field Inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field Inspection sign-off

**Mitigation Measure A-3:** The Applicant shall prepare a street tree plan to be reviewed and approved by the City's Department of Public Works, Street Tree Division. All plantings in the public right-of-way shall be installed in accordance with the approved street tree plan.

**Enforcement Agency:** Los Angeles Department of Public Works

**Monitoring Agency:** Los Angeles Department of Public Works

**Monitoring Phase:** Pre-construction, Construction

**Monitoring Frequency:** Once at Plan Check, once at field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Plan approval and compliance with certification report by a certified arborist

**Mitigation Measure A-4:** All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Los Angeles Department of Planning.

**Enforcement Agency:** Los Angeles Department of City Planning (plan review); Department of Building and Safety (operation)

**Monitoring Agency:** Los Angeles Department of City Planning (plan review); Department of Building and Safety (operation)

**Monitoring Phase:** Pre-construction (during landscape plan review): Operation

**Monitoring Frequency:** Once at plan check; Periodic field inspection during operation

**Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permits; Issuance of Certificate of Occupancy

**Mitigation Measure A-5:** All new street and pedestrian lighting within the public right-of-way shall be approved by the Bureau of Street Lighting and shall be tested in accordance with the requirements of the Bureau of Street Lighting.

**Enforcement Agency:** Los Angeles Department of Public Works, Bureau of Street Lighting

**Monitoring Agency:** Los Angeles Department of Public Works, Bureau of Street Lighting

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, at plan check; Once, at field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of Certificate of Occupancy

**Mitigation Measure A-6:** All new street and pedestrian lighting shall be shielded and directed away from any light-sensitive off-site uses.

**Enforcement Agency:** Los Angeles Department of Public Works, Bureau of Street Lighting

**Monitoring Agency:** Los Angeles Department of Public Works, Bureau of Street Lighting

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, at plan check; Once, at field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of Certificate of Occupancy

**Mitigation Measure A-7:** Prior to the issuance of a building permit, architectural plans for all exterior lighting shall be submitted to the Department of Building and Safety for review

to ensure that lighting has low reflectivity in accordance with Illuminating Engineers Society (IES) standards to minimize glare and limit light onto adjacent properties.

**Enforcement Agency:** Los Angeles Department of City Planning

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once at plan check

**Action Indicating Compliance with Mitigation Measure(s):** Plan approval

**Mitigation Measure A-8:** Prior to the issuance of a building permit, the type or categories of all exterior glass and architectural features on the building façade and rooftop shall be submitted for review to the Department of Building and Safety to ensure that highly reflective materials are not utilized.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction (during plan check)

**Monitoring Frequency:** Once at plan check

**Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permits

## Air Quality

**Mitigation Measure B-1:** General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-2:** All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-3:** General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-4:** Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-5:** Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, if power poles are available.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-6:** All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-7:** The Applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-8:** The Applicant shall moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-9:** The Applicant shall apply non-toxic chemical stabilizers according to manufacturer's specifications to disturbed surface areas (completed grading areas) within five days of completing grading or apply non-toxic dust suppressants or vegetation sufficient to maintain a stabilized surface.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-10:** Exposed pits (i.e., gravel, soil dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturer's specifications.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-11:** The Applicant shall water excavated soil and debris piles hourly or cover them with tarps, plastic sheets or other coverings.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-12:** The Applicant shall water exposed surfaces at least three times a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-13:** All trucks hauling dirt, sand, soil or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the material and the top of the truck). Wash mud-covered tires and under-carriages of trucks leaving construction sites.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-14:** The Applicant shall sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing the site.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off;

**Mitigation Measure B-15:** The Applicant shall securely cover loads with a tight fitting tarp on any truck leaving the construction site.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-16:** The Applicant shall cease grading during periods when winds exceed 25 miles per hour.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-17:** During construction, the Project shall use contractors with haul trucks meeting either EPA Model Year 2010 or EPA Model Year 2007 NOx emissions levels when such equipment is reasonably available to achieve a goal that at least 33 percent of the haul truck fleet meets this standard.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-18:** On-site equipment greater than 250 horse power, which are on-site for six or more consecutive work days, shall meet Tier 3 or 4 emissions standards and be outfitted with BACT devices certified by CARB. If newer model year engines are not reasonably available, then older equipment engines may be retrofitted to meet Tier 3 or 4 emissions. A copy of each unit's certified tier specification and BACT documentation shall be available for inspection during construction.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-19:** Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, shall be encouraged to apply for AQMD SOON funds. Information including the AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-20:** The Applicant shall reimburse Beverly Hills High School for the service needed to replace air filters along the northern side of the High School Science and Technology Center at three month intervals during project construction.

**Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

## Cultural Resources

**Mitigation Measure C-1:** A qualified archaeologist shall be retained by the Applicant to review grading plans and geotechnical information and prepare a monitoring plan for all ground-disturbing activities in previously undisturbed sediments. A qualified archaeologist is defined as an archaeologist meeting the Secretary of the Interior Professional Qualification Standards for Archaeology. Ground-disturbing activities include primary construction-related activities and any associated secondary activities for support services such as utilities. In the event that archaeological resources are identified during monitoring or unexpectedly during excavations in fill sediments, all work proximal to the discovery shall halt until the qualified archaeologist has evaluated the find. If the archaeologist determines that the find is significant or may qualify as significant, the archaeologist shall prepare a treatment plan. If the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the treatment plan. Results of monitoring and any archaeological treatment shall be reported in an appropriate technical report to be filed with the Applicant, the City, and the California Historical Resources Information System (CHRIS). The Applicant, in consultation with the Lead Agency and Archaeologist, shall designate repositories in the event that resources are recovered.

**Enforcement Agency:** Los Angeles Department of City Planning

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Through grading and excavation

**Action Indicating Compliance with Mitigation Measure(s):** Compliance report by qualified archaeological monitor.

**Mitigation Measure C-2:** A qualified paleontologist shall be retained by the Applicant to perform periodic inspections of excavation and grading activities on the project site where excavations into the older Quaternary Alluvium may occur. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or

redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Accompanying notes, maps, and photographs shall also be filed at the repository. Following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and fossil finds, if any, the methods used in these efforts, as well as a description of the fossils collected and their significance, if any. The report shall be submitted by the Applicant to the City, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** To be determined by consultation with Paleontologist upon discovery of resource(s)

**Action Indicating Compliance with Mitigation Measure(s):** If no unanticipated discoveries are found and grading occurs within the older Quaternary Alluvium, compliance certification report by qualified paleontologist; if unanticipated discoveries are found, submittal of a report and mitigation plan(s) by a qualified paleontologist.

**Mitigation Measure C-3:** If human remains are unearthed during construction activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall then help determine what course of action shall be taken in dealing with the remains. The Applicant shall then take additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e) and Assembly Bill 2641.

**Enforcement Agency:** Los Angeles Department of City Planning

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Through grading and excavation

**Action Indicating Compliance with Mitigation Measure(s):** Compliance report by qualified archaeological monitor.

## Geology

**Mitigation Measure D-1:** Prior to the issuance of a grading or building permit for any portion of the project site, the applicant shall have a qualified geotechnical engineer and certified engineering geologist to prepare and submit to the Department of Building and Safety a

final design-level geotechnical, geologic, and seismic hazards investigation that complies with all applicable state and local code requirements. The final design-level geotechnical investigation shall:

- a) Include an analysis of the expected ground motions at the site using accepted methodologies;
- b) Determine structural design requirements as prescribed by the most current version of the California Building Code and City of Los Angeles Building Code to ensure that structures can withstand expected ground accelerations for the Southern California region; and
- c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements.

All project plans for foundation design, earthwork, and site preparation shall incorporate all of the recommendations in the final design level geotechnical investigation. All project plans submitted for the grading, foundation, structures, infrastructure, and all other relevant construction permits shall be reviewed by a qualified geotechnical engineer to ensure compliance with all geotechnical mitigations contained in the final design-level geotechnical investigation. The City shall review all project plans for the project's building and other relevant permits to ensure compliance with the applicable final design-level geotechnical investigation and other applicable Code requirements. The project's structural engineer of record shall also review the final design-level geotechnical investigation, provide any additional necessary mitigation to meet Building Code requirements, and incorporate all applicable mitigations from the investigation into the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction and Construction

**Monitoring Frequency:** Once, prior to issuance of grading permit; Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of grading permit

**Mitigation Measure D-2:** A qualified geotechnical engineer shall be retained by the Applicant to be present on the project site during excavation, grading, and general site preparation activities to ensure the implementation of the geotechnical mitigations contained in the final design-level geotechnical investigation.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance with Mitigation Measure(s):** Geotechnical Engineers site visit reports.

## Greenhouse Gas Emissions

No Mitigation Measures are required for Greenhouse Gas Emissions.

## Hazards and Hazardous Materials

**Mitigation Measure F-1:** If visual or olfactory indication of contamination is discovered during excavation or grading on-site, such activities shall be temporarily halted and redirected around the area. The City of Los Angeles and appropriate regulatory agencies shall be notified and the appropriate evaluation and response measures implemented so as to render the area suitable for excavation and grading activities to resume.

**Enforcement Agency:** Los Angeles Department of Building and Safety; DTSC; LAFD; RWQCB

**Monitoring Agency:** Los Angeles Department of Building and Safety; LAFD

**Monitoring Phase:** Construction

**Monitoring Frequency:** To be determined by consultation with enforcement agencies upon discovery of any hazard(s)

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of required No Further Action Letters(s) in the event that hazards are discovered

**Mitigation Measure F-2:** Prior to issuance of a building permit, the Applicant shall demonstrate compliance with Los Angeles Department of Building and Safety (LADBS) Methane Mitigation Standards for the appropriate Site Design Level pursuant to the City's Methane Seepage Regulations and to the satisfaction of the LADBS.

**Enforcement Agency:** Los Angeles Department of Public Works

**Monitoring Agency:** Los Angeles Department of Public Works

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of grading permit

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of grading permit

**Mitigation Measure F-3:** During subsurface excavation activities, including borings, trenching, and grading, Cal-OSHA worker safety measures shall be implemented as required to preclude an exposure to unsafe levels of soil gases, including but not limited to methane.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during excavation activities

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection**Hydrology and Water Quality**

**Mitigation Measure G-1:** Prior to the start of construction, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in order to fulfill the California SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CA000002 (General Construction Permit) and the City of Los Angeles SUSMP requirements as well as comply with the Los Angeles County Department of Public Works 2006 Hydrology Manual.

**Enforcement Agency:** Los Angeles Department of Public Works

**Monitoring Agency:** Los Angeles Department of Public Works

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of grading permit

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of grading permit

**Mitigation Measure G-2:** The project shall comply with the requirements of the applicable National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge and with all applicable requirements of the Regional Water Quality Control Board (RWQCB), Environmental Protection Agency (EPA), and local agencies including the City of Los Angeles regarding water quality. As part of these requirements, the Applicant shall implement Standard Urban Stormwater Mitigation Plan (SUSMP) requirements during construction of the project and shall prepare a Stormwater Prevention Pollution Plan (SWPPP) prior to construction of the project.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction and Operation

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure G-3:** The project shall implement biofiltration planters to provide treatment with a first flush discharge of 0.75 inches, pursuant to review and approval by the Department of Public Works. The biofilter planters shall be inspected regularly and maintained to provide proper functioning. On-going maintenance and replacement of filters shall be provided by the property's management according to Operations and Maintenance plans consistent with City of Los Angeles Storm Water Maintenance Requirements.

**Enforcement Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)

**Monitoring Agency:** Los Angeles Department of Public Works (Bureau of Sanitation) and Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction; Operation

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure G-4:** All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as “NO DUMPING—DRAINS TO OCEAN”) and/or graphical icons to discourage illegal dumping.

**Enforcement Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)

**Monitoring Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)  
and Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction and Operation

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure G-5:** The legibility of signs and stencils discouraging illegal dumping shall be maintained.

**Enforcement Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)

**Monitoring Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)  
and Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction and Operation

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure G-6:** During operation of the project, materials used on-site with the potential to contaminate stormwater shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

**Enforcement Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)

**Monitoring Agency:** Los Angeles Department of Public Works (Bureau of Sanitation)

**Monitoring Phase:** Operation

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

## Land Use

No Mitigation Measures are required for Land Use.

## Noise

**Mitigation Measure I-1:** Exterior on-site construction activities shall be limited to Monday through Friday from 7:00 A.M. to 9:00 P.M.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure I-2:** The construction staging area shall be located within the project site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure I-3:** To avoid vibration impacts to the nearest residential unit to the project site, construction equipment within 75 feet of that unit (i.e. 15 feet within the project site) shall limit vibration equipment to machinery expected to generate no more than 85 VdB at 25 feet. (See Vibration Mitigation Zone 1 on **Draft EIR Figure IV.I-2, Vibration Mitigation Zones.**)

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure I-4:** The Applicant shall designate a construction relations officer to serve as a liaison with surrounding property owners including Beverly Hills High School. The liaison shall be responsible for responding to concerns regarding construction noise or vibration. The liaison's telephone number(s) shall be posted at multiple locations along the perimeter of the project site. In addition, the liaison shall coordinate with Beverly Hills High School administration in advance of, and throughout project construction to reduce disruption of class-room activities. The liaison shall work with the School administration to identify opportunities to reduce conflicts with school activities through work scheduling and the arrangement of construction activities on the project site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure I-5:** To avoid vibration impacts on student activity in the Science and Technology Center:

a) High vibration construction activities shall be avoided within 35 feet of the Science and Technology Center (i.e. along the southern 10 feet of the project site facing that building) during class-room sessions, when school is in session. (See Vibration Mitigation Zone 2 on **Draft EIR Figure IV.I-2**)

b) If based on consultation with the administrator at Beverly Hills High School it is determined that highly sensitive equipment, e.g. microscopes, are in use at the Science and Technology Center, high vibration activities within 100 feet of that building shall be coordinated through consultation between the construction relations officer and the school administrator to reduce impacts at times of equipment use through scheduling, staging and equipment control of construction activities. (See Vibration Mitigation Zone 3 on **Draft EIR Figure IV.I-2**)

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

## Public Services-Fire Protection

**Mitigation Measure J.1-1:** Prior to the issuance of a building permit, the Applicant shall consult with the Los Angeles Fire Department and incorporate fire prevention and suppression features and other life-saving equipment (e.g., defibrillators) appropriate to the design of the project.

**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Los Angeles Fire Department

**Monitoring Phase:** Pre-construction

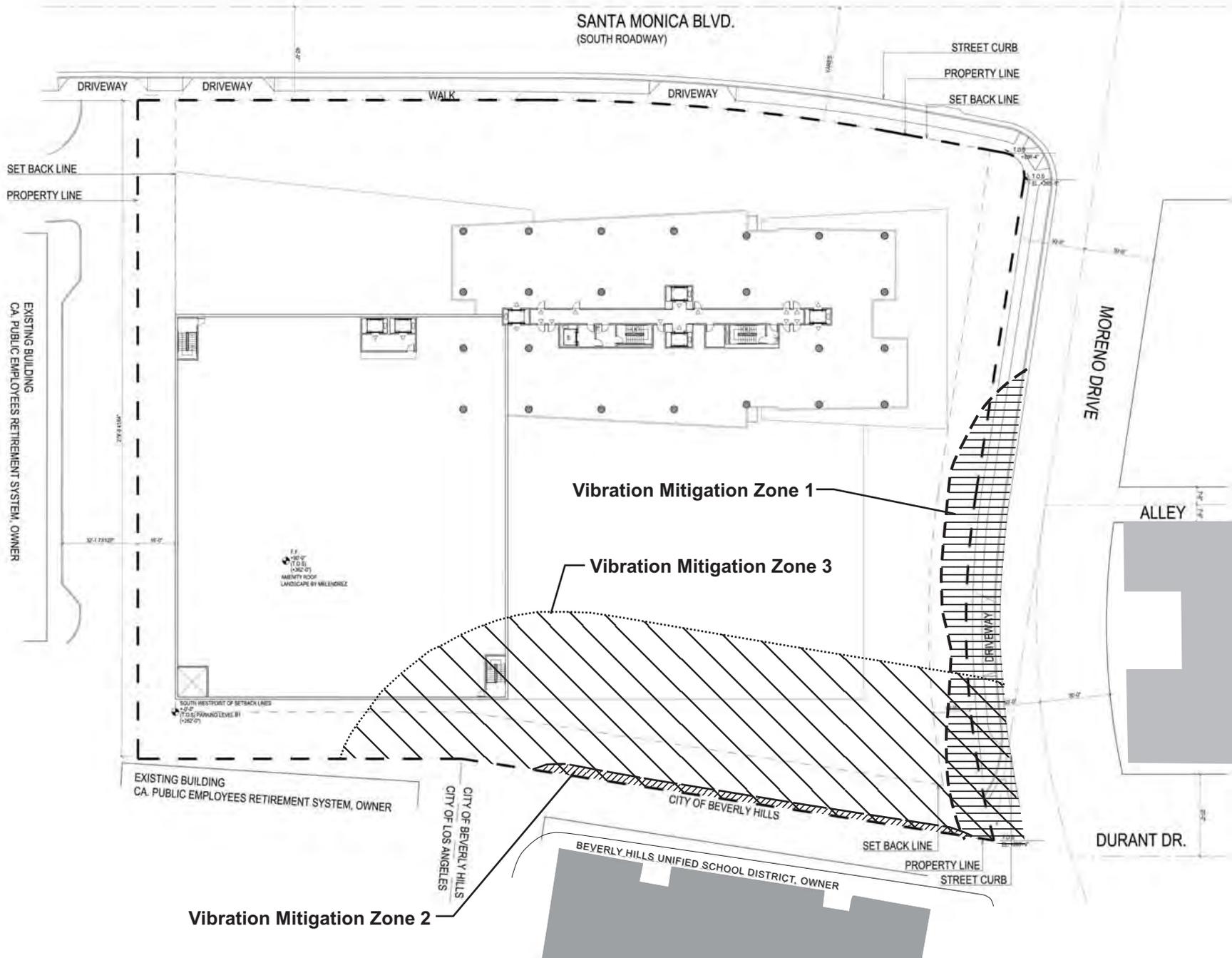
**Monitoring Frequency:** Once, at time of plot plan submittal

**Action Indicating Compliance with Mitigation Measure(s):** Approval of the plot plan by the Los Angeles Fire Department

**Mitigation Measure J.1-2:** The project shall comply with all applicable State and local codes and ordinances found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the City of Los Angeles General Plan, unless otherwise approved.

**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Los Angeles Fire Department



**Vibration Mitigation Zones**

10000 Santa Monica Boulevard  
 Source: Handal Architects, LLP; PCR Services Corporation, 2011.

FIGURE  
**IV.I-2**

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**Monitoring Phase:** Operation

**Monitoring Frequency:** Once, prior to occupancy. Also, periodic field inspections during occupancy

**Action Indicating Compliance with Mitigation Measure(s):** Approval of plans by Los Angeles Fire Department. Also, field inspection sign-offs

**Mitigation Measure J.1-3:** Prior to the issuance of building permits, project building plans including a plot plan and floor plan of the buildings shall be submitted for approval by the Los Angeles Fire Department. The plot plan shall include the following minimum design features: location and grade of access roads and fire lanes, roadway widths, distance of buildings from an edge of a roadway of an improved street, access road, or designated fire lane, turning areas, and fire hydrants.

**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Los Angeles Fire Department

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once

**Action Indicating Compliance with Mitigation Measure(s):** Approval of the plot plan by the Los Angeles Fire Department

**Mitigation Measure J.1-4:** Prior to the occupancy of the proposed project, the Applicant shall install one on-site fire hydrant. The fire hydrant shall be subject to the approval of the Los Angeles Fire Department and Los Angeles Department of Water and Power.

**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Los Angeles Fire Department

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at time of plot plan submittal

**Action Indicating Compliance with Mitigation Measure(s):** Approval of the plot plan by the Los Angeles Fire Department

## Public Services-Police Protection

No Mitigation Measures are required for Police Protection.

## Public Services-Schools

**Mitigation Measure J.3-1:** The project shall pay required school mitigation fees pursuant to Government Code Section 65995 and in compliance with SB 50 (payment of developer fees).

**Enforcement Agency:** Los Angeles Department of Building and Safety; LAUSD

**Monitoring Agency:** Los Angeles Department of Building and Safety; LAUSD

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once at Plan Check

**Action Indicating Compliance with Mitigation Measure(s):** Receipt of payment from LAUSD

## Public Services-Libraries

No Mitigation Measures required for Library service.

## Public Services--Parks and Recreation

**Mitigation Measure J.5-1:** In the event that the project's amenities do not provide sufficient credit against the project's land dedication and/or in lieu fee requirement, the Applicant shall do one or more of the following at the discretion of the decision-maker: (1) dedicate additional parkland to meet the requirements of Los Angeles Municipal Code Section 17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; or (3) provide on-site improvements equivalent in value to said in-lieu fees.

**Enforcement Agency:** Los Angeles Department of Recreation and Parks

**Monitoring Agency:** Los Angeles Department of Recreation and Parks

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once prior to certification of occupancy

**Action Indicating Compliance with Mitigation Measure(s):** Certificate of occupancy

## Transportation and Circulation

**Mitigation Measure K-1:** Off-site construction truck staging shall not be located on a residential street. Truck queuing shall not occur in front of retail uses. The haul route to and from the project site shall be as follows: Enter and exit the west side of the project site from Santa Monica Boulevard; and use Santa Monica Boulevard for transit to and from the I-405 Freeway. Trucks shall not be permitted to travel along other residential streets to the east and south of the project site nor along Moreno Drive south of Durant Drive adjacent to Beverly Hills High School.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure K-2:** A flagman shall be placed at the truck entry and exit from the project site onto Santa Monica Boulevard to control the flow of exiting trucks, to ensure that the exiting trucks do not turn onto Moreno Drive, and to coordinate the exiting trucks with the traffic signals at Moreno Drive and Santa Monica Boulevard.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure K-3:** Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure K-4:** All heavy truck traffic and project workers shall enter and exit the project site near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure K-5:** Access shall remain unobstructed for land uses in proximity of the project site during project construction.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure K-6:** Full-time lane closures are not anticipated for the project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. Lane closures shall not occur

during peak holiday traffic. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route traffic around any such lane closures.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and quarterly compliance certification report submitted by project contractor

**Mitigation Measure K-7:** A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. The construction management plan shall include the measures identified above, which mitigate construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, do not travel through nearby residential neighborhoods, and are scheduled to minimize conflict with peak drop-off and pick-up times for the adjacent Beverly Hills High School.

**Enforcement Agency:** Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once prior to construction

**Action Indicating Compliance with Mitigation Measure(s):** Written verification from LADOT

**Mitigation Measure K-8:** The Project shall support transportation demand management through such measures as participation in the Century City TMO, facilitation of ridesharing / ridematching by Project residents and employees, and/or the subsidization of transit passes for Project employees.

**Enforcement Agency:** Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Transportation

**Monitoring Phase:** Operations

**Monitoring Frequency:** Onset of project operations

**Action Indicating Compliance with Mitigation Measure(s):** Verification letter citing compliance measures

## Water Supply

No Mitigation Measures required for Water Supply.

**Wastewater**

**Mitigation Measure L.2-1:** Prior to the issuance of building permits, the Applicant shall provide plans for the proposed project's sewer infrastructure and main-line hook-up to the City of Los Angeles Bureau of Engineering for approval regarding adequacy of capacity and consistency with City sewer regulations and design standards.

**Enforcement Agency:** Los Angeles Department of Public Works

**Monitoring Agency:** Los Angeles Department of Public Works

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of grading permit

**Action Indicating Compliance with Mitigation Measure(s):** Issuance of grading permit

**APPENDIX A**  
**COMMENT LETTERS**  
**ON THE DRAFT ENVIRONMENTAL IMPACT REPORT**

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# **Table of Contents**

## **Comments on the Draft EIR**

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### **STATE**

01 Native American Heritage Commission (NAHC)

### **REGIONAL**

02 Southern California Air Quality Management District (SCAQMD)

### **CITY OF LOS ANGELES**

03 Los Angeles Bureau of Sanitation

### **LOCAL AGENCIES**

04 Beverly Hills Unified School District (by Hill, Farrer & Burrill, LLP)

05 City of Beverly Hills

05a City of Beverly Hills Addendum Letter, November 15, 2011

### **HOMEOWNER ASSOCIATIONS**

06 Beverlywood Homes Association

07 Comstock Hills Homeowners Association

08 Westwood South of Santa Monica Blvd Homeowner's Association

### **OTHER INTERESTED PARTIES**

09 The Los Angeles Country Club

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



RECEIVED  
CITY OF LOS ANGELES

September 27, 2011

OCT 04 2011

Hadar Plafkin, City Planner

**City of Los Angeles City Planning Department**

200 North Spring Street, Room 750  
Los Angeles, CA 90012

ENVIRONMENTAL

Re: SCH#2011041042; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "10000 Santa Monica Boulevard Development Project," located near the Century City area; Los Angeles County, California.

Dear Hadar Plafkin:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within one-half mile of the 'area of potential effect (APE) based on the USGS coordinates provided. Note: the absence of recorded Native American cultural resources does not preclude their existence. The area (e.g. APE) is known to the NAHC to be culturally sensitive.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

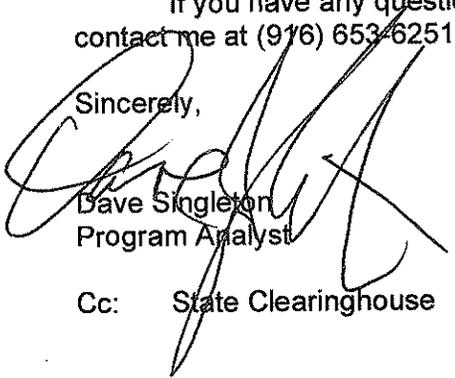
Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254( r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts**  
Los Angeles County  
September 27, 2011

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th St, Rm. 403  
Los Angeles , CA 90020  
randrade@css.lacounty.gov  
(213) 351-5324  
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu  
Cindi M. Alvitre, Chairwoman-Manisar  
3098 Mace Avenue, Aapt. D Gabrielino  
Costa Mesa, , CA 92626  
calvitre@yahoo.com  
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation  
John Tommy Rosas, Tribal Admin.  
Private Address Gabrielino Tongva  
  
**tattnlaw@gmail.com**  
310-570-6567

Gabrielino/Tongva San Gabriel Band of Mission  
Anthony Morales, Chairperson  
PO Box 693 Gabrielino Tongva  
San Gabriel , CA 91778  
GTTribalcouncil@aol.com  
(626) 286-1632  
(626) 286-1758 - Home  
(626) 286-1262 -FAX

Gabrielino Tongva Nation  
Sam Dunlap, Chairperson  
P.O. Box 86908 Gabrielino Tongva  
Los Angeles , CA 90086  
samdunlap@earthlink.net  
  
(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council  
Robert F. Dorame, Tribal Chair/Cultural Resources  
P.O. Box 490 Gabrielino Tongva  
Bellflower , CA 90707  
**gtongva@verizon.net**  
562-761-6417 - voice  
562-761-6417- fax

Gabrielino-Tongva Tribe  
Bernie Acuna  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
(619) 294-6660-work  
(310) 428-5690 - cell  
(310) 587-0170 - FAX  
bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Park East, Suite 1500  
Los Angeles , CA 90067 Gabrielino  
lcandelaria1@gabrielinoTribe.org  
626-676-1184- cell  
(310) 587-0170 - FAX  
760-904-6533-home

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011041042; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the 10000 Santa Monica Boulevard Development Project; located near the Centry City area; City of Los Angeles; Los Angeles County, California.

**Native American Contacts**  
Los Angeles County  
September 27, 2011

Gabrieleno Band of Mission Indians  
Andrew Salas, Chairperson  
P.O. Box 393                      Gabirelino Tongva  
Covina                      , CA 91723  
(626) 926-4131  
gabrielenoindians@yahoo.  
com

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011041042; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the 10000 Santa Monica Boulevard Development Project; located near the Centry City area; City of Los Angeles; Los Angeles County, California.**



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

E-Mailed: October 28, 2011  
Hadar.Plafkin@lacity.org

October 28, 2011

Mr. Hadar Plafkin  
Department of City Planning  
200 North Spring Street, Room 750  
Los Angeles, CA 90012

## **Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed 10000 Santa Monica Boulevard Development Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the final environmental impact report (EIR) as appropriate.

The AQMD staff is concerned about the significant regional and localized impacts from the proposed project. Specifically, the lead agency determined that the project will exceed the AQMD's CEQA significance thresholds for regional NO<sub>x</sub> and PM<sub>10</sub> emissions. Further, the lead agency determined that the proposed project will impose significant localized NO<sub>2</sub> emissions impacts on sensitive land uses (i.e., residences and a school) located within 100 feet of the project site. As a result, the AQMD staff recommends that the lead agency require the additional construction mitigation measures listed below pursuant to Section 15126.4 of the CEQA Guidelines.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
- Reroute construction trucks away from congested streets or sensitive receptor areas,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation,
- Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
- Require all vehicles and equipment to be properly tuned and maintained according to manufacturers' specifications,

- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,
- During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:
  - ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
  - ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

[www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html).

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review  
Planning, Rule Development & Area Sources

Attachment

[IM:DG](#)

LAC110915-02  
Control Number

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

File: SC.CE.

DATE: October 3, 2011

TO: Hadar Plafkin, Project Coordinator  
Environmental Review Division  
Department of City Planning

**RECEIVED**  
CITY OF LOS ANGELES

OCT 13 2011

FROM: Ali Poosti, Acting Division Manager  
Wastewater Engineering Services Division  
Bureau of Sanitation

SUBJECT: 10000 Santa Monica Boulevard Project – Draft EIR

This is in response to your September 15, 2011 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

**WASTEWATER REQUIREMENT**

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

**Projected Wastewater Discharges for the Proposed Project:**

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
<b><i>Proposed</i></b>			
Residential: 1-BR	120 GPD/DU	42 DU	5,040
Residential: 2-BR	160 GPD/DU	170 DU	27,200
Residential: 3-BR	200 GPD/DU	71 DU	14,200
Lounge	80 GPD/1000 SQ.FT	5,881 SQ.FT	470
Gym	250 GPD/1000 SQ.FT	11,332 SQ.FT	2,833
Parking	20 GPD/1000 SQ.FT	280,467 SQ.FT	5,609
<b>Total</b>			<b>55,352</b>

## SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 27-inch line on Century Park East. The sewage from the existing 27-inch line discharges into a 33-inch sewer line on Pico Blvd. Figure 1 shows the details of the sewer system within the vicinity of the project.

The current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
27	Century Park East	10	6.16 MGD
33	Pico Blvd	17	14.19 MGD

\* No gauging available

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. The developer must install a private trap on the private lateral. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

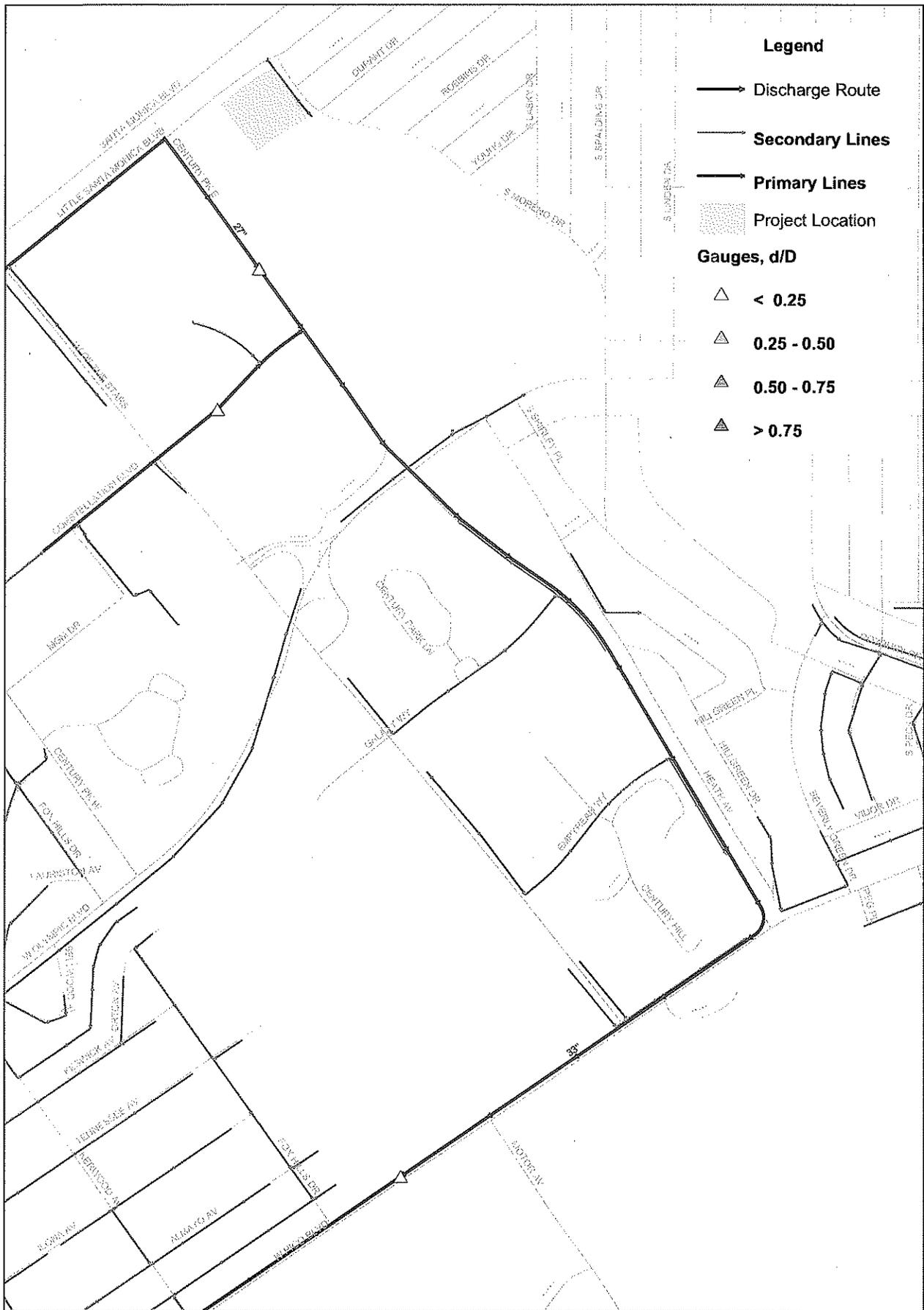
## **SOLID RESOURCE REQUIREMENTS**

The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. Should you have any questions, please contact Daniel Hackney of the Special Projects Division at (213)485-3684.

Attachments:

Figure 1 – Sewer Map

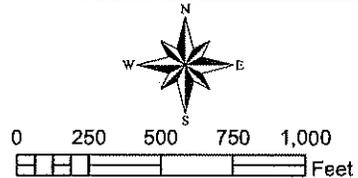
cc: Kosta Kaporis, BOS  
Daniel Hackney, BOS  
Rowena Lau, BOS



Wastewater Engineering Services Division  
 Bureau of Sanitation  
 City of Los Angeles



**FIGURE 1**  
**10000 Santa Monica Project**  
**Sewer Map**



October 31, 2011

Via Hand Delivery

Hadar Plafkin, Project Coordinator  
Room 750, City Hall  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012

PHONE: (213) 620-0460  
FAX: (213) 624-4840  
DIRECT: (213) 621-0809  
E-MAIL: ddennis@hillfarrer.com  
WEBSITE: www.hillfarrer.com

Re: **10000 Santa Monica Boulevard Development Request for  
Comments on Draft EIR  
EIR Case No. ENV-2011-540-EIR  
Client-Matter No. B3902-002**

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Dear Mr. Plafkin:

On May 16, 2008, the Beverly Hills Unified School District (District) submitted comments on the Notice of Preparation for the planned development of 10000 Santa Monica Boulevard (Project Site), then known as the SunCal Project. On May 2, 2011, the District submitted comments and questions in response to the Notice of Preparation and Notice of Public Scoping Meeting for the current 283 residential unit development (Project). The south eastern portion of the Project Site abuts Beverly Hills High School, which is a sensitive receptor. The Project and the High School will both utilize access off Moreno Drive.

The gist of the District's comments has always been to provide a safe and healthful environment for its students both during construction and future operation of the Project. That continues to be its primary concern.

Developer Agreements and Enforceable Mitigation Measures

According to a publication provided by 10000 Santa Monica LLC it is "taking proactive steps to ensure that issues of interest to the City of Beverly Hills ...are addressed early on and to the extent feasible through the design of the Project and conditions of approval." These included responses to specific comments from the District and agreements by the developer to mitigate those comments. A copy of this publication is attached hereto as Exhibit A.

Some of the issues, comments and agreements contained in Exhibit A are alluded to in the DEIR as part of the ongoing description of project construction and operations (e.g., crossing guards and background checks for construction workers) and form the assumed basis for the analysis of environmental issues. However, while such items are referenced, they are not included as specific, enforceable mitigation measures. And although Exhibit A states that “[a] Construction Management Plan is being prepared and details will be included in the Draft EIR,” there are no details on most of these issues provided in the DEIR and certainly no enforcement or monitoring mechanisms discussed.

For most large scale projects, these issues would logically be addressed in a Construction Management Plan. And that is what appears to be contemplated by the DEIR. But while a Construction Management Plan is required by the DEIR’s proposed mitigation measures, the details of what would be included in such a plan (with a few exceptions, e.g., location of the haul route, etc.) are not included in the mitigation measures for the DEIR. Instead, they are deferred to a future document “to be developed by the contractor and approved by the City of Los Angeles” at some unspecified time, presumably after the FEIR is certified and the project approved by the City.

In order to comply with CEQA’s requirements that mitigation measures be included in the EIR and, if feasible, not deferred to future implementation, the preparation of a Construction Management Plan, should be advanced and included as enforceable mitigation measures in this Project’s Final EIR so that the District can be assured that promises made by the developer and other measures necessary to mitigate impact on school operations and activities are made part of the environmental approval process and not deferred to future implementation when there is limited opportunity for project modification or enforcement if the Construction Management Plan is inadequate or violated. While such a plan may need to be amended and augmented as construction planning proceeds and details become known, much of the construction planning can be currently identified and addressed, including many of the issues of concern to the District on which complete identification and discussion of environmental issues hinge.

These include:

- general construction traffic and safety issues, including adequate fencing and visual screening, human crossing guards, encroachment into BHHS northern driveway, construction worker parking location, staging, haul routes, time of day construction, construction schedules, delivery schedules, fencing, access and site surveillance,

security, including workers arriving at and leaving the site, and separation of construction workers from students;

- air quality monitoring during construction with thresholds and remedies for exceeding them;
- periodic replacement of air filters for Science and Technology Center;
- dust suppression and washing of Moreno Drive;
- noise and vibration monitoring during construction with thresholds and remedies for exceeding them;
- restriction of construction hours to reduce conflicts with BHHS;
- monitoring of construction impacts to BHHS property, especially the Science and Technology Building.

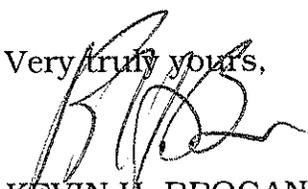
Early preparation of the Construction Management Plan, and its inclusion as a mitigation measure in the FEIR, is particularly significant since the DEIR acknowledges that the Project has significant and unavoidable short term construction impacts on air quality, noise and vibration, especially for the Science and Technology Center. The Construction Management Plan is critical to mitigate these impacts to the greatest extent possible.

The Construction Management Plan should be prepared with the consultation and, if possible, the approval of the District. Ideally, it would be prepared by an independent, third-party consultant, agreed upon by both the developer and the District. An independent environmental monitor, agreed upon by the developer and the District, funded by the developer, would provide compliance monitoring during construction. A "construction relations officer" on the contractor's staff to serve as a liaison with the high school, as contemplated by the identified mitigation measures, is likely to be an ineffective alternative to an independent monitor. Construction Management Plans, once drafted, are often placed on a shelf and draw little attention from contractors when projects are started and the economics of construction schedules and deadlines intervene.

The daily activities at Beverly Hills High School have the potential for numerous conflicts with the construction of the Project and, thereafter, the building's ongoing operations. For example, the DEIR states that construction hauling would be limited to the hours of 8:30-4:30 and would be scheduled to

alleviate congestion at peak school times. However, there is no indication what those times cover and how that restriction will be determined and enforced. For the District, peak school times include, not only the pick up and drop off hours, heavily traveled by both automobiles and pedestrians, which obviously impact traffic, public safety, and security issues, but also numerous other school events, such as open house, bi-weekly board of education meetings, PTA meetings, sporting events, after school athletics, weekend soccer, basketball, tennis events, carnivals, homecoming week, state testing week, summer school, etc. How are these issues to be handled? The DEIR is silent. At the very least, the Construction Management Plan to be included in specific mitigation measures should mandate the closure of the Moreno gate to the property for many, if not all of these events, upon 48 hour notice from the District.

Finally, completing the Construction Management Plan, including its requirements as mitigation measures, and subjecting it all to public review and comment before the FEIR is certified and the project approved is particularly important since Beverly Hills High School, which will suffer the most from construction related impacts, is not located in the City of Los Angeles. The City of Los Angeles department that will be assigned to approve the Construction Management Plan, were it allowed to be deferred to some future time, will not have the same level of sensitivity and responsiveness to the school's concerns although it may have the best intentions. If compliance with CEQA requires possible significant environmental impacts to be mitigated to the fullest extent possible, these matters must be addressed now rather than later.

Very truly yours,  


KEVIN H. BROGAN  
OF  
HILL, FARRER & BURRILL LLP

DED:lar

# Beverly Hills Issues

10000 Santa Monica LLC is taking proactive steps to ensure that issues of interest to the City of Beverly Hills associated with development of the proposed 10000 Santa Monica Project are addressed early on and to the extent feasible through the design of the Project and conditions of approval. Our understanding of City of Beverly Hills issues associated with development of the site is based on comments from interested parties in the City of Beverly Hills that were submitted to the City of Los Angeles in response to the 2008 Notice of Preparation (NOP) for an Environmental Impact Report (EIR) regarding the former SunCal Project that was proposed on the project site. Our understanding of issues has also been informed through recent outreach meetings with the City of Beverly Hills, Beverly Hills Unified School District (BHUSD), and other stakeholder groups in the City.

The following table summarizes key issues raised by parties in Beverly Hills on the SunCal Project and through recent outreach, along with a listing of actions being taken through project design and commitments to project conditions that can address these concerns where feasible and applicable to the 10000 Santa Monica Project. Although not detailed below, at the request of BHUSD, 10000 Santa Monica LLC has committed to supporting implementation of mitigation measures of interest to the District that were included in the 9900 Wilshire Boulevard Project EIR, where they are applicable and feasible for the proposed Project.

Environmental Issues Raised	Actions Proposed
<b>Comments From the Beverly Hills Unified School District</b>	
<b>Safety</b> <ul style="list-style-type: none"> <li>• <b>Fencing/Screening</b> - to dissuade students from entering project site.</li> </ul>	Agree to support a project condition restricting student access to the site.
<ul style="list-style-type: none"> <li>• <b>Crossing Guards</b> - provide crossing guards at nearby intersections during construction.</li> </ul>	Agree to support as a project condition.
<b>Security</b> <ul style="list-style-type: none"> <li>• <b>Protection from Predators</b> - construction personnel/crossing guard screening for fingerprinting, felonies, etc.</li> </ul>	Agree to support as a project condition.
<b>Traffic</b> <ul style="list-style-type: none"> <li>• <b>Encroachment into BHHS Northern Driveway</b> - pedestrian/vehicular conflicts should be evaluated.</li> </ul>	Will be analyzed in the Traffic Report.
<ul style="list-style-type: none"> <li>• <b>Construction Traffic Management Plan</b> - include details in Draft EIR regarding excavation haul routes, other construction traffic and safety issues.</li> </ul>	A Construction Management Plan is being prepared and details will be included in the Draft EIR. The plan will address haul routes, parking lot location, staging, time-of-day, individual construction phases, delivery schedules, fencing/separation of the construction activities from the public, controlled access to the construction site, and site surveillance.
<ul style="list-style-type: none"> <li>• <b>Alternative Haul Routes</b> -- consider hauling of debris/soil at night, weekends.</li> </ul>	A preliminary haul route plan has been proposed that requires hauling during times that avoid school peak periods.

Environmental Issues Raised	Actions Proposed
<p><u>Air Quality</u></p> <ul style="list-style-type: none"> <li>• <b>Construction Air Monitoring</b> - Fund air quality monitoring during construction and halt construction if needed to reduce impacts to less than significant.</li> </ul>	<p>The proposed project would require only a small amount excavation (approximately 7 percent of that associated with the former SunCal Project) and air quality impacts pertaining to dust would be negligible relative to the previous SunCal project. Notwithstanding, this request will be considered pursuant the results of the air quality analysis in the EIR.</p>
<ul style="list-style-type: none"> <li>• <b>Ventilation Upgrades</b> - to filter harmful levels of project generated pollutants.</li> </ul>	<p>Issue is being addressed through the EIR report. However, regardless of the outcome project will provide for the replacement of the filters located on the north face of the BHHS science building every 3 months. The school shall request the replacement through their maintenance company and the project will reimburse the school accordingly.</p>
<ul style="list-style-type: none"> <li>• <b>Athletic Field/Outdoor Areas</b> - protect from construction dirt and debris, temporary enclosures, other.</li> </ul>	<p>Agree to support conditions for mitigating dirt and debris effects on school outdoor areas. Will provide a 12 foot construction fence with temporary aesthetic improvements. In addition, the project shall make accommodations for washing down Moreno drive as often as needed to keep the street as clean as practically possible.</p>
<p><u>Noise</u></p> <ul style="list-style-type: none"> <li>• <b>Special Noise and Vibration Thresholds</b> - request that special thresholds of significance be used to assess impacts on BHHS.</li> </ul>	<p>Issue will be studied in the EIR. The project will also work out a detailed Construction Management Plan, with the school's input, which will limit work which may accede noise thresholds to off school hours.</p>
<ul style="list-style-type: none"> <li>• <b>Noise Monitoring</b> - Fund noise monitoring at BHHS during construction. If significant noise/vibration occurs, halt or modify construction or add additional noise barriers.</li> </ul>	<p>Agree to support conditions and fund noise monitoring/ mitigations at BHHS during construction with reasonable industry standards.</p>
<ul style="list-style-type: none"> <li>• <b>Restrict Construction Hours</b> - Avoid construction during BHHS testing and special event days -- No construction, or noise or vibration effects.</li> </ul>	<p>Restriction of construction hours to reduce conflicts with BHHS will be addressed in the Construction Management Plan.</p>
<p><u>Solar/Shade Impacts/Other</u></p> <ul style="list-style-type: none"> <li>• <b>Provide 3-D Model</b> - for public review ("2-D presentations are not adequate") to understand shade/shadow and solar impacts on BHHS and to assist with understanding of project density, massing.</li> </ul>	<p>A model of the project will not be necessary. It should be noted that the project would provide only negligible shading at the northern edge of the BHHS site at very infrequent/limited times; and no impacts during the critical light sensitive times addressed in EIRs. Furthermore, the project would reduce building heights approximately 24 percent of that for the former SunCal Project.</p>

Environmental Issues Raised	Actions Proposed
<p><u>Structural/Geology</u></p> <ul style="list-style-type: none"> <li>• <b>Structural Damage to BHHS Buildings -</b> Address potential for damage to retaining wall and the Science and Technology Building deep foundation.</li> </ul>	<p>Issue is being addressed in a geological report for inclusion in the EIR. The geologic report will particularly address stabilization of on-site and off-site structures. The project will avoid the use of any foundation systems that may cause potential damage to the existing science building foundations.</p>
<ul style="list-style-type: none"> <li>• <b>Cumulative Impacts -</b> considerable new development, in particular Beverly Hilton Project, 9900 Wilshire Project and other related projects identified in the Hilton EIR, must be considered.</li> </ul>	<p>The traffic consultants will include related projects to be considered in the cumulative analysis that reflect the most current information regarding potential feasible projects. The particular projects cited are currently on the list that is included in the MOU with the L.A. Department of Transportation. The current list of related projects is based on review of recent Beverly Hills EIR, and the list will be provided to the City of Beverly Hills for review.</p>
<p><b>City of Beverly Hills</b></p>	
<p><u>Project Information Provided</u></p> <ul style="list-style-type: none"> <li>• Requested more information regarding the project than had been previously disclosed.</li> </ul>	<p>Crescent Heights is submitting to the City for inclusion in the Draft EIR the types of elevations, sections, plot plan data, site areas, parking arrangements, etc. requested.</p>
<p><u>Traffic</u></p> <ul style="list-style-type: none"> <li>• Street segment studies for Moreno Drive, south of Durant; Durant Drive east of Moreno Drive; Spalding Drive north of Olympic.</li> </ul>	<p>The traffic study will analyze Moreno Drive and Durant Drive street segments. The MOU will be shared with Beverly Hills.</p>
<ul style="list-style-type: none"> <li>• Parkway "crossover" in front of the project site also to be analyzed.</li> </ul>	<p>Will be addressed in the traffic study pursuant to the MOU.</p>
<ul style="list-style-type: none"> <li>• Residential loading (i.e. moving van) impacts.</li> </ul>	<p>The traffic study will address onsite loading.</p>
<ul style="list-style-type: none"> <li>• Queuing Analysis to/from Moreno Drive.</li> </ul>	<p>The issue has been addressed in the design of the site plan. The project will feature a drive on the property which will accommodate a queuing capacity which will eliminate any traffic backup onto Moreno.</p>
<ul style="list-style-type: none"> <li>• Intersections of importance to the City of Beverly Hills (14 cited intersections) be analyzed using Beverly Hills' thresholds of significance.</li> </ul>	<p>The requested intersections have all been identified in the MOU with the L.A. Department of Transportation that will serve as the basis for the traffic analysis.</p>
<ul style="list-style-type: none"> <li>• Traffic analysis methodology should include the following: No trip credits for past site use; use of traffic counts that are less than two years old reflecting post Santa Monica Parkway conditions.</li> </ul>	<p>The traffic methodology will follow these recommendations per the MOU.</p>

**PROOF OF SERVICE**

I, Glenn Amundson, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is First Legal Support Services, 1511 W. Beverly Boulevard, Los Angeles, California 90026. On October 31, 2011, I served the within documents:

**LETTER OF OCTOBER 31, 2011, TO HADAR PLAFKIN,  
PROJECT COORDINATOR, DEPARTMENT OF CITY  
PLANNING RE 10000 SANTA MONICA BOULEVARD  
DEVELOPMENT REQUEST FOR COMMENTS ON DRAFT  
EIR**

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

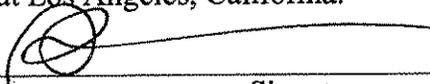
by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Hadar Plafkin, Project Coordinator  
Room 750, City Hall  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on October 31, 2011, at Los Angeles, California.

  
\_\_\_\_\_  
Signature

HFB 1095818.1 B3902002

HILL, FARRER & BURRILL LLP  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
ONE CALIFORNIA PLAZA, 37TH FLOOR  
300 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071-3147

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Peter J. Noonan, AICP

October 31, 2011

Hadar Plafkin, City Planner  
Department of City Planning  
City of Los Angeles  
Environmental Review Unit  
200 N. Spring Street, Room 750  
Los Angeles, California 90012

RE: 10000 Santa Monica Boulevard  
ENV 2011-0540-EIR

Dear Mr. Plafkin,

The City of Beverly Hills (the "City") received Notice of Availability (NOA) of an Environmental Impact Report (EIR) for the project proposed at 10000 Santa Monica Boulevard, 10022 Santa Monica Boulevard and 201 Moreno Drive ("10000 Santa Monica Boulevard").

We have summarized our understanding of the project as follows:

<u>Project Site</u>	2.4 Acres - Century City Planning Area
<u>Open Space</u>	0.99 Acres (43,141 square feet) of ground-level landscaping mostly located on the south/eastern portion of the site.
<u>Building 1</u>	
Use	Residential/ Condominiums
Units	283 Units
Height	39 Floors/ 460 Feet
<u>Building 2</u>	
Uses	- 708 Parking Spaces (for the Residential Building) - Pool and Spa on Roof
Height	9 Floors/ 90 Feet (plus 2 levels of parking below ground)

- Traffic Analysis. The City is reviewing the traffic impact analysis in the report and would requests a 10-day extension in order to complete its analysis. In the meantime,

the City has completed its review of the other sections in the report and has the following comments:

- Parking Provided. This project is immediately adjacent to the City of Beverly Hills and parking demand should be analyzed based on City of Beverly Hills standards. If the project site was under parked, it is foreseeable that the project could create greater parking demand on streets in the City of Beverly Hills. Given the projects proximity to the City of Beverly Hills, the parking requirements for the City of Beverly Hills should be taken into consideration to assure that parking demand is met. 283 units are proposed in the project, and 708 parking spaces will be provided. The City of Beverly Hills Municipal Code provides the following parking requirements for multiple-family buildings. Please note that any den or similar room capable of being used as a bedroom should be considered a bedroom for the purposes of calculated parking requirements:
  - Studio – 1 parking space
  - One Bedroom Units – 2 parking spaces
  - Two Bedroom Units – 2.5 parking spaces
  - Three and four Bedroom Units – 3 parking spaces
  - Five Bedroom Units – 4 parking spaces
  - Guest Parking Ratio – 1 space per every 4 units.

The final EIR should include an analysis of parking similar to the following example:

*If the City of Beverly Hills parking standards were used a 283 unit building that included 708 parking spaces could consist of:*

- *141 One-Bedroom Units – 282 parking spaces*
  - *142 Two-Bedroom Units – 355 parking spaces*
  - *Guest Parking – 71 parking spaces*
- Sewer Connections. Currently the project is not proposed to connect to the City of Beverly Hills sewer system. Please note however, in the event that the project would be connected to the City of Beverly Hills system additional studies including a sewer area study and calculations using Los Angeles County, Department of Public Works standards and format should be conducted to assure adequacy of the existing lines. Depending on adequacy, the applicant could expect to pay for upgrades to the system if any are needed.
  - Potential Fault Zones. New information is available on fault zones within the Century City and western Beverly Hills areas that suggests the geological technical studies conducted for this EIR are incomplete at best and inadequate at worst. The Century City Fault Investigation Report, Volumes One and Two, prepared by Parsons Brinkerhoff for Los Angeles Metro and dated October 14, 2011 should be taken into account and the geological findings in this

Mr. Pkafkin, City Planner  
10000 Santa Monica Boulevard (ENV 2011-0540-EIR/ NOA - DEIR)  
October 30, 2011  
Page 3 of 4

report reconciled with the findings of that report to fully disclose, analyze and potentially mitigate potential faults within the project area.

- Air Quality, Dust, Vibration, Noise. The report indicates that the project would result in significant impacts to air quality, dust levels, vibration and noise for the areas around the project site and for Beverly Hills High School. Due to prevailing winds it could be foreseeable that El Rodeo Middle School may also be affected and additional analysis should be conducted to assure that mitigation measure adequately address any potential impacts. Additionally, the City of Beverly Hills asks that mitigation measures used be comparable to, and consistent with, the mitigation measures included in the 9900 Wilshire Project (SCH No. 2006071107) and The Beverly Hilton Revitalization Plan (SCH No. 2006091053) projects. The City will provide the relevant mitigation measures to the City Los Angeles under separate cover.

Thank you for this opportunity to comment on the environmental review. Please notify us when the final environmental impact analysis is available. If you have any questions regarding the comments we are providing, please contact me by phone at (310) 285-1127, or email pnoonan@beverlyhill.org.

Sincerely,



PETER NOONAN, AICP CEP  
Associate Planner

cc: Barry Brucker, Mayor of Beverly Hills

Willie Brien, Vice-Mayor of Beverly Hills

John Mirisch, Councilmember of Beverly Hills

Lili Bosse, Councilmember of Beverly Hills

Julian Gold, Councilmember of Beverly Hills

Jeff Kolin, City Manager, City of Beverly Hills

Mahdi Aluzri, AICP, Assistant City Manager, City of Beverly Hills

David Gustavson, Director of Public Works, City of Beverly Hills

Susan Healy Keene, AICP, Director of Community Development, City of Beverly Hills

Aaron Kunz, AICP, Deputy Director – Transportation, City of Beverly Hills

Mr. Pkafkin, City Planner  
10000 Santa Monica Boulevard (ENV 2011-0540-EIR/ NOA - DEIR)  
October 30, 2011  
Page 4 of 4

Jonathan Lait, AICP, Assistant Director – City Planner, City of Beverly Hills



Peter J. Noonan, AICP CEP

November 15, 2011

Hadar Plafkin, City Planner  
Department of City Planning  
City of Los Angeles  
Environmental Review Unit  
200 N. Spring Street, Room 750  
Los Angeles, California 90012

RE: 10000 Santa Monica Boulevard  
ENV 2011-0540-EIR

**RECEIVED**  
CITY OF LOS ANGELES

**NOV 22 2011**

Dear Mr. Plafkin,

The City of Beverly Hills has completed its review of the traffic impact analysis in the environmental impact report referenced above for the project at 10000 Santa Monica Boulevard and is providing the following comments:

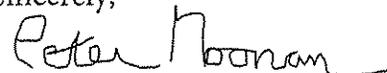
- 1- The existing signal timing and operation of the intersection of Moreno and South Santa Monica is part of City of Los Angeles signal system. This is a boundary signal and the City of Beverly Hills shares 50% of the signal approaches. The timing plan could be more flexible and sensitive to Beverly Hills traffic demand particularly, with respect to the traffic of the Beverly Hills High School. With the construction of the proposed project the signal operation should be studied for increased conflicts at the above intersection related to anticipated trips. In the event that potential impacts are identified, this intersection should be redesigned for improved signal operation both during the construction phase and after the completion of the project.
- 2- Due to particular circulation patterns near and adjacent to the proposed project site, it may not be possible to assess accurately the potential residential trip impacts of this Los Angeles project within the City of Beverly Hills; therefore, it may be necessary to conduct

Mr. Pkafkin, City Planner  
10000 Santa Monica Boulevard (ENV 2011-0540-EIR/ NOA - DEIR)  
November 10, 2011  
Page 2 of 3

further studies once the project is completed and the residential units are occupied. Similar to projects in the past, one method of accommodating such further studies and potential mitigation measures would be for the applicant to deposit a certain amount of funds via the City of Los Angeles to be accessible for use by the City of Beverly Hills. This funding would be used for conducting post project counts and studies, and if needed, to implement mitigation measures to address the potential residential impacts. The amount of this fund needs to be calculated by the EIR consultant with respect to the future costs of traffic studies and traffic control measures. As a reference and comparison base a few years ago the Fox project in Los Angeles provided \$80,000 to the City of Beverly Hills for this purpose.

The City of Beverly Hills is providing these comments for inclusion with public comments received during the public comment period. Thank you for this opportunity to comment on the environmental review. Please notify us when the final environmental impact analysis is available. If you have any questions regarding the comments we are providing, please contact me by phone at (310) 285-1127, or email [pnoonan@beverlyhill.org](mailto:pnoonan@beverlyhill.org).

Sincerely,



PETER NOONAN, AICP CEP  
Associate Planner

cc: Barry Brucker, Mayor of Beverly Hills  
Willie Brien, Vice-Mayor of Beverly Hills  
John Mirisch, Councilmember of Beverly Hills  
Lili Bosse, Councilmember of Beverly Hills  
Julian Gold, Councilmember of Beverly Hills  
Jeff Kolin, City Manager, City of Beverly Hills  
Mahdi Aluzri, AICP, Assistant City Manager, City of Beverly Hills  
David Gustavson, Director of Public Works, City of Beverly Hills

Mr. Pkafkin, City Planner

10000 Santa Monica Boulevard (ENV 2011-0540-EIR/ NOA - DEIR)

November 10, 2011

Page 3 of 3

Susan Healy Keene, AICP, Director of Community Development, City of Beverly Hills

Aaron Kunz, AICP, Deputy Director – Transportation, City of Beverly Hills

Jonathan Lait, AICP, Assistant Director – City Planner, City of Beverly Hills

# **BHA BEVERLYWOOD HOMES ASSOCIATION**

9911 W. Pico Boulevard, Suite 1410  
Los Angeles, California 90035  
(310) 276-3463 Fax (310) 276-3767  
email: [beverlywoodha@sbcglobal.net](mailto:beverlywoodha@sbcglobal.net)

July 27, 2011

Mr. Hadar Plafkin  
Environmental Review Coordinator  
Los Angeles Department of City Planning  
200 North Spring Street, Room 750  
Los Angeles, CA 90012  
(213) 978-1343 (fax)  
[Hadar.Plafkin@lacity.org](mailto:Hadar.Plafkin@lacity.org)

RECEIVED  
CITY OF LOS ANGELES

OCT 31 2011

RE: ENV-2011-0540-EIR  
10000 Santa Monica Boulevard Project  
(10000 Santa Monica Boulevard, Los Angeles, California 90067)

Dear Mr. Plafkin:

On behalf of the Beverlywood Homes Association ("Beverlywood"), I am submitting the following comments in response to the Draft Environmental Impact Report Notice for the 10000 Santa Monica Boulevard Project. I am also requesting notice of any and all hearings, filings and related events, including a hard copy of all reports prepared in this matter, as soon as they become available. (Notice can be mailed to my attention at Beverlywood Homes Association, 9911 W. Pico Boulevard, Suite 1410, Los Angeles, CA 90035.)

Beverlywood is one of the largest single-family residential HOA's in Los Angeles, with over 1350 homes. Beverlywood is part of the Neighborhood Protection Plan ("NPP") and the Century City Neighborhood Transportation Mitigation Project ("CCNTMP"), both of which were implemented to address the increased projected traffic from the Fox expansion and subsequent development in and around Century City, projections that have unfortunately come true. However, unlike other communities covered by the NPP and the CCNTMP, the City of Los Angeles has thus far failed to provide any meaningful protection to the over 3,000 residents of Beverlywood, in direct contravention of these two plans. Traffic on our neighborhood streets has reached unsafe, unreasonable and intolerable levels, up to and/or exceeding 25,000 cars per day! This has been confirmed by the EIR prepared for the Museum of Tolerance project as well as recently conducted traffic studies in and around our neighborhood relating to other pending projects.

Motor Avenue, to the contrary, is currently capped at 600 cars per peak hour (the result of a city resolution). This and others "arrangements" have resulted in turn restrictions from National to Motor, along with countless traffic calming measures on Motor itself, the result being that Motor is at full capacity under current law and unable to carry any additional vehicular traffic to or from Century City relating to this or any other project.

This leaves Beverlywood (and thus Beverwil Drive and Beverly Drive – the closest north-south streets immediately east of Motor), exposed to yet additional cut-through traffic both

to Century City in the AM and from it in the PM. Beverlywood thus strongly urges you to study the following intersections in and around Beverlywood, all of which, once again, are within the NPP and the CCNTMP:

- Beverly and Pico
- Beverly and Cashio
- Beverly and Monte Mar
  
- Beverwil and Pico
- Beverwil and Cashio
- Beverwil and Monte Mar
- Beverwil and Castle Heights
  
- Castle Heights and Cattaraugus
- Castle Heights and National
- National and Beverly
- National and Bagley
- National and Canfield
- National and Robertson
- National and Manning
  
- Robertson and Olympic
- Robertson and Pico
- Robertson and Cadillac/Hillsboro
- Robertson and Cattaraugus
  
- La Cienega and Olympic
- La Cienega and Pico
- La Cienega and Cashio
- La Cienega and Cadillac
  
- Interstate 10 (Santa Monica Freeway) and Robertson
- Interstate 10 (Santa Monica Freeway) and La Cienega
- Interstate 10 (Santa Monica Freeway) and Manning/National
- Interstate 10 (Santa Monica Freeway) and Overland
  
- Olympic and Roxbury
- Olympic and Doheny
- Pico and Roxbury
- Pico and Doheny

In addition, the following street segments must be analyzed:

- Beverwil between S. Rodeo and S. Camden
- Beverwil, between Pico and Alcott
- Roxbury, between Pico and Costello
- Beverly, between Whitworth and Pico
- Beverly, between Pico and Alcott
- Beverly, between Monte Mar and Kirkside
- Pico, between Century Park East and Roxbury
- Pico, between Avenue of the Stars and Motor
- Robertson, between Pico and Alcott
- Monte Mar, between Bagley and Rexford
- 18<sup>th</sup> Street, between Robertson and Hillsboro
- Hillsboro, between Sawyer and Cresta
- Cattaraugus, between Robertson and Canfield
- Beverwil, between Sawyer and Cisco
- Castle Heights, between Bolton and Beverwil
- Beverlwood, between Beverwil and Anchor
- Castle Heights, between National and Vicar
- Beverly, between National and Flint
- Canfield, between Kincardine and Kincardine
- National, between Robertson and Livonia
- National, between Manning and Barbydell
- Manning, between National and Woodbine

Beverlywood has previously submitted comments with respect to the Century Plaza Project and the YULA Project. Inexplicably, the City also failed to analyze *any* streets located in Beverlywood with respect to either of these EIR's. Nor did the City analyze any streets in Beverlywood with respect to this project, even though Beverlywood met with the developer, on more than one occasion, to express these very concerns. This practice of ignoring Beverlywood, the southern access point to Century City, must cease. With respect to this project and any future projects in or around Century City, the city must analyze the impact of any such project on Beverlywood.

And while Beverlywood has yet again been overlooked, surprisingly, the city failed to study any southern access point to Century City. This, in spite of the fact, that the city studied ten intersections on Santa Monica Boulevard from the proposed project site to the 405 Freeway. It is as if the city and/or the developer somehow believe that all vehicular traffic relating to this project will utilize the 405 Freeway on-ramp and off-ramp at Santa Monica Boulevard. Unfortunately, this is completely unrealistic. Therefore, in order for this study to be accurate, fair and complete, the following additional (southern access point) intersections must also be studied:

- Motor and National
- Motor and Palms
- Motor and Venice
- Motor and Manning
  
- Pico and Overland
- Pico and Manning
- Pico and Prosser
- Pico and Patricia

In addition, the following additional (southern access point) street segments must also be analyzed:

- Motor, between Pico and Monte Mar
- Motor, between Manning and Patricia
- Motor, between Palms and Tabor
- Motor, between Woodbine and National
- Manning, between Motor and Gilmerton
- Hughes, between National and Tabor
- Palms, between National and Clarington
- National, between Jasmine and Clarington
- Overland, between Coventry and Exposition
- Manning, between Pico and Ayres
- Overland, between Pico and Ayres
- Bagley, between Harlow and Exposition

Beverlywood further requests that the projected cumulative impact of traffic from this project be analyzed in conjunction with each of the other proposed, approved and/or nearly completed adjacent projects, including, but not limited to:

- Century City Center (Century Plaza Hotel Expansion)
- Beverly Hilton expansion
- Robinson May development
- Westfield Shopping Center expansion and Mixed Use Tower
- The Century (Related)
- YULA
- Museum of Tolerance
- William Morris/Endeavor
- JMB

While traffic is a major concern to our community, so is the lack of adequate Fire Department staffing, given that Fire Station No. 58 has been cut in half and Fire Station No. 92 has been cut by a third. Specifically, Fire Station No. 58 no longer has a Life Force Unit, leaving one Hook and Ladder truck for the entire area (at Fire Station No. 92). Worse yet, according to the Fire Department itself, each station no longer has the capacity to respond to simultaneous calls. As the result of these drastic cuts – which only recently took effect on July 5, 2011 – it is doubtful whether the Fire Department can properly service our community as currently configured, much less one that includes the proposed 10000 Santa Monica Boulevard Project *along with* all the other proposed/approved projects. Police resources are similarly in scarce supply. As such, Beverlywood objects to any further development given the severe curtailment of Los Angeles emergency response capacity.

Finally, Beverlywood incorporates the comments of all others objecting to this project as if fully articulated herein, including, but not limited to, the adverse impact this project will have on our scarce water and power resources.

I thank you for your time and consideration.

Sincerely,



Scott Diamond  
President  
Beverlywood Homes Association

CC: Councilmember Paul Koretz

----- Forwarded message -----

From: **jreichmann** <[jreichmann@sbcglobal.net](mailto:jreichmann@sbcglobal.net)>

Date: Wed, Oct 19, 2011 at 6:55 PM

Subject: Support for project at 10000 Santa Monica Blvd.

To: [hadar.plafkin@lacity.org](mailto:hadar.plafkin@lacity.org)

Cc: Christopher Koontz <[chris.koontz@lacity.org](mailto:chris.koontz@lacity.org)>, [councilmember.koretz@lacity.org](mailto:councilmember.koretz@lacity.org)

October 18, 2011

To: Hadar Plafkin

Dept. of City Planning, [hadar.plafkin@lacity.org](mailto:hadar.plafkin@lacity.org)

From: Jan Reichmann, Pres.

Comstock Hills Homeowners Association

Re: Proposed project at 10000 Santa Monica Blvd.

Century City

Dear Mr. Plafkin:

I have reviewed the project planned for 10000 Santa Monica Blvd. and am pleased to offer a firm endorsement personally and on behalf of our organization whose residences are just north of Century City. The building is considerably smaller than the previously designed "Green Blade", has fewer units and is in a price range that becomes affordable to not only adjacent homeowners if they ever wish to move from their homes, but to professionals who work in and around Century City.

Aesthetically it is beautiful and I am pleased to say that the developer reached out to the adjacent communities for their input. We think it will be an asset to the neighborhood. We also appreciate that it will be all residential rather than office or hotel which would indicate many more car trips.

Sincerely,

Jan Reichmann

1429 Comstock Avenue

Los Angeles, Ca. 90024

Cc: [Councilmember.koretz@lacity.org](mailto:Councilmember.koretz@lacity.org)

**Westwood South of Santa Monica Blvd**  
**Homeowner's Association**  
*Incorporated November 8, 1971*  
**P. O. Box 64213**  
Los Angeles, CA 90064-0213  
[www.westwoodsouth.org](http://www.westwoodsouth.org)

October 31, 2011

Hadar Plafkin, City Planner  
Department of City Planning  
200 North Spring Street, Room 750  
Los Angeles, CA 90012

VIA EMAIL: [Hadar.Plafkin@lacity.org](mailto:Hadar.Plafkin@lacity.org)

RE: Case No. EIR-2011-0540-EIR  
10000 Santa Monica Blvd., LA 90067

Dear Mr. Plafkin:

This letter is written on behalf of the Westwood South of Santa Monica Blvd. Homeowners Association representing over 3800 single family and condominium homeowners in the area bounded by Santa Monica and Pico Boulevards on the north and south, and by Beverly Glen and Sepulveda Boulevards on the east and west. We write in response to the DEIR issued on the above referenced residential condominium project which seeks entitlements from the City.

**Schools:** While the majority of our comments will address traffic concerns, there is one other area that will significantly impact our community. We seek a mechanism that will address these negative impacts resulting from projected school attendance at Westwood Charter Elementary School which lies in the middle of our community. A large proportion of the residents in our community purchased homes in this area because it lies within the boundaries of the Westwood Charter School. At one point a couple of years ago, an increase in enrollment resulted in a proposal to change the school's boundaries which would have sent those homes in the western portion of our area to Nora Steery Elementary School, located just west of the 405 Freeway. That proposed change would have separated our neighborhood and would have resulted in children attending a school that they could no longer access on foot or by bike. The property values of the homes on the affected streets (west of Veteran Avenue) would have likely suffered a drop in value having lost their relationship with a high performing neighborhood school. We see that this project forecasts a possible increase in school enrollment that would result in a "shortage of 31 seats below the 30 seat safety margin used to LAUSD for defining overcrowded schools." The suggested mitigation for this impact, the payment of a school mitigation fee will not remedy the probable impact of redistricting for our families. As the children of residents in the 10000 Santa Monica Blvd. project will be unable to walk and are highly unlikely to ride a bicycle to Westwood Charter School, we request that the new students be enrolled in a different school and an arrangement made with LAUSD to ensure that students from 10000 Santa Monica Blvd. do not trigger any changes that

would cause our families to be forced to leave Westwood Charter. Westwood Charter is a neighborhood school with children playing with their peers in walking distance from school and their homes. A change in this would result in major impacts in family life for children and parents alike.

**Parking:** We would like to applaud this project's efforts to install an automated parking option which could serve as a model for other developments in the vicinity. This is a new technology with great promise for reducing parking costs and minimizing the footprints of projects on the land thus, hopefully leading to an increase in open space and a reduction of construction costs.

**Traffic:** A number of our comments related to traffic disagree with the LA City DOT's interpretation of what makes up a significant traffic impact. We understand that it is not our role to define such terms. However, for example, although DOT may consider an intersection at Level D of service to be acceptable, we do not agree. There are a number of such intersections noted in the study in addition to the 10 study intersections operating at E and F Levels during one or both peak hour periods. While the status or rating of an intersection may not be affected, the added traffic will add delays experienced by drivers thus having a negative impact on traffic, safety and quality of life. Traffic delays also translate to added cut-through traffic that encroaches upon residential neighborhoods.

It is interesting that no mention is made in the DEIR about the EXPO line and the importance of participating in a shared transit service that will connect Century City residents and commuters to the EXPO line whose closest station will be at Westwood Blvd. This would help to meet the planning goal which encourages "linkages to future transit" and an increase of work and non-work transit trips enhancing the mobility of seniors, disabled and the transit dependent. Policy 11-1.2 which seeks an increase in the use of multiple occupancy vehicle programs for shopping and other activities to reduce mid-day traffic is another goal that could be reached with a project-related mitigation to participate in the offering of such a service in Century City for residents throughout the community. Westfield has already tested the model at the holiday season and it has proved to be a successful service which can and should be further developed to decrease traffic congestion, reduce pollution and increase safety.

The text of the traffic section of the study does not accurately describe all the streets noted (while the detailed table in the appendix seems to contain correct details related to parking that are omitted in the text both in the Executive Summary and Appendix). We would consider the relevant area for this project on Pico to go beyond Kerwood Drive. We note that parking is allowed on portions of Pico during hours other than peak rush hour periods. On Beverly Glen Blvd., there are portions that lack left turn channelization, specifically at non signalized intersections in our area. On Westwood Blvd. in our area while metered parking is allowed, there are peak hour prohibitions. Veteran Avenue south of Missouri Avenue has parking on but one side (southbound) to Pico. Cotner Avenue has street parking restrictions in our area on some segments, most notably overnight parking restrictions. The physical description of Moreno Drive does not contain an adequate characterization of that street which runs along the frontage of

Beverly Hills High School. It is not a typical street and contains many stops and speed humps as well. The likelihood or assumption that vehicles will take Moreno southbound toward Spaulding and Olympic in order to head west or south is doubtful. It is more likely that they will go from Santa Monica Blvd. to Beverly Glen and head south on Beverly Glen. If access to Moreno is limited during peak school transit times, then all traffic will be forced onto Santa Monica Blvd. We have long time concerns about the safety of Beverly Glen as it pertains to speeding, danger from cars queuing to turn without a lane in which to do so, cut through traffic speeding of the street and onto adjacent residential streets (such as Tennessee) and so on.

We appreciate having the opportunity to comment on the DEIR document which we found to be a “cut above” the traffic study work contained in most environmental documents submitted for projects in this vicinity. Our concerns about cumulative impacts remain as we would argue that intersections at unsatisfactory levels of service that experience new/added traffic in any amounts experience a diminution of service that has a negative impact on those using the roadways. No doubt that we cannot blame the 10000 Santa Monica Blvd. project for the current traffic that exists and we recognize that their residential project will have lesser impacts than would possible commercial or mixed use projects that might be presented on this site. Nonetheless, we note that in many locations and particularly at peak travel hours, any new traffic represents traffic that cannot be absorbed. (The sponge is full!) Thus, the “livability,” and quality of life in the area suffers. As the study notes, 10 intersections of the 42 studied are at level E or F. While the figures do not exceed CMP threshold criteria, the traffic generated by Crescent Heights LLP residents (and related staff) will add to delays at an intersections such as Westwood and Santa Monica Blvds. By the year 2016 it is projected that the 10 level E or F intersections will increase in number to 19 (!) (yet this is still not considered to be significant by the current standards). We see environmental impacts that are somewhat limited individually but cumulatively considerable. We see the incremental effects of this project as being considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.

Our area contains a large number of the “problem” intersections now and projected to be so in the future when taking into account cumulative impacts. Included in the 19 intersections projected to operate at levels E or F at least during one peak travel time each day are: Beverly Glen/Olympic, Overland /Olympic, Westwood/Santa Monica, Sepulveda/Santa Monica, Cotner/I405/Santa Monica, Veteran/ Santa Monica, Overland/ Santa Monica, Beverly Glen/Santa Monica.

We did not notice any mention of a need to avoid lane closures for construction during holiday shopping periods. We trust that this will be noted and a calendar of dates where closures are forbidden is developed. We also seek further clarification as to the proposed locations for off-site staging for haul trucks. While the DEIR states that haul route trucks will not stage adjacent to residential areas (including on residential arterial such as Olympic, we trust), we also wish to make certain that lines of trucks do not park in front of commercial / retail concerns making it impossible for them to be seen and for patrons

to park on the street. We have had such situations where trucks have been lined up from blocks one after another.

We note that at specified times the entry/exit driveway to the project will be closed off of Moreno Drive to yield to traffic related to BHHS. There is potential for congestion as vehicles seek to avoid Moreno from Santa Monica Blvd. going eastbound (and rightfully so) but wish to go west on Santa Monica. How is it envisioned that the vehicles will make this transition given that there are no entries onto the northern Santa Monica Blvd roadway past Moreno until one reaches Wilshire Blvd. –and that places them at one of the THE most congested intersections in the area. Will all haul route trucks be stopped entirely from leaving the property during peak school traffic hours since they will be unable to exit onto Moreno Drive and proceed west onto Santa Monica Blvd. directly?

We would like to see more discussion related to the need to foster involvement in the Century City TMO (to help to foster the involvement of residential properties for both residents and building employees) and recognition of the value of doing so – particularly with the coming of the EXPO Line! The project should be a paying participant in the Century City TMO (a portion of homeowner dues might be dedicated to such a purpose), with a special emphasis on collaborating with other residential and commercial properties to establish the operation of an internal Century City circulator, and an EXPO shuttle. The operation of a community shuttle has long been discussed as being a needed and worthwhile community amenity that would help to reduce local traffic trips and serve the elderly and others who choose not to drive. Participation in the development of such a shuttle and in its operation with a fixed route that would connect the site with Westside Pavilion, Century City, UCLA Medical Center, local library, etc. is to be encouraged. At the very least we should have internal Century City connections and a linkage to the EXPO Line.

We look forward to further discussion of this project as it moves through the entitlement process. Please notify us of any future meetings or hearings that may be scheduled in conjunction with the project.

Sincerely,



Barbara Broide  
President

Cc: CD 5, ATTN: Chris Koontz – Planning Deputy

# The Los Angeles Country Club

10101 WILSHIRE BOULEVARD - LOS ANGELES 90024-4703

October 31, 2011

Mr. Hadar Plafkin, City Planner  
City of Los Angeles  
200 North Spring Street, Room 750  
Los Angeles, CA 90012

**Re: 10000 Santa Monica Boulevard, SCH No. 2011041042**

Dear Mr. Plafkin:

The Los Angeles Country Club ("LACC") appreciates this opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the 10000 Santa Monica Boulevard Project. LACC has continually operated the South Course since 1911, predating much of the development in the area, and, as you may be aware, LACC's South Course is located directly north of the proposed Project ("Proposed Project") site.

At the outset, LACC is concerned about the failure of the DEIR to treat the established use of the South Course as a sensitive receptor. Although LACC is a private facility, it is nonetheless an outdoor recreational facility. While the DEIR for the Proposed Project documents sensitive receptors in the area, the majority of the focus on sensitive receptors is pointed to the adjacent Beverly Hills High School and residential uses to the east of the Proposed Project site. While we understand that Beverly Hills High School and the residences in the south of Beverly Hills are important sensitive receptors for both construction and operational impacts of the Proposed Project, the DEIR fails to acknowledge the importance of LACC, the sensitive receptor across the street. This is especially important for LACC, as LACC members cannot shut their windows or close their doors to prevent a construction or operational impact when using the South Course.

Our comments on the DEIR are included below. We believe that, after reviewing the DEIR and new information that has arisen since the DEIR was issued, recirculation of the DEIR is the appropriate action to ensure continued public safety and full disclosure of the potential environmental impacts of the Proposed Project consistent with the California Environmental Quality Act ("CEQA.") CEQA Guidelines section 15088.5 instructs that "significant new information" requiring recirculation can include "[a] substantial increase in the severity of an environmental impact [that] would result unless

mitigation measures are adopted that reduce the impact to a level of insignificance.” After our review of the DEIR, it is clear that this standard has been met, and that issues of great severity were not adequately addressed in the DEIR. We are hopeful that a recirculated DEIR will address many of the deficiencies in the current DEIR and will ensure that the Proposed Project impacts to LACC are fully considered.

### **The DEIR Fails to Identify Significant Shade and Shadow Impacts on LACC**

The DEIR’s analysis of shade and shadow impacts fails to apply the significance threshold for shade and shadow impacts and fails to acknowledge how shade and shadow may affect LACC’s operations. A cursory glance at the shade and shadow diagrams included in the DEIR should be a preliminary indication that there could be a significant impact to LACC from the Proposed Project. See Figures IV.A-17-20.

More troubling, however, is the effort the DEIR makes in trying to conceal that the Proposed Project will have a significant impact on LACC as defined by the LA CEQA Thresholds Guide. LACC is a sensitive receptor consistent with the LA CEQA Thresholds Guide. LA CEQA Thresholds Guide, p. A.3-1. As a reminder, the Los Angeles CEQA Thresholds Guide defines a significant shade and shadow impact, in part, as follows:

A project impact would normally be considered significant if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April.) L.A. CEQA Thresholds Guide, p. A.3-2.

The DEIR attempts to break up the analysis of potential Winter Solstice shade and shadow impacts by indicating that “areas where golfing activities occur” would not be shaded for more than three hours, therefore resulting in a less than significant impact. DEIR, p. IV.A-39. However, this statement is merely an attempt to amend the clear language of the significance threshold by sleight of hand and does not change the remainder of the section text and Figure IV.A-17, which indicate that LACC will be shaded from before 9:00 a.m. to 12:20 p.m. on the Winter Solstice, which clearly exceeds three hours. DEIR, p. IV.A-39. Thus, by the City’s own threshold, there will be a significant shade and shadow impact on LACC. Likewise, the DEIR attempts to minimize impacts during the Spring and Fall Equinoxes by asserting that “no single location or green within the golf course will be shaded for than about [sic] two hours.” DEIR, p. IV.A-39. Again, that statement attempts to amend the language of the threshold in order to avoid identifying a significant impact.

The Los Angeles CEQA Thresholds Guide does not provide any sort of exception allowing for a less than significant impact in “areas where golfing activities occur” versus

other areas, or for “single location[s] or green[s]”. DEIR, p. IV.A-39. Instead, the “Project Impacts” section of the LA CEQA Thresholds Guide instructs the preparer of the DEIR to “determine the number of hours a project structure would shade an adjacent sensitive use.” Los Angeles CEQA Thresholds p. A.3-4. In this case, the Proposed Project will create a significant impact because “shade-shadow sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April,)” therefore resulting in a significant impact. L.A. CEQA Thresholds Guide, p. A.3-2.

In addition, the DEIR analysis relies on existing trees on the LACC South Course to conclude there would be a less-than-significant impact, as those existing trees cast their own shadows. DEIR, p. IV.A-39. As stated previously in this letter, the LACC South Course is a use that has operated on the site since 1911 and, as can be expected, has many older trees. There is no guarantee that these trees will continue to survive, and, when they reach their natural lifespan, they will be replaced with younger trees that will take years to mature. As noted in the LA CEQA Thresholds Guide,

Shadow effects are dependent upon several factors, including the local topography, the height and bulk of a project’s structural elements, sensitivity of adjacent land uses, season, and duration of shadow projection. LA CEQA Thresholds Guide, p. A.3-1.

All of these features have one thing in common: they are permanent. Features on a site that are not permanent, such as aged trees, cannot be treated as existing intervening conditions to reduce project impacts when they could be removed for a reason such as weather, disease, age, or even preference. It is preemptive and inconsistent with CEQA to rely on a feature that is not permanent, such as mature treescape, to reduce the analysis of operational environmental impacts to a less than significant level. The DEIR also fails to account for the impacts of casting shade on these existing trees in the first instance.

In addition, the DEIR’s reliance on existing high-rise development in Century City to effectively reduce shade and shadow impacts fails to acknowledge the impact of prior development and future cumulative development in shading the LACC South Course. As the area surrounding LACC continues to densify and shading impacts to LACC continue to increase, continued shading inhibits photosynthesis and turf development on the LACC South Course. While Century City and Beverly Hills continue to grow increasingly higher to accommodate residential buildings with smaller footprints and greater heights, cumulative impact analyses such as the one included in the DEIR fail to acknowledge the significant impact on the LACC South Course. See DEIR p. IV.A-54 (noting that “the related project’s high-rise components would cast shadows on the

surrounding area.”) For example, the 9900 Wilshire Project, included as a Cumulative Project on p. IV.A-52, will have a dramatic shade and shadow impact on the LACC South Course. An overlay of shade and shadow impacts would illustrate the cumulatively considerable impact that will result, and the finding of a significant impact would be consistent with the LA CEQA Thresholds as indicated in the Cumulative Impact analysis on p. A.3-4. LA CEQA Thresholds Guide, p. A.3-4.

A shade and shadow impact need not impact only those portions of a sensitive receptor where human activity most frequently occurs. A significant impact is a physical change to the existing environment. The foliage and greenspace of LACC is an essential part of the recreational use of LACC, and the significant shade and shadow impacts of the Project on LACC’s greenspace is indisputable according to the City’s own guidelines. In addition, potential mitigation measures, including replacement of turf materials with heartier varieties and improved irrigation systems at LACC, were not considered, further demonstrating the inadequacy of the analysis. Therefore, the DEIR should be recirculated to identify a significant shade and shadow impact on LACC.

#### **The DEIR Fails to Identify a Significant Air Quality Impact on LACC**

The Air Quality impact analysis fails, like much of the analysis included in the DEIR, to address the fact that while sensitive receptors such as Beverly Hills High School and residential uses have doors, windows, and HVAC systems to filter air, the LACC is a sensitive receptor consistent with the LA CEQA Thresholds. LA CEQA Thresholds pp. B.1-4, B.2-4. LACC is an outdoor recreational facility. Members using the South Course are subject to a direct impact of the air quality effects for prolonged periods of exertion as they engage in physical activity while golfing. In addition, many of the LACC members and guests are older and are more vulnerable to exposure to diesel exhaust, dust, and other air quality impacts of excavation and construction. This potential impact must be addressed in a recirculated DEIR and appropriate mitigations included in the Mitigation Monitoring and Reporting Program.

#### **Significant New Information Requires that the DEIR Geology Analysis be Recirculated to Account for Recently Identified Fault Lines**

As you are now undoubtedly aware, Metro recently considered geological studies regarding fault locations in the immediate area of the Proposed Project site in order to further analyze two potential alignments for the proposed Purple Line extension. As a result of those studies, Metro announced a preference for siting of the Purple Line extension along Olympic Boulevard with a station at Constellation, supported by a study showing newly discovered fault lines along Santa Monica Boulevard near Century City. Although the DEIR states that the closest known active fault to the site is the Santa Monica Fault, “located to the north of Santa Monica Boulevard within the golf course

property about 0.25 km north of the site,” a map recently issued by Metro as part of these studies and attached hereto as **Exhibit A**, shows two fault traces running through the Proposed Project site, and shows the entirety of the site in a “Fault Zone Area.” DEIR, p. IV.D-4. LACC has worked with Metro and has additional documentation of these and other local and recently found fault lines. The DEIR further states that “the Santa Monica Fault does not cross the subject property...the surface rupture hazard at the site is virtually non-existent.” DEIR, p. IV.D-4. This conclusion appears to be incorrect in light of new information and, as a result, a recirculated DEIR should be issued given this significant new information regarding fault traces located directly under the Proposed Project site.

### **The DEIR Hydrology and Water Quality Analysis Fails to Account for Potential Significant Impacts to LACC’s Water Well**

The Hydrology and Water Quality analysis concludes that the Project will result in a less than significant impact to groundwater due, in part, to the proposed use of a mat foundation. DEIR pp. IV.G-10. The DEIR, however, does not foreclose the possibility that construction dewatering would be required if piles are used in construction. *Id.* Thus, the DEIR must analyze the potentially significant impact of the reasonably foreseeable possibility of construction de-watering.

As you may be aware, LACC has water wells on its property that provide water to the LACC property including irrigation water for the North and South Courses. Construction dewatering, if determined to be necessary, could result in impacts to the water table and LACC’s nearby well. The DEIR should study the reasonably foreseeable potential impacts of dewatering on the drainage and recharge of the surrounding water table. This potential impact must be considered and analyzed in a recirculated DEIR consistent with CEQA.

### **The DEIR Hazards Analysis Indicates the Project Description May be Inaccurate and Defers Mitigation**

While building height is common in Century City, part of the DEIR height analysis is unclear. The DEIR indicates that due to the Proposed Project’s vicinity to Santa Monica Municipal Airport, “the technical height limit for the project site should be 265 feet AGL.” DEIR, p. IV.F-8. The Proposed Project is anticipated to be significantly higher than 265 feet AGL at 460 feet AGL, exceeding the applicable height limit by almost 200 feet. This ambiguity renders the project description ambiguous and possibly inaccurate.

Furthermore, the proposed height of the building appears at odds with the environmental impact conclusion. How can a building that is near double the height of the allowed height result in a less than significant impact to the environment? The DEIR states that the “filing of forms subject to the approval of the FAA” will ensure safety.

DEIR, p. IV.F.-8. This mitigation does not meet the requirement that mitigation be clear and enforceable. It fails both from a safety perspective, as well as a CEQA perspective. The DEIR analysis assumes that the Proposed Project would be approved at its current height, but if it were approved by the FAA at a lower height, for example, 265 feet AGL, that would result in a significantly different project. The deferral of "extensive study" of the proposal to after Proposed Project approval is troubling and does not meet CEQA's basic mandate that the DEIR be an "Informational Document." CEQA Guidelines section 15121. This potential impact must be further analyzed and addressed in a recirculated DEIR.

### **The DEIR Fails to Identify LACC as a Sensitive Receptor Regarding Noise and Inadequately Mitigates the Noise Impacts Upon LACC**

LACC is troubled by the potential for both extended construction and operational noise impacts. The construction noise impacts over a 30 month construction period would be overwhelming to an outdoor recreational use such as the LACC. As is clear from Project renderings and the shade and shadow analysis figures, the Project will dominate the area to the south of the LACC site. Yet, as indicated in Figure IV.I-1, LACC is not even shown as a "Noise Sensitive Receptor Location," which is inconsistent with the LA CEQA Thresholds. LA CEQA Thresholds Guide, p. I.1-3. As mentioned previously, LACC members do not have the option, when playing the course, to close windows or doors to limit noise impacts. Instead, they will effectively be prohibited from quietly enjoying their own course.

Noise travels along sightlines. Sightlines to the Project from the LACC South Course will be dramatic. As a result, potential noise impacts will also be dramatic as a high-rise structure is constructed adjacent to the South Course. Although the DEIR acknowledges a significant impact from construction noise, the DEIR does not identify any mitigation measures to substantially reduce or avoid noise impacts on LACC. The DEIR also fails to include any analysis supporting a conclusion that no such feasible measures exist. All of the proposed mitigation measures are geared toward the residential and school uses to the east of the site. Admittedly, these uses are important, but LACC is also sensitive receptor consistent with the LA CEQA Thresholds. As indicated in the LA CEQA Thresholds, park uses are considered a noise sensitive use. LA CEQA Thresholds, p. I.1-3. Why LACC is not considered in this analysis is an oversight that must be corrected in a recirculated DEIR.

As you are undoubtedly aware, a "Statement of Overriding Considerations," supported by substantial evidence on the record, will be required to resolve the DEIR's conclusions regarding significant construction noise. CEQA Guidelines section 15093. The "Statement of Overriding Considerations" will require findings that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or

substantially lessen the significant environmental effect as identified in the EIR.” CEQA Guidelines section 15091. This burden cannot be met given the currently proposed construction noise mitigation measures—which do not include any mitigation measures to substantially reduce or avoid the significant noise impact on LACC.

LACC is adamant that additional noise mitigation measures including sound blankets, noise walls, and advanced construction techniques must be used to implement all feasible mitigation, consistent with CEQA and the findings the City will have to make to approve the Proposed Project. LACC understands that complete mitigation of construction noise impacts may not be possible, but it is unacceptable for the DEIR to discount construction noise impacts as inevitable, ignore the impacts to LACC and its members, and fail to identify any mitigation.

The Cumulative Project analysis also fails to recognize the placement of LACC between the Proposed Project and potential construction from the 9900 Wilshire and Beverly Hilton Revitalization Plan Projects. Once again, the analysis focuses on the residential uses to the east of the Project site and ignores LACC’s recognized sensitive use.

LACC is also concerned about operational noise that may result from the Project. Noise from residence balconies and pool noise from the Ancillary Building planned to house an elevated pool deck facility could be significant. While LACC is aware that it is separated from the Project site by Santa Monica Boulevard, the proposed elevation of these uses could result in potential impacts to LACC users. However, once again, the DEIR only addresses the residential uses to the east of the Project site. Residents of homes to the east of the Project site can close their windows to limit the noise from drunken party guests, domestic disputes, and the like, but LACC members could be deprived of their right to quiet enjoyment of the South Course. These impacts must be addressed in a recirculated DEIR and must be mitigated to ensure a less-than-significant impact.

### **The DEIR Traffic Analysis Uses Improper Significance Thresholds and Fails to Identify Significant Impacts**

The DEIR analysis of the Proposed Project’s traffic impacts is incorrect in asserting that the Proposed Project results in no significant operational impacts. Specifically, the DEIR attempts to use two separate thresholds of significance in one document, stating that the City of Los Angeles Threshold is used for intersections located within the City of Los Angeles, and a second City of Beverly Hills Threshold is used for intersections located within the City of Beverly Hills. DEIR, pp. IV.K-258-29. This method of analysis is not consistent with the LA CEQA Thresholds, which note that “the Thresholds Guide applies to non-exempt, discretionary projects (including public and private projects and plans) in the City of Los Angeles.” LA CEQA Thresholds Guide, p. viii. Specifically, the

LA CEQA Thresholds Guide applies to *projects* within the City of Los Angeles and is not limited to *impacts* within the City of Los Angeles.

This distinction is not merely one of form—but of substance. The Beverly Hills significance threshold conceals a significant impact that would occur if the City of LA threshold were used. Additional Proposed Project traffic would result in a significant impact on the Spalding Drive and Olympic Boulevard intersection, as Proposed Project traffic would result in a 0.010 increase in Volume to Capacity Ratio in an “E” rated intersection, which is considered a significant impact under the LA CEQA Thresholds. DEIR, pp. IV.K-28, Table IV.K-6. The DEIR used the less conservative Beverly Hills threshold to conceal the real Proposed Project impact and state that the Proposed Project would have no significant traffic impacts. The DEIR must be recirculated to show that the Proposed Project may result in a potentially significant impact to operational traffic in the area. Full disclosure must be made prior to a City determination on the Proposed Project.

In addition, the trip distribution used in the DEIR appears to misunderstand the current use of major roadways and freeway access points. The Trip Distribution Table for the Proposed Project, located at Figure IV.K-4, states that only 3 percent of Proposed Project traffic is expected to use Motor Avenue, while the analysis assumes eight percent of Proposed Project traffic will use Overland Avenue, presumably to access the 10 Freeway. As the neighbors in Cheviot Hills are constantly aware, Motor Avenue is an extremely popular freeway access route, especially among locals. The DEIR does not include any recent traffic counts on Motor Avenue to justify its distribution analysis. As the Proposed Project will include residents, it is reasonably foreseeable that more than three percent of Proposed Project residents will use Motor Avenue for freeway access. This flawed assumption skews the impact analysis of the traffic study. Traffic counts on Motor Avenue are required to justify the distribution assumptions made in the DEIR, because the everyday experience of people in the area demonstrates that the current distribution assumptions do not represent what really happens on these streets, and must be analyzed in a recirculated DEIR.

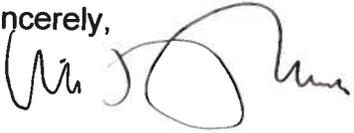
### **The “Cumulative Base Traffic Conditions” Approach Fails to Apply Project Traffic to Existing Conditions**

The DEIR assesses the significance of Project traffic by adding Project trips to a “cumulative base traffic conditions” rather than to existing conditions. The cumulative base traffic condition approach assumes an ambient traffic growth rate and the traffic trips associated with the related projects—which are not yet built and may never be built. Our understanding is that recently published court opinions (e.g. *Sunnyvale West v. City of Sunnyvale* (2010) 190 Cal. App. 4<sup>th</sup> 1351) require that the project impacts be measured against existing conditions as they exist today, and cannot assume the

occurrence of future conditions. The DEIR fails to do this. By first adding a cumulative base traffic condition, the DEIR creates a speculative baseline rather than a real baseline.

The LACC appreciates the opportunity to comment on the DEIR and is hopeful that a Recirculated DEIR incorporating these comments will be available soon. Please feel free to contact me directly should you have any questions. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk O. Reese', written in a cursive style.

Kirk O. Reese  
General Manager

**APPENDIX B**  
**PRELIMINARY CONSTRUCTION MANAGEMENT PLAN**

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# PRELIMINARY CONSTRUCTION MANAGEMENT PLAN FOR THE 10000 SANTA MONICA BOULEVARD PROJECT

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## I. INTRODUCTION

The proposed project will provide up to 283 residential units in a building up to 39 stories and approximately 460 feet in height in the Century City area of the City of Los Angeles. The project will also include a smaller ancillary building up to 9-stories (approximately 90-feet) in height containing parking and recreation/site amenities for project residents, a large amount of ground-level landscaped open space, and a large landscaped recreation deck on top of the ancillary building. Under the project's proposed automated parking option, the ancillary building would be up to 4-stories (approximately 40 feet) in height.

The purpose of this Preliminary Construction Management Plan (the "Plan") is to provide a framework for public review of the proposed project's construction procedures that will be required to reduce environmental impacts to the surrounding community during construction of the proposed project. It is also intended to provide a guide for preparation of a Final Construction Management Plan that will be prepared in consultation with the project contractor at the time of project construction, when more details about the project's construction and scheduling are known.

The Plan will be implemented with oversight from an independent mitigation monitor, which will be required by the City of Los Angeles as a Condition of Approval. The mitigation monitor will be required to make periodic reports to the City of Los Angeles regarding the applicant's compliance with the provisions of the Plan. Further, as described below, a contact phone number for the project's construction relations officer shall be posted at the project site and during construction hours there would be an on-site construction manager responsible for construction activities.

## II. CONSTRUCTION PRACTICES ESTABLISHED IN THE PROJECT'S DESIGN FEATURES AND MITIGATION MEASURES

This section of the Plan provides a topic by topic listing of the construction Project Design Features and Mitigation Measures identified in the project EIR. Project Design Features represent construction practices that were incorporated by the project Applicant into the design of the project and that will be required to be followed as Conditions of Approval for the project. The Mitigation Measures are construction practices that were identified in the environmental analysis of the project and recommended to reduce project impacts identified in those analyses.

### A. Aesthetics/Visual Resources, Light/Glare, and Shading

**Mitigation Measure A-1:** The Applicant shall provide a 12-foot construction fence for neighborhood protection during construction of the project, which is covered with an aesthetic treatment.

**Mitigation Measure A-2:** The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction

barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

## **B. Air Quality**

**PDF B-1:** All off-road diesel construction equipment remaining on-site for more than 15 work days shall be retrofitted with CARB verified Level 3 diesel particulate filters (DPF) or other control devices which achieve at least 85% reduction in particulate matter emissions, if commercially available. A list of currently available CARB verified DPFs are available on the CARB website.<sup>1</sup>

**Mitigation Measure B-1:** General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.

**Mitigation Measure B-2:** All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

**Mitigation Measure B-3:** General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**Mitigation Measure B-4:** Construction emissions shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

**Mitigation Measure B-5:** Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, if power poles are available.

**Mitigation Measure B-6:** All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site.

**Mitigation Measure B-7:** The Applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations.

**Mitigation Measure B-8:** The Applicant shall moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.

**Mitigation Measure B-9:** The Applicant shall apply non-toxic chemical stabilizers according to manufacturer's specifications to disturbed surface areas (completed grading areas) within five days of completing grading or apply non-toxic dust suppressants or vegetation sufficient to maintain a stabilized surface.

**Mitigation Measure B-10:** Exposed pits (i.e., gravel, soil dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturer's specifications.

<sup>1</sup> <http://www.arb.ca.gov/diesel/verdev/level3/level3.htm>

**Mitigation Measure B-11:** The Applicant shall water excavated soil and debris piles hourly or cover them with tarps, plastic sheets or other coverings.

**Mitigation Measure B-12:** The Applicant shall water exposed surfaces at least three times a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.

**Mitigation Measure B-13:** All trucks hauling dirt, sand, soil or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the material and the top of the truck). Wash mud-covered tires and under-carriages of trucks leaving construction sites.

**Mitigation Measure B-14:** The Applicant shall sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing the site.

**Mitigation Measure B-15:** The Applicant shall securely cover loads with a tight fitting tarp on any truck leaving the construction site.

**Mitigation Measure B-16:** The Applicant shall cease grading during periods when winds exceed 25 miles per hour.

**Mitigation Measure B-17:** During construction, the Project shall use contractors with haul trucks meeting either EPA Model Year 2010 or EPA Model Year 2007 NOx emissions levels when such equipment is reasonably available to achieve a goal that at least 33 percent of the haul truck fleet meets this standard.

**Mitigation Measure B-18:** On-site equipment greater than 250 horse power, which are on-site for six or more consecutive work days, shall meet Tier 3 or 4 emissions standards and be outfitted with BACT devices certified by CARB. If newer model year engines are not reasonably available, then older equipment engines may be retrofitted to meet Tier 3 or 4 emissions. A copy of each unit's certified tier specification and BACT documentation shall be available for inspection during construction.

**Mitigation Measure B-19:** Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, shall be encouraged to apply for AQMD SOON funds. Information including the AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

**Mitigation Measure B-20:** The Applicant shall reimburse Beverly Hills High School for the service needed to replace air filters along the northern side of the High School Science and Technology Center at three month intervals during project construction.

## C. Cultural Resources

**Mitigation Measure C-1:** A qualified archaeologist shall be retained by the Applicant to review grading plans and geotechnical information and prepare a monitoring plan for all ground-

disturbing activities in previously undisturbed sediments. A qualified archaeologist is defined as an archaeologist meeting the Secretary of the Interior Professional Qualification Standards for Archaeology. Ground-disturbing activities include primary construction-related activities and any associated secondary activities for support services such as utilities. In the event that archaeological resources are identified during monitoring or unexpectedly during excavations in fill sediments, all work proximal to the discovery shall halt until the qualified archaeologist has evaluated the find. If the archaeologist determines that the find is significant or may qualify as significant, the archaeologist shall prepare a treatment plan. If the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the treatment plan. Results of monitoring and any archaeological treatment shall be reported in an appropriate technical report to be filed with the Applicant, the City, and the California Historical Resources Information System (CHRIS). The Applicant, in consultation with the Lead Agency and Archaeologist, shall designate repositories in the event that resources are recovered.

**Mitigation Measure C-2:** A qualified paleontologist shall be retained by the Applicant to perform periodic inspections of excavation and grading activities on the project site where excavations into the older Quaternary Alluvium may occur. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Accompanying notes, maps, and photographs shall also be filed at the repository. Following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and fossil finds, if any, the methods used in these efforts, as well as a description of the fossils collected and their significance, if any. The report shall be submitted by the Applicant to the City, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies.

**Mitigation Measure C-3:** If human remains are unearthed during construction activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall then help determine what course of action shall be taken in dealing with the remains. The Applicant shall then take additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e) and Assembly Bill 2641.

## E. Greenhouse Gas Emissions

**PDF E-1:** All off-road diesel construction equipment remaining on-site for more than 15 work days will be retrofitted with CARB verified Level 3 diesel particulate filters (DPF) or other control devices which achieve at least 85% reduction in particulate matter emissions, if commercially available. A list of currently available CARB verified DPFs are available on the CARB website. (This PDF is the same as PDF B-1)

**PDF E-2:** Recyclable materials shall be recycled consistent with City strategies aimed to achieve 70 percent recycling by 2020, thus exceeding LEED criteria which includes: diversion of 50 percent of the construction waste from land-fills; use of recycled or recycled-content material for at least 20 percent of the project's construction material total; and use of regionally-sourced material for at least 10 percent of the project's construction. Consistency with these goals shall be supported through the provision of a recycling area or room for onsite recycling activities, pursuant to City requirements.

## F. Hazards and Hazardous Materials

**Mitigation Measure F-1:** If visual or olfactory indication of contamination is discovered during excavation or grading on-site, such activities shall be temporarily halted and redirected around the area. The City of Los Angeles and appropriate regulatory agencies shall be notified and the appropriate evaluation and response measures implemented so as to render the area suitable for excavation and grading activities to resume.

**Mitigation Measure F-3:** During subsurface excavation activities, including borings, trenching, and grading, Cal-OSHA worker safety measures shall be implemented as required to preclude an exposure to unsafe levels of soil gases, including but not limited to methane.

## G. Hydrology and Water Quality

**PDF G-1:** In compliance with NPDES and City requirements, BMPs shall be implemented to address water quality issues during both construction and operation of the project. Construction BMPs shall include but not be limited to street sweeping and vacuuming, sand bag barriers, storm drain inlet protection, wind erosion control, and stabilized construction entrances and exits. Recommendations regarding appropriate construction BMPs for the project, pursuant to Appendix J, Attachment F of the City of Los Angeles Storm Water Program Handbook, are included in the Hydrology/Water Quality Study, Appendix F of the Draft EIR.

**Mitigation Measure G-1:** Prior to the start of construction, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in order to fulfill the California SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CA000002 (General Construction Permit) and the City of Los Angeles SUSMP requirements as well as comply with the Los Angeles County Department of Public Works 2006 Hydrology Manual.

**Mitigation Measure G-2:** The project shall comply with the requirements of the applicable National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge and with all applicable requirements of the Regional Water Quality Control Board (RWQCB), Environmental Protection Agency (EPA), and local agencies including the City of Los

Angeles regarding water quality. As part of these requirements, the Applicant shall implement Standard Urban Stormwater Mitigation Plan (SUSMP) requirements during construction of the project and shall prepare a Stormwater Prevention Pollution Plan (SWPPP) prior to construction of the project.

## I. Noise

**PDF I-1:** The project contractor(s) shall equip all construction equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards.

**PDF I-2:** All construction equipment shall be stored on-site.

**PDF I-3:** All heavy truck traffic and project workers shall enter and exit the project site via the Santa Monica Boulevard driveway near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited.

**PDF I-4:** An approximately 20-foot temporary noise barrier/wall capable of reducing noise by at least 15 dBA shall be erected along the southern edge of the project site adjacent to the Science and Technology Center, and a 12-foot sound wall shall be located along Moreno Drive.

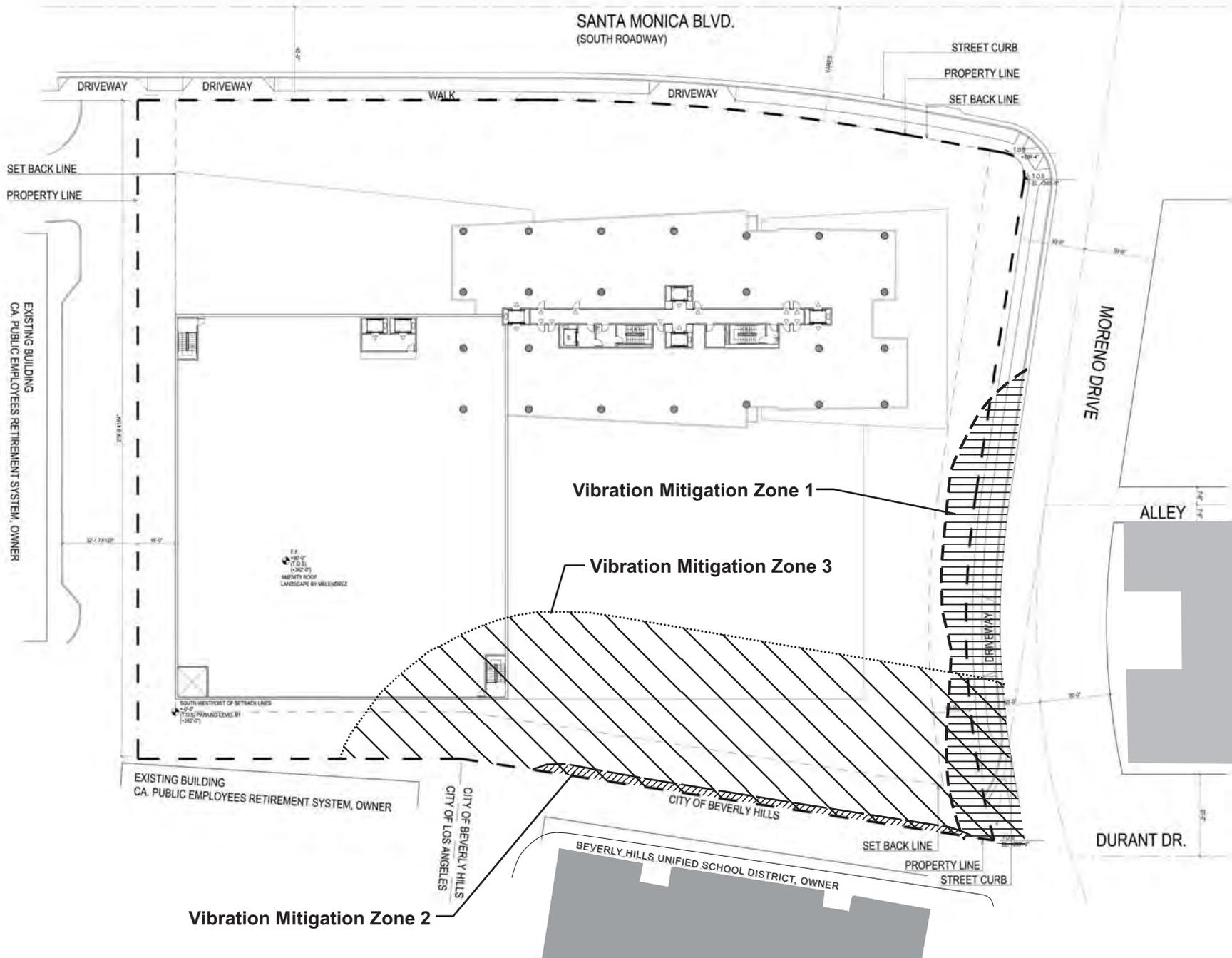
**PDF I-5:** The project shall limit construction hours to 7:00 A.M. to 9:00 P.M. on weekdays only, with no construction on weekends. Hauling shall be limited to the hours of 8:30 A.M. to 4:30 P.M. and shall be scheduled to alleviate congestion at peak school times.

**Mitigation Measure I-1:** Exterior on-site construction activities shall be limited to Monday through Friday from 7:00 A.M. to 9:00 P.M.

**Mitigation Measure I-2:** The construction staging area shall be located within the project site.

**Mitigation Measure I-3:** To avoid vibration impacts to the nearest residential unit to the project site, construction equipment within 75 feet of that unit (i.e. 15 feet within the project site) shall limit vibration equipment to machinery expected to generate no more than 85 VdB at 25 feet. (See Vibration Mitigation Zone 1 on **Draft EIR Figure IV.I-2, Vibration Mitigation Zones**, as copied below.)

**Mitigation Measure I-4:** The Applicant shall designate a construction relations officer to serve as a liaison with surrounding property owners including Beverly Hills High School. The liaison shall be responsible for responding to concerns regarding construction noise or vibration. The liaison's telephone number(s) shall be posted at multiple locations along the perimeter of the project site. In addition, the liaison shall coordinate with Beverly Hills High School administration in advance of, and throughout project construction to reduce disruption of class-room activities. The liaison shall work with the School administration to identify opportunities to reduce conflicts with school activities through work scheduling and the arrangement of construction activities on the project site.



**Vibration Mitigation Zones**

10000 Santa Monica Boulevard  
 Source: Handal Architects, LLP; PCR Services Corporation, 2011.

FIGURE  
**IV.I-2**

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**Mitigation Measure I-5:** To avoid vibration impacts on student activity in the Science and Technology Center:

- a) High vibration construction activities shall be avoided within 35 feet of the Science and Technology Center (i.e. along the southern 10 feet of the project site facing that building) during class-room sessions, when school is in session. (See Vibration Mitigation Zone 2 on **Draft EIR Figure IV.I-2**)
- b) If based on consultation with the administrator at Beverly Hills High School it is determined that highly sensitive equipment, e.g. microscopes, are in use at the Science and Technology Center, high vibration activities within 100 feet of that building shall be coordinated through consultation between the construction relations officer and the school administrator to reduce impacts at times of equipment use through scheduling, staging and equipment control of construction activities. (See Vibration Mitigation Zone 3 on **Draft EIR Figure IV.I-2**)

## **J.1 Fire Protection**

**PDF J.1-1:** During construction, the Applicant shall notify the LAFD of the times of day and locations of all temporary lane closures, and such closures shall be coordinated to reduce peak traffic period conflicts.

## **J.2 Police Protection**

**PDF: J.2-1** The proposed project shall include the following features to secure the site during project construction and limit circumstances that would require police services.

- Access to the site shall be highly controlled to prevent public access, particularly by Beverly Hills High School students.
- The project site shall be secured during construction by a minimum 12-foot high fence, with aesthetic treatment. Entries and exits shall be limited and monitored for access by security guards. All workers and vehicles shall be required to sign into and out of the project site.
- Background checks, including fingerprint verification, shall be performed for construction managers/supervisors and workers with potential student contact (e.g. flagmen, crossing-guards, etc.). Such potential workers having a prior felony record shall not be permitted to work at the project site.
- Construction employees, subcontractors, materials suppliers, and consultants shall be prohibited from having direct contact with school students.
- Crossing guards shall be provided during project construction to ensure safe pedestrian travel for students.
- In order, to further address safety issues, the project shall provide a community liaison to address safety concerns at the site. The name and contact info for the Community Liaison shall be posted in a public location. (This feature is also included within Mitigation Measure I-4.)

## K. Transportation and Circulation

**PDF K-1:** The proposed project shall limit construction hours to 7:00 A.M. to 9:00 P.M. on weekdays only, with no construction on weekends. Hauling shall be limited to the hours of 8:30 A.M. to 4:30 P.M. and shall be scheduled to alleviate congestion at peak school times.

**Mitigation Measure K-1:** Off-site construction truck staging shall not be located on a residential street. Truck queuing shall not occur in front of retail uses. The haul route to and from the project site shall be as follows: Enter and exit the west side of the project site from Santa Monica Boulevard; and use Santa Monica Boulevard for transit to and from the I-405 Freeway. Trucks shall not be permitted to travel along other residential streets to the east and south of the project site nor along Moreno Drive south of Durant Drive adjacent to Beverly Hills High School.

**Mitigation Measure K-2:** A flagman shall be placed at the truck entry and exit from the project site onto Santa Monica Boulevard to control the flow of exiting trucks, to ensure that the exiting trucks do not turn onto Moreno Drive, and to coordinate the exiting trucks with the traffic signals at Moreno Drive and Santa Monica Boulevard.

**Mitigation Measure K-3:** Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

**Mitigation Measure K-4:** All heavy truck traffic and project workers shall enter and exit the project site via Santa Monica Boulevard near its northwest corner. Use of Moreno Drive as an entrance or exit shall be prohibited. (This measure is the same as PDF N-3).

**Mitigation Measure K-5:** Access shall remain unobstructed for land uses in proximity of the project site during project construction.

**Mitigation Measure K-6:** Full-time lane closures are not anticipated for the project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. Lane closures shall not occur during peak holiday traffic. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route traffic around any such lane closures.

**Mitigation Measure K-7:** A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. The construction management plan shall include the measures identified above, which mitigate construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, do not travel through nearby residential neighborhoods, and are scheduled to minimize conflict with peak drop-off and pick-up times for the adjacent Beverly Hills High School.

**APPENDIX C**  
**REVISED LADOT TRAFFIC ASSESSMENT**

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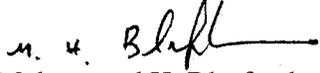


**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

10000 W Santa Monica Blvd  
DOT Case No. WLA 07-079

Date: November 22, 2011

To: Hadar Plafkin, City Planner  
Department of City Planning

From:   
Mohammad H. Blorfroshan, Transportation Engineer  
Department of Transportation

Subject: **REVISED TRAFFIC ASSESSMENT FOR THE PROPOSED RESIDENTIAL PROJECT AT 10000 WEST SANTA MONICA BOULEVARD (CITY PLANNING CASE NO. 2011-540-EAF)**

The Department of Transportation (DOT) issued a traffic impact assessment on August 17, 2011 for the proposed residential project located at 10000 West Santa Monica Boulevard. In this traffic assessment, DOT determined the proposed project would not have a significant traffic impact at the studied intersections. On November 15, 2011, DOT received a request from Fehr & Peers concerning revisions of the operation restrictions on the project's Moreno driveway. After further consideration, DOT has determined that the traffic study adequately describes the project-related impacts of the proposed development. Hence, this revised traffic assessment supercedes the previous letter.

### **PROJECT DESCRIPTION**

The proposed project consists of construction 283 condominium dwelling units. The project will be constructed on a vacant lot, and it is anticipated to be completed and fully occupied by the year 2016.

### **DISCUSSION AND FINDINGS**

The project is expected to create a net increase of 1,189 daily trips, an increase of 96 net new a.m. peak hour trips and an increase of 108 net new p.m. peak hour trips. The trip generation estimates are based on rates and formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 8th Edition, 2008. The attached table, **Attachment A**, lists the trip generation results.

DOT has determined that the proposed project will not have significant traffic impacts at any of the intersections studied, with the project's Moreno driveway closed or fully operational (see Project Requirement C noted below for more detail) during both the a.m. and p.m. peak hours. **Attachment B** summarizes the volume-to-capacity (V/C) ratios and levels of service (LOS) at the study intersections for the project scenario with the Moreno driveway closed during the a.m. and p.m. peak hours. Results of the analysis for the project scenario with the Moreno driveway fully operational may be inquired at our office.

DOT recommends that the following project requirements be adopted as conditions of project approval. These requirements must be completed and/or guaranteed before the issuance of any building permits for the proposed project.

## **PROJECT REQUIREMENTS**

### **A. Application Fee**

Pursuant to Section 4.D of the WLA TIMP, the applicant shall submit \$500.00 for the application/traffic study review fee. This fee was paid in full on June 8, 2011.

### **B. Covenant and Agreement**

Pursuant to Section 4.B of the WLA TIMP, the owner(s) of the property must sign and record a Covenant and Agreement prior to issuance of any building permit, acknowledging the contents and limitations of this Specific Plan in a form designed to run with the land.

### **C. Site Access and Internal Circulation**

This determination does not include approval of the project's driveways, internal circulation and parking scheme. Adverse traffic impacts could occur due to access and circulation issues. The applicant is advised to consult with DOT for driveway locations and specifications prior to the commencement of any architectural plans, as they may affect building design. The project proposes a right-turn only ingress driveway and a right-turn only egress driveway along Santa Monica Boulevard, and a full-access driveway along Moreno Drive to serve the site. In addition, to facilitate traffic access to/from Beverly Hills High School, the applicant volunteered to close the Moreno driveway around the high school's bell schedule (i.e. driveway closure from 6:30 a.m. to 8:00 a.m. and 3:30p.m. to 5:00 p.m. on weekdays during normal school session). Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety.

In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements. This would ensure that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes.

**D. Highway Dedication and Physical Street Improvements**

Pursuant to Section 4.E.2 of the WLA TIMP, and in order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. The applicant shall consult the Bureau of Engineering for any additional highway dedication or street widening requirements.

These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering.

**E. Construction Impacts**

DOT recommends that a construction work site traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to commuting off-peak hours, as well as school off-peak hours when school is in session.

Pursuant to Section 8.A of the WLA TIMP, an applicant or any other interested person adversely affected by the proposed Project who disputes any determination made by DOT pursuant to this Ordinance may appeal to the General Manager of DOT. This appeal must be filed within a 15 day period following the applicant's receipt date of this letter of determination. The appeal shall set forth specifically the basis of the appeal and the reasons why the determination should be reversed or modified.

If you have any questions, please feel free to call Hui Huang of my staff or me at (213) 485-1062.

MB:hmh

**Attachments**

c: Jay Greenstein, Christopher Koontz, Fifth Council District  
Tom Gaul, Anjum Bawa, Fehr & Peers  
David Weintraub, DCP  
Michael Patonai, BOE  
Jay Kim, Sean Haeri, Michael May (Western District), DOT

**ATTACHMENT A**  
**283-unit Condominium Project at 10000 West Santa Monica Boulevard**

Trip Generation Estimates

ATTACHMENT A (continued)  
283-unit Condominium Project at 10000 West Santa Monica Boulevard

PROJECT TRIP GENERATION

Land Use	Size	Trip Generation Rates [a]								Estimated Trip Generation								
		ITE Code	Daily Rate	AM Peak Hour			PM Peak Hour			Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips				
				Rate	In	Out	Rate	In	Out		In	Out	Total	In	Out	Total		
<b>Condominium</b>																		
High-Rise Residential Condominium/Townhouse	283 du	222/232	4.20	0.34	19%	81%	0.38	62%	38%	1,189	18	78	96	67	41	108		
Less: Transit Use credit	0%		[b]	[b]			[b,c]			0	0	0	0	0	0	0		
Less: Internal Trips credit	0%									0	0	0	0	0	0	0		
Net External Vehicle Trips										1,189	18	78	96	67	41	108		
<b>TOTAL NET EXTERNAL PROJECT TRIPS</b>										1,189	18	78	96	67	41	108		

Notes:

- a. Source for trip generation rates: *Trip Generation, 8th Edition*, Institute of Transportation Engineers (ITE), 2008, unless otherwise noted.
- b. For flexibility, the trip generation analysis uses the most conservative (highest) rates for high-rise apartments versus high-rise condominiums: ITE code 222 (high-rise apartment) for daily trips and ITE code 232 (high-rise condominium) for peak hour trips.
- c. The West LA TIMP does not provide a PM peak hour trip generation rate for high-rise residential such as the proposed project, therefore the ITE trip generation rate was used for such purpose as permitted by the West LA TIMP.

**ATTACHMENT B**  
**283-unit Condominium Project at 10000 West Santa Monica Boulevard**

Summary of Volume to Capacity Ratios (V/C) and Levels of Service (LOS)

**ATTACHMENT B (continued)**  
**283-unit Condominium Project at 10000 West Santa Monica Boulevard**

**EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE ANALYSIS**

Intersection	Jurisdiction	Peak Hour	Existing Base		Existing plus Project		Project Increase in V/C	Significant Project Impact
			V/C or Delay	LOS	V/C or Delay	LOS		
**1. Beloit Avenue/US-405 SB Ramps Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.867 1.256	D F	0.870 1.262	D F	0.003 0.006	NO NO
**2. Cotner Avenue/US-405 NB Ramps Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.698 0.968	B E	0.701 0.972	C E	0.003 0.004	NO NO
**3. Sepulveda Boulevard Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.858 0.900	D E	0.859 0.903	D E	0.001 0.003	NO NO
**4. Veteran Drive Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.647 0.873	B D	0.651 0.876	B D	0.004 0.003	NO NO
**5. Westwood Boulevard Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.940 0.857	E D	0.941 0.860	E D	0.001 0.003	NO NO
**6. Overland Avenue Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.792 0.789	C C	0.794 0.795	C C	0.002 0.006	NO NO
**7. Beverly Glen Boulevard Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.845 0.809	D D	0.847 0.811	D D	0.002 0.002	NO NO
**8. Century Park West Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.573 0.547	A A	0.576 0.551	A A	0.003 0.004	NO NO
9. Avenue of the Stars Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.735 0.612	C B	0.738 0.615	C B	0.003 0.003	NO NO
*10. Century Park East Santa Monica Boulevard	Los Angeles	A.M. P.M.	0.599 0.618	A B	0.601 0.634	B B	0.002 0.016	NO NO
**11. Moreno Drive South Santa Monica Boulevard	Los Angeles & Beverly Hills	A.M. P.M.	0.801 0.749	D C	0.805 0.766	D C	0.004 0.017	NO NO
12. Moreno Drive Durant Drive	Los Angeles & Beverly Hills	A.M. P.M.	0.539 0.235	A A	0.553 0.243	A A	0.014 0.008	NO NO
13. Charleville Drive Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	0.548 0.547	A A	0.556 0.551	A A	0.008 0.004	NO NO
14. Wilshire Boulevard North Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	1.046 0.980	F E	1.047 0.981	F E	0.001 0.001	NO NO
15. Wilshire Boulevard South Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	0.910 0.796	E C	0.915 0.801	E D	0.005 0.005	NO NO
16. Roxbury Drive South Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	0.646 0.601	B B	0.647 0.604	B B	0.001 0.003	NO NO
17. Bedford Drive South Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	0.618 0.609	B B	0.618 0.610	B B	0.000 0.001	NO NO
18. Roxbury Drive/Brighton Drive Wilshire Boulevard	Beverly Hills [b]	A.M. P.M.	0.632 0.572	B A	0.633 0.573	B A	0.001 0.001	NO NO
**19. Century Park West Constellation Avenue	Los Angeles	A.M. P.M.	0.341 0.224	A A	0.342 0.226	A A	0.001 0.002	NO NO
**20. Avenue of the Stars Constellation Avenue	Los Angeles	A.M. P.M.	0.552 0.492	A A	0.552 0.492	A A	0.000 0.000	NO NO

Notes:

\* Intersection is currently operating under ATSAC system.

\*\* Intersection is currently operating under ATSAC and ATCS systems.

Note: Intersections analyzed using City of Los Angeles (CMA) methodology unless otherwise noted.

[a] Intersection is two-way stop-controlled. Analysis conducted using *Highway Capacity Manual* stop-controlled methodology. Average vehicular delay in seconds is reported for the stop-controlled approach.

[b] Intersection located within the city limits of Beverly Hills and analyzed using City of Beverly Hills (ICU) methodology and significance criteria.

**ATTACHMENT B (continued)**  
**283-unit Condominium Project at 10000 West Santa Monica Boulevard**

**EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE ANALYSIS**

Intersection	Jurisdiction	Peak Hour	Existing Base		Existing plus Project		Project Increase in V/C	Significant Project Impact
			V/C or Delay	LOS	V/C or Delay	LOS		
**21. Century Park East Constellation Avenue	Los Angeles	A.M. P.M.	0.269 0.487	A A	0.271 0.488	A A	0.002 0.001	NO NO
**22. Overland Avenue Olympic Boulevard	Los Angeles	A.M. P.M.	0.888 0.920	D E	0.889 0.922	D E	0.001 0.002	NO NO
**23. Prosser Avenue Olympic Boulevard	Los Angeles	A.M. P.M.	0.636 0.541	B A	0.638 0.542	B A	0.002 0.001	NO NO
**24. Beverly Glen Boulevard Olympic Boulevard	Los Angeles	A.M. P.M.	0.954 0.939	E E	0.956 0.939	E E	0.002 0.000	NO NO
**25. Century Park West Olympic Boulevard	Los Angeles	A.M. P.M.	0.558 0.754	A C	0.561 0.755	A C	0.003 0.001	NO NO
**26. Avenue of the Stars Olympic Boulevard WB Ramps	Los Angeles	A.M. P.M.	0.366 0.328	A A	0.368 0.329	A A	0.002 0.001	NO NO
**27. Avenue of the Stars Olympic Boulevard EB Ramps	Los Angeles	A.M. P.M.	0.408 0.286	A A	0.408 0.288	A A	0.000 0.002	NO NO
**28. Century Park East Olympic Boulevard	Los Angeles	A.M. P.M.	0.622 0.660	B B	0.624 0.660	B B	0.002 0.000	NO NO
*29. Spalding Drive Olympic Boulevard	Beverly Hills [b]	A.M. P.M.	0.924 0.737	E C	0.934 0.744	E C	0.010 0.007	NO NO
*30. South Roxbury Drive Olympic Boulevard	Beverly Hills [b]	A.M. P.M.	0.791 0.722	C C	0.791 0.723	C C	0.000 0.001	NO NO
**31. Motor Avenue Pico Boulevard	Los Angeles	A.M. P.M.	0.703 0.936	C E	0.704 0.938	C E	0.001 0.002	NO NO
**32. Avenue of the Stars Pico Boulevard	Los Angeles	A.M. P.M.	0.633 0.589	B A	0.634 0.590	B A	0.001 0.001	NO NO
**33. Century Park East Pico Boulevard	Los Angeles	A.M. P.M.	0.643 0.619	B B	0.644 0.619	B B	0.001 0.000	NO NO
34. Merv Griffin Way North Santa Monica Boulevard [a]	Beverly Hills [b]	A.M. P.M.	24.1 36.8	C E	24.1 37.2	C E	0 s .4 s	NO NO
35. Beverly Drive North Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	0.792 0.835	C D	0.792 0.836	C D	0.000 0.001	NO NO
36. Beverly Drive South Santa Monica Boulevard	Beverly Hills [b]	A.M. P.M.	0.756 0.750	C C	0.757 0.751	C C	0.001 0.001	NO NO
37. Beverly Drive Wilshire Boulevard	Beverly Hills [b]	A.M. P.M.	0.727 0.795	C C	0.728 0.796	C C	0.001 0.001	NO NO
*38. Beverly Drive Olympic Boulevard	Beverly Hills [b]	A.M. P.M.	0.734 0.720	C C	0.735 0.721	C C	0.001 0.001	NO NO
*39. Beverwil Drive Olympic Boulevard	Beverly Hills [b]	A.M. P.M.	0.808 0.769	D C	0.808 0.771	D C	0.000 0.002	NO NO
40. Moreno Drive Alley [a]	Beverly Hills [b]	A.M. P.M.	12.9 9.4	B A	13.2 9.4	B A	.3 s 0 s	NO NO
41. Moreno Drive Spalding Drive [a]	Beverly Hills [b]	A.M. P.M.	17.3 13.9	C B	17.8 14.1	C B	.5 s .2 s	NO NO
**42. Beverly Glen Boulevard Pico Blvd	Los Angeles	A.M. P.M.	0.681 0.696	B B	0.682 0.697	B B	0.001 0.001	NO NO

Notes:

\* Intersection is currently operating under ATSAC system.

\*\* Intersection is currently operating under ATSAC and ATCS systems.

\*\*\* Denotes stop-controlled intersection operating at overflow conditions; delay of controlled approach cannot be calculated.

Note: Intersections analyzed using City of Los Angeles (CMA) methodology unless otherwise noted.

[a] Intersection is two-way stop-controlled. Analysis conducted using *Highway Capacity Manual* stop-controlled methodology. Average vehicular delay in seconds is reported for the stop-controlled approach.

[b] Intersection located within the city limits of Beverly Hills and analyzed using City of Beverly Hills (ICU) methodology and significance criteria.

**ATTACHMENT B (continued)**  
**283-unit Condominium Project at 10000 West Santa Monica Boulevard**

**FUTURE (YEAR 2016) INTERSECTION LEVEL OF SERVICE ANALYSIS**

Intersection	Jurisdiction	Peak Hour	Cumulative Base (Year 2016)		Cumulative plus Project		Project Increase in V/C	Significant Project Impact
			V/C or Delay	LOS	V/C or Delay	LOS		
**1. Beloit Avenue/US-405 SB Ramps Santa Monica Boulevard	Los Angeles	A.M.	0.942	E	0.945	E	0.003	NO
		P.M.	1.446	F	1.451	F	0.005	NO
**2. Cotner Avenue/US-405 NB Ramps Santa Monica Boulevard	Los Angeles	A.M.	0.762	C	0.765	C	0.003	NO
		P.M.	1.090	F	1.094	F	0.004	NO
**3. Sepulveda Boulevard Santa Monica Boulevard	Los Angeles	A.M.	0.988	E	0.989	E	0.001	NO
		P.M.	1.200	F	1.203	F	0.003	NO
**4. Veteran Drive Santa Monica Boulevard	Los Angeles	A.M.	0.714	C	0.718	C	0.004	NO
		P.M.	1.061	F	1.065	F	0.004	NO
**5. Westwood Boulevard Santa Monica Boulevard	Los Angeles	A.M.	1.076	F	1.077	F	0.001	NO
		P.M.	0.991	E	0.994	E	0.003	NO
**6. Overland Avenue Santa Monica Boulevard	Los Angeles	A.M.	0.915	E	0.918	E	0.003	NO
		P.M.	0.899	D	0.904	E	0.005	NO
**7. Beverly Glen Boulevard Santa Monica Boulevard	Los Angeles	A.M.	0.989	E	0.991	E	0.002	NO
		P.M.	0.957	E	0.959	E	0.002	NO
**8. Century Park West Santa Monica Boulevard	Los Angeles	A.M.	0.703	C	0.705	C	0.002	NO
		P.M.	0.710	C	0.714	C	0.004	NO
9. Avenue of the Stars Santa Monica Boulevard	Los Angeles	A.M.	1.014	F	1.017	F	0.003	NO
		P.M.	0.690	B	0.693	B	0.003	NO
**10. Century Park East Santa Monica Boulevard	Los Angeles	A.M.	0.605	B	0.607	B	0.002	NO
		P.M.	0.721	C	0.737	C	0.016	NO
**11. Moreno Drive South Santa Monica Boulevard	Los Angeles & Beverly Hills	A.M.	0.926	E	0.930	E	0.004	NO
		P.M.	0.925	E	0.932	E	0.007	NO
12. Moreno Drive Durant Drive	Los Angeles & Beverly Hills	A.M.	0.571	A	0.586	A	0.015	NO
		P.M.	0.276	A	0.284	A	0.008	NO
13. Charleville Drive Santa Monica Boulevard	Beverly Hills [b]	A.M.	0.639	B	0.647	B	0.008	NO
		P.M.	0.698	B	0.702	C	0.004	NO
14. Wilshire Boulevard North Santa Monica Boulevard	Beverly Hills [b]	A.M.	1.197	F	1.198	F	0.001	NO
		P.M.	1.195	F	1.195	F	0.000	NO
15. Wilshire Boulevard South Santa Monica Boulevard	Beverly Hills [b]	A.M.	1.094	F	1.099	F	0.005	NO
		P.M.	0.990	E	0.995	E	0.005	NO
16. Roxbury Drive South Santa Monica Boulevard	Beverly Hills [b]	A.M.	0.764	C	0.765	C	0.001	NO
		P.M.	0.779	C	0.782	C	0.003	NO
17. Bedford Drive South Santa Monica Boulevard	Beverly Hills [b]	A.M.	0.727	C	0.728	C	0.001	NO
		P.M.	0.862	D	0.863	D	0.001	NO
18. Roxbury Drive/Brighton Drive Wilshire Boulevard	Beverly Hills [b]	A.M.	0.812	D	0.812	D	0.000	NO
		P.M.	0.840	D	0.842	D	0.002	NO
**19. Century Park West Constellation Avenue	Los Angeles	A.M.	0.377	A	0.379	A	0.002	NO
		P.M.	0.283	A	0.285	A	0.002	NO
**20. Avenue of the Stars Constellation Avenue	Los Angeles	A.M.	0.597	A	0.597	A	0.000	NO
		P.M.	0.657	B	0.657	B	0.000	NO

Notes:

\* Intersection is currently operating under ATSC system.

\*\* Intersection is currently operating under ATSC and ATCS systems.

Note: Intersections analyzed using City of Los Angeles (CMA) methodology unless otherwise noted.

[a] Intersection is a two-way or four-way stop-controlled intersection. Level of service assumes 1,200 vehicles per lane per hour instead of 1,500 vehicles per lane per hour for a signalized intersection.

[b] Intersection located within the city limits of Beverly Hills and analyzed using City of Beverly Hills (ICU) methodology and significance criteria.

**ATTACHMENT B (continued)**  
**283-unit Condominium Project at 10000 West Santa Monica Boulevard**

**FUTURE (YEAR 2016) INTERSECTION LEVEL OF SERVICE ANALYSIS**

Intersection	Jurisdiction	Peak Hour	Cumulative Base (Year 2016)		Cumulative plus Project		Project Increase V/C or Delay	Significant Project Impact
			V/C or Delay	LOS	V/C or Delay	LOS		
**21. Century Park East Constellation Avenue	Los Angeles	A.M.	0.302	A	0.304	A	0.002	NO
		P.M.	0.556	A	0.558	A	0.002	NO
**22. Overland Avenue Olympic Boulevard	Los Angeles	A.M.	1.040	F	1.041	F	0.001	NO
		P.M.	1.074	F	1.077	F	0.003	NO
**23. Prosser Avenue Olympic Boulevard	Los Angeles	A.M.	0.724	C	0.725	C	0.001	NO
		P.M.	0.611	B	0.612	B	0.001	NO
**24. Beverly Glen Boulevard Olympic Boulevard	Los Angeles	A.M.	1.075	F	1.077	F	0.002	NO
		P.M.	1.049	F	1.050	F	0.001	NO
**25. Century Park West Olympic Boulevard	Los Angeles	A.M.	0.609	B	0.611	B	0.002	NO
		P.M.	0.870	D	0.872	D	0.002	NO
**26. Avenue of the Stars Olympic Boulevard WB Ramps	Los Angeles	A.M.	0.511	A	0.513	A	0.002	NO
		P.M.	0.464	A	0.467	A	0.003	NO
**27. Avenue of the Stars Olympic Boulevard EB Ramps	Los Angeles	A.M.	0.534	A	0.534	A	0.000	NO
		P.M.	0.355	A	0.357	A	0.002	NO
**28. Century Park East Olympic Boulevard	Los Angeles	A.M.	0.683	B	0.685	B	0.002	NO
		P.M.	0.728	C	0.728	C	0.000	NO
*29. Spalding Drive Olympic Boulevard	Beverly Hills [b]	A.M.	1.001	F	1.011	F	0.010	NO
		P.M.	0.808	D	0.815	D	0.007	NO
*30. South Roxbury Drive Olympic Boulevard	Beverly Hills [b]	A.M.	0.856	D	0.857	D	0.001	NO
		P.M.	0.790	C	0.791	C	0.001	NO
**31. Motor Avenue Pico Boulevard	Los Angeles	A.M.	0.806	D	0.807	D	0.001	NO
		P.M.	1.049	F	1.050	F	0.001	NO
**32. Avenue of the Stars Pico Boulevard	Los Angeles	A.M.	0.733	C	0.733	C	0.000	NO
		P.M.	0.680	B	0.681	B	0.001	NO
**33. Century Park East Pico Boulevard	Los Angeles	A.M.	0.739	C	0.740	C	0.001	NO
		P.M.	0.821	D	0.821	D	0.000	NO
34. Merv Griffin Way North Santa Monica Boulevard [a]	Beverly Hills [b]	A.M.	***	F	***	F	**	NO
		P.M.	***	F	***	F	**	NO
35. Beverly Drive North Santa Monica Boulevard	Beverly Hills [b]	A.M.	0.916	E	0.918	E	0.002	NO
		P.M.	1.207	F	1.208	F	0.001	NO
36. Beverly Drive South Santa Monica Boulevard	Beverly Hills [b]	A.M.	0.941	E	0.942	E	0.001	NO
		P.M.	0.888	D	0.889	D	0.001	NO
37. Beverly Drive Wilshire Boulevard	Beverly Hills [b]	A.M.	0.865	D	0.865	D	0.000	NO
		P.M.	1.055	F	1.056	F	0.001	NO
*38. Beverly Drive Olympic Boulevard	Beverly Hills [b]	A.M.	0.843	D	0.844	D	0.001	NO
		P.M.	0.854	D	0.859	D	0.005	NO
*39. Beverwil Drive Olympic Boulevard	Beverly Hills [b]	A.M.	0.875	D	0.876	D	0.001	NO
		P.M.	0.836	D	0.837	D	0.001	NO
40. Moreno Drive Alley [a]	Beverly Hills [b]	A.M.	13.3	B	13.7	B	.4 s	NO
		P.M.	9.5	A	9.5	A	0 s	NO
41. Moreno Drive Spalding Drive [a]	Beverly Hills [b]	A.M.	18.8	C	22.7	C	3.9 s	NO
		P.M.	14.5	B	14.8	B	.3 s	NO
**42. Beverly Glen Boulevard Pico Blvd	Los Angeles	A.M.	0.740	C	0.741	C	0.001	NO
		P.M.	0.775	C	0.775	C	0.000	NO

Notes:

- \* Intersection is currently operating under ATSAC system.
  - \*\* Intersection is currently operating under ATSAC and ATCS systems.
  - \*\*\* Denotes stop-controlled intersection operating at overflow conditions; delay of controlled approach cannot be calculated.
- Note: Intersections analyzed using City of Los Angeles (CMA) methodology unless otherwise noted.
- [a] Intersection is two-way stop-controlled. Analysis conducted using *Highway Capacity Manual* stop-controlled methodology. Average vehicular delay in seconds is reported for the stop-controlled approach.
- [b] Intersection located within the city limits of Beverly Hills and analyzed using City of Beverly Hills (ICU) methodology and significance criteria.

**APPENDIX D**  
**REPORT OF GEOTECHNICAL ENGINEERING SERVICES**

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**REPORT OF GEOTECHNICAL ENGINEERING SERVICES**

Proposed Tower Development

10000 Santa Monica Boulevard

Century City Area - Los Angeles, California



For  
SM 10000 Property, LLC  
December 15, 2011

GeoDesign Project: Crescent-1-01

December 15, 2011

SM 10000 Property, LLC  
2200 Biscayne Boulevard  
Miami, FL 33137

Attention: Chaim Elkoby

**Report of Geotechnical Consultation Services**  
Proposed Tower Development  
10000 Santa Monica Boulevard  
Century City Area - Los Angeles, California  
GeoDesign Project: Crescent-1-01

We are pleased to present the results of our geotechnical consultation services for the site of the proposed development to be constructed at 10000 Santa Monica Boulevard (10000 Santa Monica Project Site) in the Century City area of Los Angeles, California.

Our consultation was performed to evaluate the available information concerning the presence of known active faults at the subject site in light of the Metropolitan Transportation Authority's October 14, 2011 *Century City Area Fault Investigation Report* prepared for the Westside Subway Extension Project.

As set forth in the attached, our review of all available information concerning the presence of faulting at the 10000 Santa Monica Project Site, including the testing conducted for the Feffer Geological Consulting geotechnical report dated June 8, 2011 (Feffer Report) and information pertaining to this location contained in the Metropolitan Transportation Authority's October 14, 2011, *Century City Area Fault Investigation Report* prepared for the Westside Subway Extension Project, results in the conclusion that there is no compelling evidence of active faults at the 10000 Santa Monica Boulevard Project Site.

The *Century City Area Fault Investigation Report* does not change the conclusions reached in the Feffer Report (included in the 10000 Santa Monica Project's Draft Environmental Impact Report), which concluded that the proposed development at the 10000 Santa Monica Project Site is suitable from a geotechnical standpoint.

Should you have any questions regarding this report, or if we can be of any further service to you on the 10000 Santa Monica Project, please contact us.

Sincerely,

GeoDesign, Inc.



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Attachments

Four copies submitted

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## 1.0 INTRODUCTION

GeoDesign, Inc. is pleased to present the results of our geotechnical consultation services for the proposed development to be constructed at 10000 Santa Monica Boulevard (10000 Santa Monica Project Site) in the Century City area of Los Angeles, California.

The 10000 Santa Monica Project Site is currently vacant, though prior to 2006, the site was occupied by office and restaurant uses totaling over approximately 130,500 square feet with a separate above-ground parking structure. The site is bound by Santa Monica Boulevard on the north, Moreno Drive on the east, Beverly Hills High School on the south, and an existing private development on the west. The current proposed development will include a high-rise tower over one partial subterranean level and an adjacent parking structure.

Feffer Geological Consulting (Feffer) performed a preliminary geotechnical investigation at the 10000 Santa Monica Project Site that included drilling eight borings and advancing four cone penetration tests (CPTs) in 2007 and 2011. The results of the Feffer geotechnical investigation were summarized in a report dated June 8, 2011, which was included as Appendix D to the 10000 Santa Monica Project's Draft Environmental Impact Report (EIR).

Since preparation of the 10000 Santa Monica Project Draft EIR, the Metropolitan Transportation Authority (METRO) published the *Century City Area Fault Investigation Report* dated October 14, 2011 (METRO's Fault Investigation Report), which was prepared by AMEC and Parsons Brinckerhoff. METRO's Fault Investigation Report was completed for METRO's proposed Westside Subway Extension Project. METRO's Fault Investigation Report included an evaluation of the potential for active faults to impact the proposed Purple Line subway alignment and the Century City station alternatives.

METRO's Fault Investigation Report was based on data collected from new explorations consisting of drilled borings, CPTs, and high resolution seismic reflection lines (collectively referred to herein as METRO's Current Data). METRO also referred to a regional compilation of prior geotechnical data in the Century City area (collectively referred to herein as METRO'S Prior Data). METRO's Prior Data was gathered from geotechnical investigations dating from 1958 for previously proposed developments, many of which have since been constructed. METRO's report indicated that 16 of the historical explorations were performed within the 10000 Santa Monica Project Site boundaries. We obtained records as to seven of these from the City of Los Angeles.

METRO's public presentation of its study included graphics showing the presence of postulated active faults associated with the West Beverly Hills Lineament (WBHL) at the 10000 Santa Monica Project Site. However, none of the new physical testing performed by METRO analyzed in METRO's Fault Investigation Report was taken from within the footprint of the 10000 Santa Monica Project's proposed buildings. Further, METRO's Fault Investigation Report does not discuss the data contained in Appendix D to the 10000 Santa Monica Project's Draft EIR.

Based on our review of the available information, the geotechnical data presented in the METRO Fault Investigation Report is not compelling for the presence of active faults at the 10000 Santa Monica Project Site. Similarly, the geotechnical data gathered specifically from the 10000 Santa

Monica Project Site, including the data provided in the Feffer Geological Consulting geotechnical report dated June 8, 2011 (Feffer Report) included in Appendix D of the Draft EIR, presents no compelling evidence of the presence of active faults at the 10000 Santa Monica Project Site and indicates that there is no active faulting at the 10000 Santa Monica Project Site.

An overview of pertinent engineering geology terminology and fault evaluation methodology are presented below followed by detailed technical discussions and summaries of the two primary data sets, METRO's Current Data and Site-Specific Data gathered from the 10000 Santa Monica Project Site.

## **2.0 BACKGROUND DEFINITIONS AND FAULT INVESTIGATION METHODOLOGY**

### **2.1 DEFINITIONS**

Alquist-Priolo Earthquake Fault Zones have been established by the California Geological Survey throughout California where sufficient evidence of active faulting is present and as a result where the potential for ground surface rupture during an earthquake exists. An active fault, as defined under the Alquist-Priolo Act, is a fault that has shown evidence of movement within the past 11,000 years (i.e., Holocene). Potentially active faults are those that have shown evidence of movement between 11,000 and 1.6 million years ago (i.e., Pleistocene). Inactive faults are those that have not exhibited displacement younger than 1.6 million years before the present.

The 10000 Santa Monica Project Site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone. However, the 10000 Santa Monica Project Site is located within a City-designated fault rupture study area. Fault rupture study areas identify broad regions in the vicinity of known faults and are used by the City of Los Angeles Planning Department in analyzing proposed developments. New projects located within City-designated fault rupture study areas are required to address, during the planning and permitting phases of the project, the potential for active faulting to affect a proposed project. As defined by the State, potentially active or inactive faults at a site are considered to have a low potential for ground surface rupture and as such, there are no State restrictions to development related to such faults.

### **2.2 INVESTIGATION METHODOLOGY**

Methods utilized to evaluate the presence and activity of faults in the METRO study included drilled borings, CPTs, and high-resolution seismic reflection.

Drilled borings allow for direct visual observation of soil through continuous and/or discrete sampling.

CPTs consist of advancing (hydraulically pushing) an instrumented cone-shaped probe into the soil and collecting data at closely spaced (2-inch) vertical intervals related to the soils resistance to the advancement of the cone. The collected data is refined through a series of equations to yield a parameter referred to as the soil-behavior type. While it is generally accepted that CPT data correlates well with boring data, it is necessary to have reliable boring data (i.e., actual physical samples) to confirm the CPT soil behavior type interpretations.

CPTs do not provide for direct visual observation of geologic units and are most useful in areas where stratigraphy is well defined vertically and laterally continuous over long distances. Depending on the spacing, CPTs can be used as a screening tool to identify anomalies in the subsurface stratigraphy or as a primary tool to verify the absence or presence of anomalies (possible faults) identified in seismic reflection lines.

Seismic reflection involves the introduction of an energy source to the geologic strata and recording, via a series of closely spaced receivers (geophones) aligned on the ground surface (seismic line), the time for the returning energy to travel to each receiver as it reflects off stratigraphic layers (reflectors) and potential faults and other geologic structures (anomalies).

Seismic reflection is best used as a primary screening or reconnaissance tool to identify areas of anomalies in the subsurface soil that may or may not be fault related. Seismic reflection is useful in identifying possible fault locations and can image the subsurface from a depth of approximately 20 to 25 feet below ground surface (BGS). However, anomalies (faults) identified by seismic reflection methods should be verified by physical explorations such as borings and CPTs.

### **2.3 IDENTIFICATION OF ACTIVE FAULTS**

The presence of faults can be identified by discontinuity in geologic units (deposits). The relative age of the last earthquake that occurred along a fault can be determined by the age of the geologic units that are faulted. Faults that displace Holocene age (recent) deposits are considered to be active.

Conversely, continuity in Holocene deposits would preclude the presence of active faults at a site.

Where Holocene deposits are not present, and faults are shown to displace Pleistocene age (older) deposits to the top of that stratum, those faults may be considered to be active if evidence demonstrating otherwise is not available.

Holocene deposits are not known to be present at the 10000 Santa Monica Project Site. However, it is possible to demonstrate that the latest earthquake event that occurred along a fault was Pleistocene or older if geologic units that have been deposited over the fault are observed to be continuous and are not offset by faulting. At the 10000 Santa Monica Project Site, continuous geologic units deposited over a fault would demonstrate that the latest faulting event occurred in Pleistocene time and that the fault is therefore not considered active.

## **3.0 SUMMARY OF METRO'S FAULT INVESTIGATION**

### **3.1 GENERAL PURPOSE OF METRO'S FAULT INVESTIGATION**

METRO's investigation was intended to identify potential faults along proposed tunnel alignments and station locations for the Westside Subway Extension Project. As a byproduct of its study, METRO's Fault Investigation Report included analysis of the suitability of locations on Santa Monica Boulevard near the 10000 Santa Monica Project Site for a subway station.

METRO's investigation was not intended to evaluate specific conditions at the 10000 Santa Monica Project Site for the purposes of future development. The locations and spacing of the explorations, while suitable for METRO's study, do not provide sufficient resolution to evaluate the presence of active faulting at the 10000 Santa Monica Project Site for the purposes of the City's Draft EIR for a development project.

### **3.2 FAULT ZONES IDENTIFIED IN METRO'S FAULT INVESTIGATION**

METRO's study identifies zones of faulting associated with the Santa Monica Fault Zone (SMFZ) and the WBHL, as shown on Figure 1A, METRO Fault Zones. The east-west trending SMFZ is a well-known feature considered capable of generating earthquakes. In contrast, the WBHL is a linear geomorphic feature suspected to be a fault by some and either a fold scarp or actually nonexistent by others. However, there have been no previous studies to confirm this.

The SMFZ is considered active by the State Geologist and prior studies in the West Los Angeles area have concluded the fault is active. However, State-designated Alquist-Priolo Earthquake Fault Zones have not been established for the SMFZ because known active traces of the fault are not identified or well defined for large enough distances to establish official fault zones.

The METRO study indicates that the WBHL apparently constitutes the northern extension of the Newport-Inglewood Fault Zone (NIFZ). The NIFZ is a known active feature that is well defined in the area of the Baldwin Hills and to the south. The NIFZ is a strike-slip fault. This means that the majority of movement along the fault as a result of an earthquake event is horizontal. However, based on our prior fault investigations along the NIFZ, vertical offset during an earthquake event is also typical. As discussed below, the METRO Fault Investigation Report postulated faults on the 10000 Santa Monica Project Site by virtue of their interpretation of vertical offsets.

### **3.3 FIELD INVESTIGATION METHODS IN METRO'S FAULT INVESTIGATION**

The purpose of METRO's investigation was to collect sufficient subsurface data to provide for horizontal and vertical correlation of geologic units along the proposed METRO subway alignment and within the proposed station locations.

The field investigation for the METRO Fault Investigation Report included continuous-core borings, CPTs, and high-resolution seismic reflection surveys along seven transects. Several deep, continuous-core borings were also drilled as part of the geotechnical investigation of the tunnel alignment along Constellation Boulevard.

None of this data was taken from within the proposed 10000 Santa Monica tower or parking structure footprints, which are not part of the proposed subway route.

Zones of discontinuities in the subsurface materials between METRO's explorations or shown in METRO's seismic reflection survey could be indicative of faulting. However, such discontinuities could also be the result of other geologic conditions that are commonly observed in this type of depositional environment. One such condition, for instance, could be localized erosion that could have effectively removed all or a portion of a continuous layer between explorations.

In addition, the presence of faulting does not mean that identified faults are active as defined by the Alquist-Priolo Act. Evidence that faults have displaced Holocene deposits is necessary to positively identify the fault as active. In areas where Holocene deposits are not present, such as the 10000 Santa Monica Project Site, evidence of continuous, unbroken, and not-faulted Pleistocene deposits overlying a fault positively confirms the latest movement along the fault was confined to Pleistocene time. Such faults would not be considered active as defined by the Alquist-Priolo Act. As stated in the METRO Fault Investigation Report, the faults associated with the WBHL are active based on the inference that the faults are an extension of the active NIFZ.

As discussed in Section 1.0 of this report, prior data related to the 10000 Santa Monica Project Site does not appear on the transect sections (Figures L-1 through L-13) and was not cited by METRO in connection with faulting at and around the 10000 Santa Monica Project Site.

### **3.4 METRO'S ANALYSIS AND FINDINGS**

METRO plotted stratigraphic information from the borings and CPTs on the transect profiles to evaluate the continuity of geologic units and to evaluate whether lateral and vertical changes in the geologic units between their explorations are evidence for faulting.

In conjunction with the data from the borings and CPTs, seismic reflection data, summarized in Appendix D of the METRO Fault Investigation Report, was analyzed to identify stratigraphic anomalies that could be interpreted as faults.

As shown on Figure 1A, the METRO Fault Investigation Report includes a graphic identifying two zones of active faulting that could affect the METRO Subway Project: the SMFZ and the WBHL/NIFZ.

METRO concludes that identified active faults associated with the SMFZ trend parallel to Santa Monica Boulevard and are confined to the area north of Santa Monica Boulevard, east of Avenue of the Stars. Active faults associated with the SMFZ were not identified on the 10000 Santa Monica Project Site.

METRO's study also includes a graphic showing a northern-trending zone of faulting associated with the WBHL. The fault zone is interpreted to be on the order of 600 to 900 feet wide and includes the area bound by Century Park East, continuing in an easterly direction approximately 300 feet east of Moreno Drive.

As a result of identifying potential faults that may impact the proposed METRO project and delineating general fault zones, METRO shows the 10000 Santa Monica Project Site to be within the WBHL fault zone. In doing so, METRO postulates the presence of three faults at the 10000 Santa Monica Project Site as shown on Figure 1A.

While METRO's graphic presented in their Fault Investigation Report does not query these faults, these faults are queried on the graphics prepared by AMEC, METRO's geotechnical consultant that performed METRO's Fault Investigation. Figure 1B, AMEC's Fault Zones, shows AMEC's queried fault locations.

METRO's interpretations of data along their Transect 2E, north of the northern property boundary along Santa Monica Boulevard, and Transect 4, along the southern property boundary and continuing east along Durant Drive, constitute its basis for identification of postulated faults at the 10000 Santa Monica Project Site.

The location of these transects relative to the 10000 Santa Monica Project Site are shown on Figure 2, METRO Fault and Transect Location Plan.

#### **4.0 ANALYSIS OF METRO'S DATA**

##### **4.1 GENERAL DISCUSSION**

METRO's Fault Investigation Report clearly indicates that their study was intended to identify fault zones that may affect METRO's proposed Westside Subway Extension Project and was not intended to be a stand-alone study to evaluate the potential for faulting on other sites in the project vicinity.

Our independent evaluation of METRO's data is summarized in Sections 4.2 and 4.3 of this report and concludes that their data, while useful and pertinent for their purposes, does not demonstrate active faulting to be present at the 10000 Santa Monica Project Site.

##### **4.2 METRO'S POSTULATED FAULT A (WESTERN FAULT)**

###### **4.2.1 Postulated Fault A - General**

METRO postulated the location of a fault in the western portion of the 10000 Santa Monica Project Site, which we have identified as Postulated Fault A for the purposes of this report as shown on Figures 1A, 1B, and 2. The location of METRO's Postulated Fault A is based on their interpreted stratigraphic discontinuities between explorations observed in Transect 2E, north of the 10000 Santa Monica Project Site along Santa Monica Boulevard near Station 18+50, and Transect 4, south of the 10000 Santa Monica Project Site near Station 1+00. The explorations used to evaluate the presence of the fault are CPTs performed to a depth of approximately 80 feet BGS and borings drilled to depths of 74 to 200 feet BGS.

METRO's Postulated Fault A is also shown as an anomaly to be present in seismic reflection surveys along Transects 2E and 4. However, in each seismic reflection survey, the anomaly is terminated below depths of 35 and 45 feet BGS, respectively. This indicates that the stratigraphic anomalies are not identified in the upper Pleistocene deposits along the transects. The continuity of the shallow Pleistocene deposits would indicate the anomalies, if determined to be faults, are not active.

###### **4.2.2 Postulated Fault A - Transect 2E Interpretations**

Postulated Fault A is identified along Transect 2E at depths greater than 80 feet BGS based on METRO's correlation of stratigraphic units in borings T2E-B2 (drilled to 161 feet BGS) and T2E-B3 (drilled to 200 feet BGS), which are spaced 250 feet apart along Santa Monica Boulevard. The locations of these borings are shown on Figure 3, METRO Transect 2E (METRO's Figure L-6). Fault A is also interpreted by METRO to be present below a depth of approximately 35 feet BGS based on analysis of the seismic reflection data as shown on Figure 4, Transect 2E Seismic Section Interpretation (METRO's Figure 21 of Appendix D).

Correlation of the boring information clearly shows a discontinuity in geologic units below a depth of 80 feet BGS, and METRO's interpretation of a fault between the borings is reasonable, especially considering the correlation with the seismic reflection data. It should be noted, as indicated in the Metro Fault Investigation Report, the S-wave seismic reflection data along Transect 2E was affected by traffic and utility interference and the interpretations of the seismic data was limited to interpretation of the P-wave seismic reflection data. This could have limited the quality and interpretation of the shallow seismic reflection data.

METRO's identification of Postulated Fault A within the upper 80 feet is based on the correlation of data from CPTs T2E-C7 and T2E-C8, spaced approximately 50 feet apart.

As shown on Figure 5, Transect 2E CPT Interpretation, and Figure 6, Transect 2E Interpretation (based on METRO's Figure L-6), geologic units present in METRO's CPTs are continuous within the upper 25 to 30 feet by correlation of CPT friction ratio, tip stress signatures, and soil behavior type classifications. This interpretation of the CPT data is consistent with METRO's seismic reflection data and, as discussed in Section 5.3 of this report, is consistent with on-site data prepared for the 10000 Santa Monica Project Site that appears not to have been discussed by METRO in its study.

#### **4.2.3 Postulated Fault A - Transect 4 Interpretations**

Postulated Fault A was identified by METRO in Transect 4 based on their correlations of stratigraphic units between borings T4-B10 and T4-B1, spaced 125 feet apart, as shown on Figure 7, METRO Transect 4 (METRO's Plate 7 and Figure L-10).

Similar to the seismic reflection data shown in METRO's Transect 2E, the seismic reflection data in Transect 4 also shows an anomaly, which is a hypothesized fault, at a depth of 45 feet BGS or greater. Figure 8, Transect 4 Seismic Section Interpretation (METRO's Appendix D - Figure 38), shows the interpretation of their seismic reflection data along Transect 4.

While METRO's Transect 4 seismic reflection data again shows that Postulated Fault A could be present, it also shows the fault does not extend above a depth of 45 feet BGS.

Our review of the boring data on either side of METRO's Postulated Fault A shows continuity of a soil layer at a depth of approximately 25 feet BGS between borings T4-B1 and T4-B10. Correlation of soil types between borings strongly suggests this layer is laterally and vertically continuous. The materials in the upper 25 to 30 feet of the ground surface do not appear to be affected by faulting as shown on Figure 9, Transect 4 Interpretation (METRO's Figure L-10).

METRO's presentation of the data does not indicate that the upper soil layers are faulted. This can be seen on Figure 7 where METRO's termination of Fault A is at the base of the uppermost natural deposit, which they define as "younger or older alluvial fan deposits (Qf/Qfo)." This figure also indicates that faulting in the upper approximately 20 feet is uncertain (queried in the upper 20 feet) as shown on Figure 7. The lack of offset of the Qf/Qfo deposits indicates Fault A is not active for the purposes of Alquist-Priolo definitions.

#### **4.2.4 GeoDesign Conclusions Regarding Postulated Fault A**

Postulated Fault A is present at depths of 30 feet BGS or greater. However, CPT and boring data in METRO's Transects 2E and 4 do not show faulting of the materials in the upper 25 to 30 feet.

This indicates continuity of the Pleistocene deposits that overlie this hypothesized fault.

Because the shallow Pleistocene deposits are not faulted, Postulated Fault A is not an active fault by definition.

### **4.3 METRO'S POSTULATED FAULTS B AND C (EASTERN FAULTS)**

#### **4.3.1 Postulated Faults B and C - General**

METRO postulated the location of two faults in the eastern portion of the 10000 Santa Monica Project Site, which we have identified as Faults B and C on Figures 1A, 1B, and 2. The evidence METRO uses to support the existence of these faults is based on METRO's interpreted discontinuity of stratigraphic units between approximately Station 2+80 and Station 3+50 along METRO's Transect 4 (METRO's Plate 7 and Figure L-10). METRO's study did not indicate the presence of Postulated Faults B and C in Transect 2E.

There is no data that supports interpretation by METRO's graphical depictions that Postulated Faults B or C extend onto the 10000 Santa Monica Project Site.

METRO's interpretation and location of Postulated Faults B and C appear to be based on their correlation of CPTs T4-C4, T4-C5, and T4-C6 that are spaced approximately 50 feet apart and borings T4-B2 and T4-B3, which are spaced approximately 100 feet apart.

As shown on Figure 8, Postulated Faults B and C are queried in METRO's seismic reflection interpretation and are not shown to extend within the upper 25 to 35 feet of the surface.

#### **4.3.2 Postulated Faults B and C - Transect 4 Interpretations**

Boring data provides a higher quality data than CPTs due to the direct visual observation of geologic units, rather than the CPT soil behavior type data. METRO's borings T4-B2 and T4-B3, spaced approximately 100 feet apart, are located on either side of METRO'S Postulated Faults B and C between transect Station 2+80 and Station 3+50. A distinct soil layer, visually identified by METRO in the borings as a possible buried soil profile at a depth of approximately 25 feet BGS, can be seen on the Transect 4 section. This layer is described on the boring logs as clayey silt to silty clay. As shown on Figure 9, the soil layer is continuous between these borings and not offset by faulting.

METRO's seismic reflection data identifies Faults B and C as anomalies that are questionable faults and clearly states that additional surveys would be necessary to determine if they exist, as shown on Figure 8. The seismic reflection data shows that these questionable anomalies are present below a depth of 35 feet BGS (Postulated Fault B) and below a depth of 25 feet BGS (Postulated Fault C).

#### **4.3.3 GeoDesign Conclusions Regarding Postulated Faults B and C**

METRO's boring data shows that the distinct clay/silt bed is continuous and does not appear to be disrupted by faulting. Further, METRO's seismic reflection data shows Postulated Faults B and C as anomalies that are queried and that the anomalies do not extend within 35 and 25 feet of the ground surface, respectively.

Therefore, it is questionable if METRO's Postulated Faults B and C are even present along Transect 4. Even if they are present, METRO's data shows the shallow Pleistocene deposits to be continuous, therefore, these faults are not active.

Also, METRO's Postulated Faults B and C are identified at only one location, along Transect 4. They are not identified in Transect 2E to the north or the Constellation Boulevard profile to the south. The lack of correlation of these faults with others identified to the north and south of Transect 4 implies these faults are discontinuous and likely secondary features and not active.

Furthermore, there is no data at all that supports METRO's extension of their Postulated Faults B and C onto the 10000 Santa Monica Project Site.

### **5.0 10000 SANTA MONICA PROJECT SITE-SPECIFIC BORING DATA**

#### **5.1 GENERAL SUMMARY OF ON-SITE DATA**

Two general sets of data are identified at the 10000 Santa Monica Project Site:

1. METRO's Prior Data consisting of 16 prior borings (performed at the 10000 Santa Monica Project Site between 1958 and 1997) as shown on Plate 2 of METRO's Fault Investigation Report; we obtained logs of 7 of these borings from the City of Los Angeles.
2. Current Site-Specific Data consisting of eight recent borings and four CPT soundings drilled on the 10000 Santa Monica Project Site as part of the site-specific geotechnical investigation by Feffer in 2007 and 2011.

The locations of METRO's prior borings and the current site-specific borings are shown on Figure 10, Site Plan.

#### **5.2 METRO'S PRIOR DATA**

METRO's Prior Data was not presented as part of their Fault Investigation Report. METRO did not show this Prior Data on Transects 2E and 4.

We reviewed records on file at the City of Los Angeles Department of Building and Safety; logs of 7 of the 16 prior borings drilled at the 10000 Santa Monica Project Site in 1958, 1959, and 1997 were available for our review. However, due to the lack of vertical elevation control from these previous borings, they did not prove useful when attempting to correlate specific geologic units with those encountered in the recent borings and therefore were generally not suitable for detailed evaluation of the continuity of geologic units. It is not clear to what extent METRO relied on this Prior Data in its Fault Investigation Report.

### **5.3 CURRENT SITE-SPECIFIC DATA**

We evaluated the data presented in the Feffer Report to assess the continuity of the geologic units within the 10000 Santa Monica Project Site. Our evaluation included a detailed analysis of the lateral continuity of geologic units and consistency of unit contact elevations to assess the presence and activity level of faults at the 10000 Santa Monica Project Site.

While the current site-specific borings were not intended to evaluate faulting, we are able to use the data as a tool to identify contacts between main geologic units. Where appropriate, we utilized adjacent off-site METRO data. The logs of the site-specific borings by Feffer are presented in the Appendix of this report.

Our interpretation of the subsurface conditions and correlations of geologic units across the 10000 Santa Monica Project Site are presented on Figures 11, 12, and 13, Geologic Sections A-A', B-B', and C-C', respectively. The locations of the geologic cross sections are shown on Figure 10.

Generally, the materials encountered in the borings in the upper approximately 25 to 30 feet of the ground surface consist of predominantly fine-grained materials (interbedded silty sand, silt, and clay). The bottom of this primarily fine-grained sequence is characterized by a silty clay to clayey silt unit that is underlain by geologic units characterized by increased sand content.

As shown on Figures 11, 12, and 13, correlation of geologic units between the on-site explorations indicate the contact between the bottom of the clayey silt/silty clay sequence and the sand sequence is laterally continuous.

Based on the available data, the north-trending Postulated Faults A, B, and C, hypothesized by METRO to be associated with the WBHL, do not offset the shallow Pleistocene deposits and are therefore not active.

### **5.4 CONCLUSIONS REGARDING SITE-SPECIFIC DATA**

Based on a review of the Site-Specific Data, we find no compelling evidence that the upper 25 to 30 feet of geologic units at the 10000 Santa Monica Project Site are affected by active faulting.

## **6.0 CONCLUSIONS**

### **6.1 PURPOSE OF METRO'S FAULT INVESTIGATION REPORT**

The data presented in the METRO Fault Investigation Report, while comprehensive for METRO's purposes, lacks the necessary resolution to determine the presence and the activity of geologic features inferred at the 10000 Santa Monica Project Site. The METRO Fault Investigation Report did not and was not intended to analyze the potential for faulting at the 10000 Santa Monica Project Site in contrast to the Feffer Report, which was prepared for the purposes of City of Los Angeles permit review for development of the 10000 Santa Monica Project Site.

### **6.2 SMFZ**

The METRO Fault Investigation Report indicates that active faults associated with SMFZ do not traverse the 10000 Santa Monica Project Site.

This conclusion is confirmed by our analysis of site-specific boring information that shows a lateral continuity of the upper 25 to 30 feet of geologic materials encountered in the borings at the 10000 Santa Monica Project Site as shown on Figure 13.

### **6.3 WBHL**

METRO's Fault Investigation Report postulates that two north-trending faults associated with the WBHL traverse the 10000 Santa Monica Project Site. The presence of these faults is based on METRO's interpreted offset in geologic units as shown in their Transects 2E and 4 (METRO's Figures L-6 and L-10).

However, as discussed in Sections 4.2 and 4.3 of this report, there is no compelling evidence that the postulated faults offset the shallow subsurface materials (upper 25 to 30 feet). The continuity of the shallow Pleistocene deposits indicates the faults postulated by METRO at the 10000 Santa Monica Project Site are not active by Alquist-Priolo definition.

In general, the data presented in METRO's Fault Investigation Report lacks the resolution to evaluate faulting on the 10000 Santa Monica Project Site for purposes of development because it was not prepared for that purpose.

Evaluation of Site-Specific Data indicates active faults are not present at the 10000 Santa Monica Project Site. This evaluation of the Site-Specific Data correlates with our conclusions regarding the METRO data presented in the METRO Fault Investigation Report.

### **6.4 USE OF THIS REPORT AND REQUIRED REGULATORY REQUIREMENTS**

This report may be used to demonstrate that the data available at this time does not indicate the presence of active faulting at the 10000 Santa Monica Project Site. The available data is suitable for us to provide discussion and conclusions for use in the 10000 Santa Monica Project Draft EIR. However, as indicated in Mitigation Measure D-1 in the Final EIR:

*Prior to the issuance of a grading or building permit for any portion of the project site, the applicant shall have a qualified geotechnical engineer and certified engineering geologist prepare and submit to the Department of Building and Safety a final design-level geotechnical, geologic, and seismic hazards investigation that complies with all applicable state and local code requirements. The final design-level geotechnical investigation shall:*

- a) Include an analysis of the expected ground motions at the site using accepted methodologies;*
- b) Determine structural design requirements as prescribed by the most current version of the California Building Code and City of Los Angeles Building Code to ensure that structures can withstand expected ground accelerations for the Southern California region; and*
- c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements.*

We appreciate the opportunity to be of continued service to you. Please call if you have questions concerning this report or if we can provide additional services.

Sincerely,

GeoDesign, Inc.



Susan F. Kirkgard, C.E.G.  
Associate Geologist

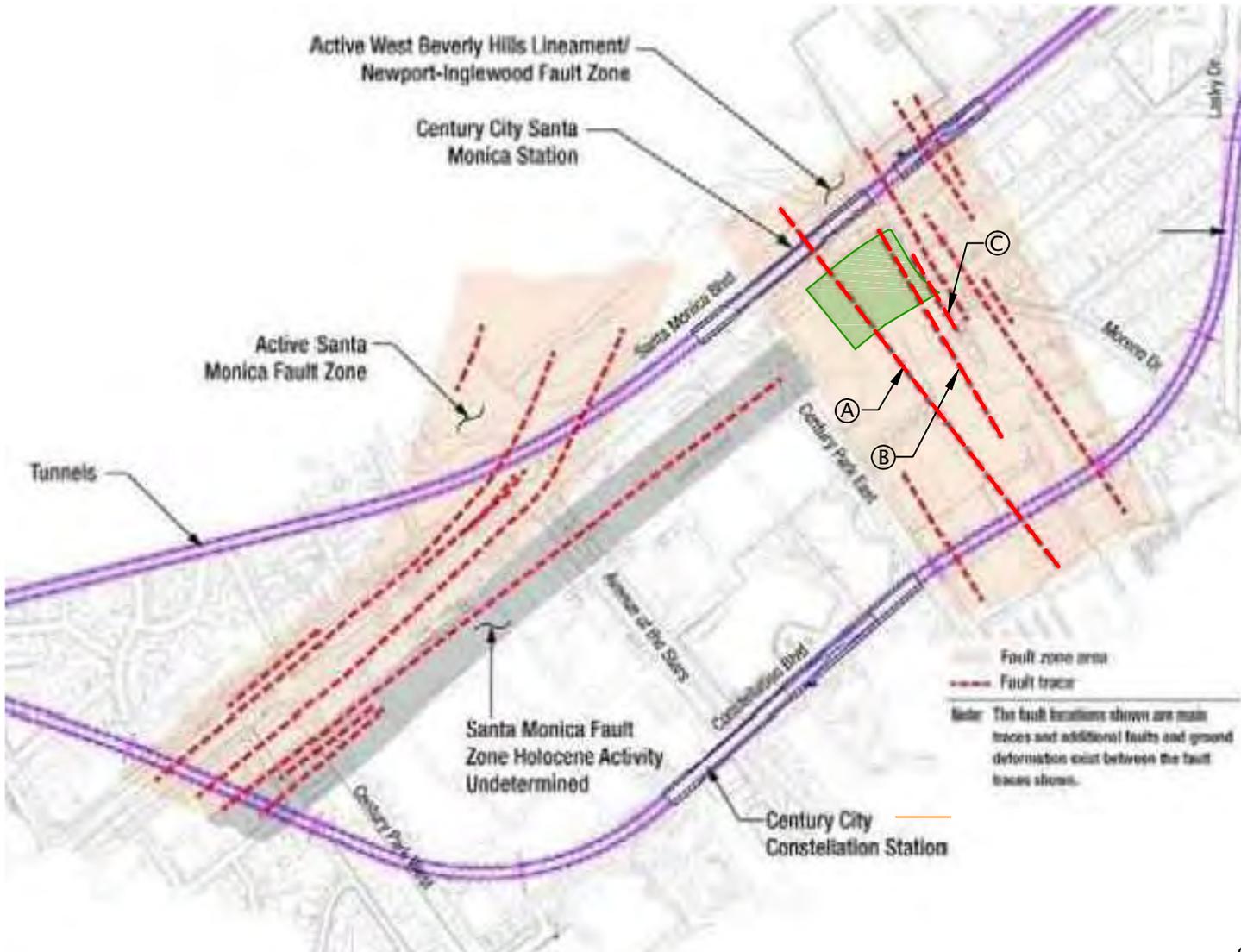


Christopher J. Zadoorian, G.E.  
Principal Engineer



12/15/11

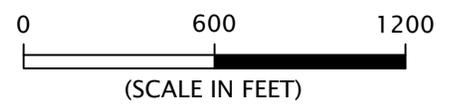
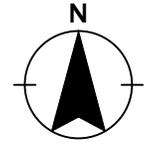
## FIGURES



**LEGEND:**

- 10000 SANTA MONICA PROJECT
- A POSTULATED FAULT DESIGNATION

Fault zone area  
 Fault trace  
 Note: The fault locations shown are main traces and additional faults and ground deformation exist between the fault traces shown.



SITE PLAN BASED ON IMAGE OBTAINED FROM EXECUTIVE SUMMARY, FIGURE 1 FROM CENTURY CITY AREA FAULT INVESTIGATION REPORT PREPARED FOR METRO BY PARSONS BRINCKERHOFF, DATED OCTOBER 14, 2011.

 2121 S Towne Centre Place - Suite 130 Anaheim CA 92806 Off 714.634.3701 Fax 714.634.3711	CRESCENT-1-01	<b>METRO FAULT ZONES</b>	
	DECEMBER 2011	PROPOSED TOWER DEVELOPMENT LOS ANGELES, CA	<b>FIGURE 1A</b>

Base Map:  
FB Topo Base Delivered 3/10/2011

**Metro** LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

**amec** AMEC Environment & Infrastructure

MTA Westside Extension  
Fault Exploration Plan  
Century City Area

3

**EXPLANATION**

**Fault Information:**

- Traverse Profile Line
- Proposed Reflector Line
- Known Seismic Reflector Line with Shot Point Number (shown every 50 feet)
- CPT Boring Location
- Continuous Core Boring Location and Test Depth Detail
- Approximate Zone of Fracturing
- Fault Location, Ground Water Shaded

**Seismicity (Shaded Information):**

- Shaded Area: Shaded Boring Location
- Star: CPT Boring Location
- Star: Shot Core Location
- Star: Shot Core Location (Metric, 2010)
- Star: Boring Location (Metric, 1964, 1967, 1969, 1971, 1984)

**Boundary Legend:**

- Centerline of Tracks
- Centerline (Approximate)
- Proposed Station and Core Shot Outline

Note: Missing CPTs and Borelogs of all Traverses were not added.



Printed By: mmiller | Print Date: 12/15/2011 12:33:28 PM  
File Name: J:\A-D\Crescent-1-01-FZ01.dwg | Layout: FIGURE 1B

**AMEC FAULT ZONES**

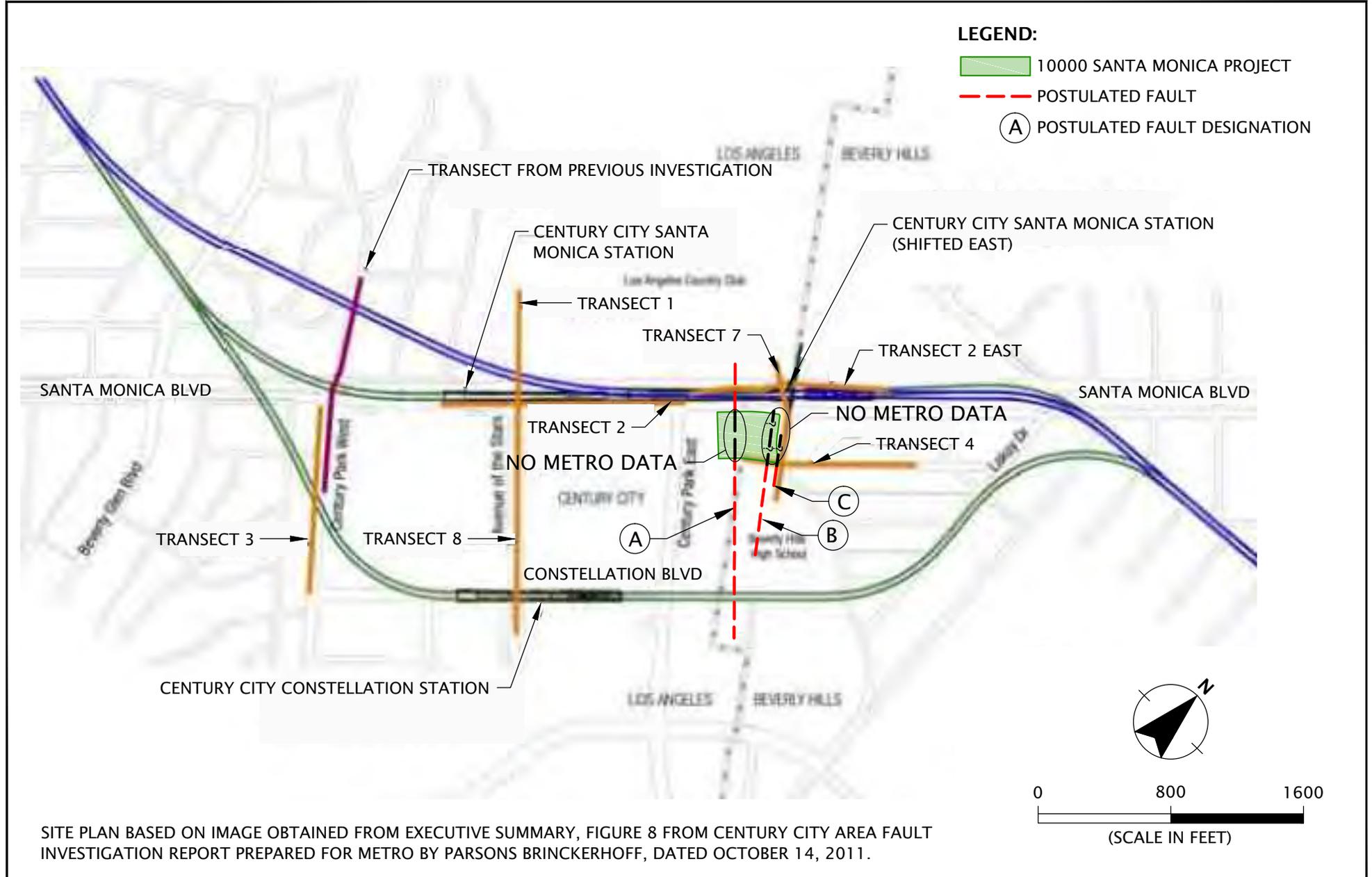
PROPOSED TOWER DEVELOPMENT  
LOS ANGELES, CA

CRESCENT-1-01

DECEMBER 2011

**GEODESIGN**  
2121 S Towne Centre Place - Suite 130  
Anaheim CA 92806  
Off 714.634.3701 Fax 714.634.3711

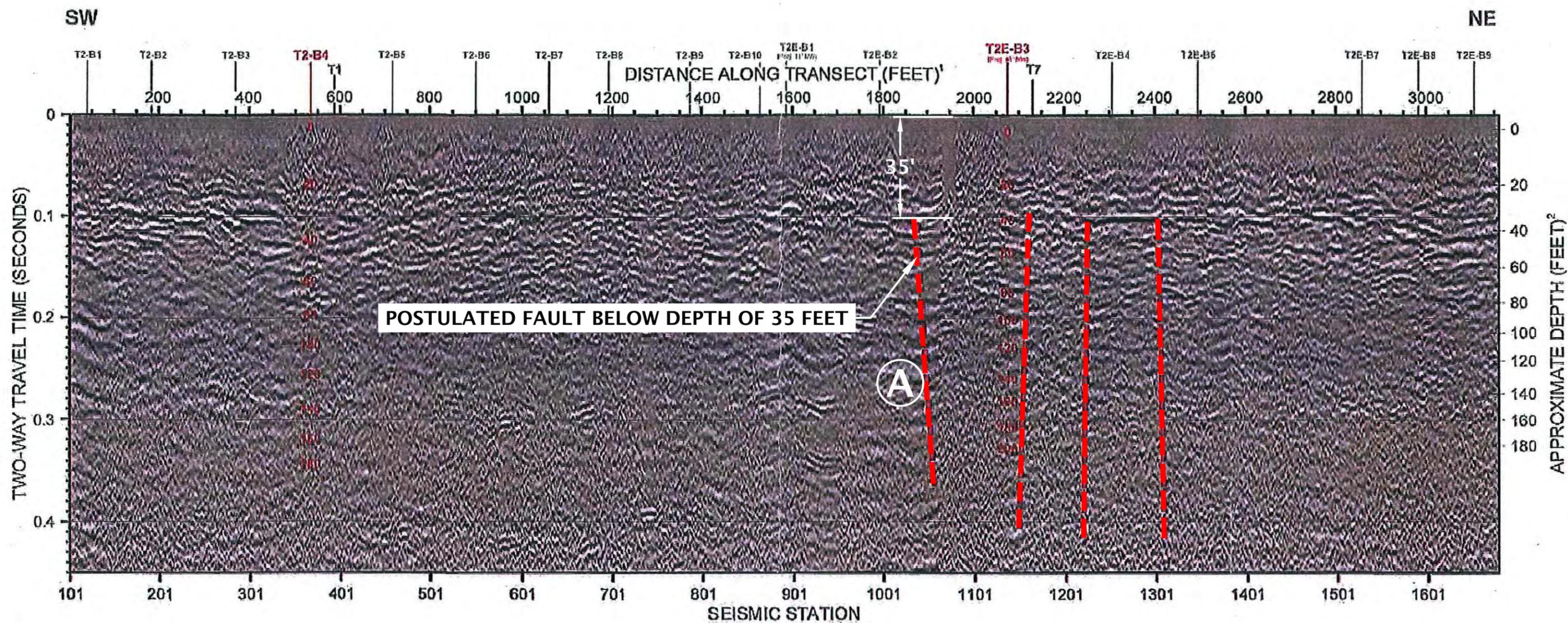
**FIGURE 1B**



SITE PLAN BASED ON IMAGE OBTAINED FROM EXECUTIVE SUMMARY, FIGURE 8 FROM CENTURY CITY AREA FAULT INVESTIGATION REPORT PREPARED FOR METRO BY PARSONS BRINCKERHOFF, DATED OCTOBER 14, 2011.

<p>2121 S Towne Centre Place - Suite 130                  Anaheim CA 92806                  Off 714.634.3701 Fax 714.634.3711</p>	CRESCENT-1-01	METRO FAULT AND TRANSECT LOCATION PLAN	
	DECEMBER 2011	PROPOSED TOWER DEVELOPMENT LOS ANGELES, CA	FIGURE 2





**LEGEND**

- T2E-B3 P-S Logging Borehole Location and Estimated Depths
- T2E-B1 Borehole Location
- T1 Seismic Line Intersection
- Street Intersection
- - ? Fault Inferred on Basis of Reflector Truncations, Vertical Offsets of Major Reflectors, and/or Significant Lateral Changes in Reflector Amplitude (dashed where approximate, queried where uncertain)

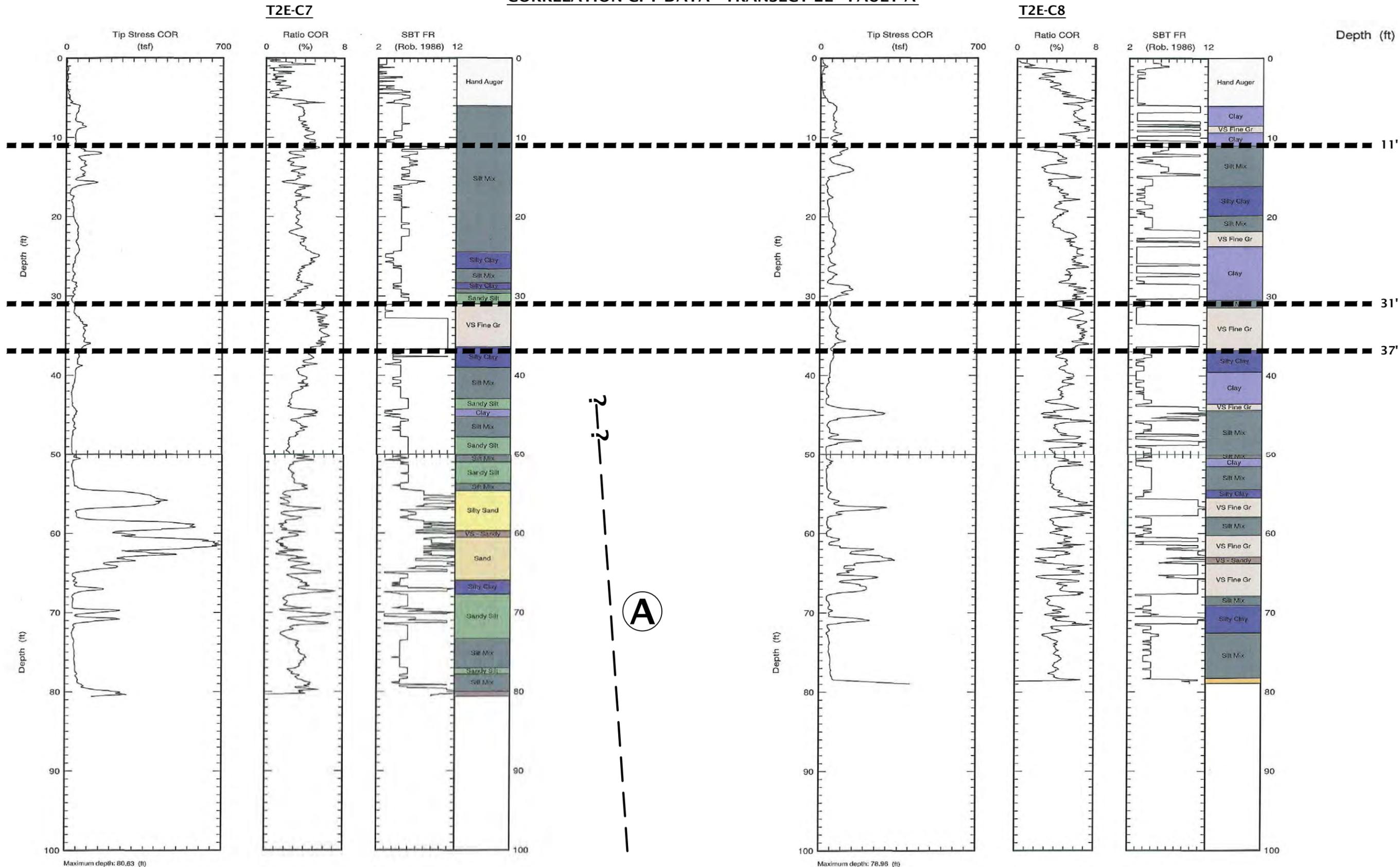
Note:  
 1. Distances approximately tied to the geologic cross section where coincident with the seismic line. See report for details.  
 2. Depths are approximate and may vary by 20%.

	<b>FIGURE 21</b> <b>TRANSECT 2 - S-WAVE SEISMIC SECTION WITH INTERPRETATION</b>
	<b>MTA-WESTSIDE EXTENSION</b> <b>SANTA MONICA BLVD</b> <b>LOS ANGELES, CALIFORNIA</b>
Project # 10500	PREPARED FOR <b>AMEC ENVIRONMENT &amp; INFRASTRUCTURE</b>
Date: rev OCT 14, 2011	
Drawn By: DALRYMPLE	
Approved By: <i>[Signature]</i>	
File: C:\GVP\PROJECTS\10500\F21.csr	

 2121 S Towne Centre Place - Suite 130 Anaheim CA 92806 Off 714.634.3701 Fax 714.634.3711	CRESCENT-1-01	<b>TRANSECT 2E SEISMIC SECTION INTERPRETATION</b>	
	DECEMBER 2011	PROPOSED TOWER DEVELOPMENT LOS ANGELES, CA	<b>FIGURE 4</b>

Printed By: mmiller | Print Date: 12/15/2011 12:35:08 PM  
 File Name: J:\A-D\Crescent\Crescent-1-01\Figures\CAD\Crescent-1-01-WSS01.dwg | Layout: FIGURE 4

CORRELATION CPT DATA - TRANSECT 2E - FAULT A



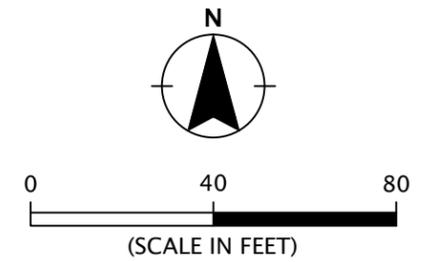
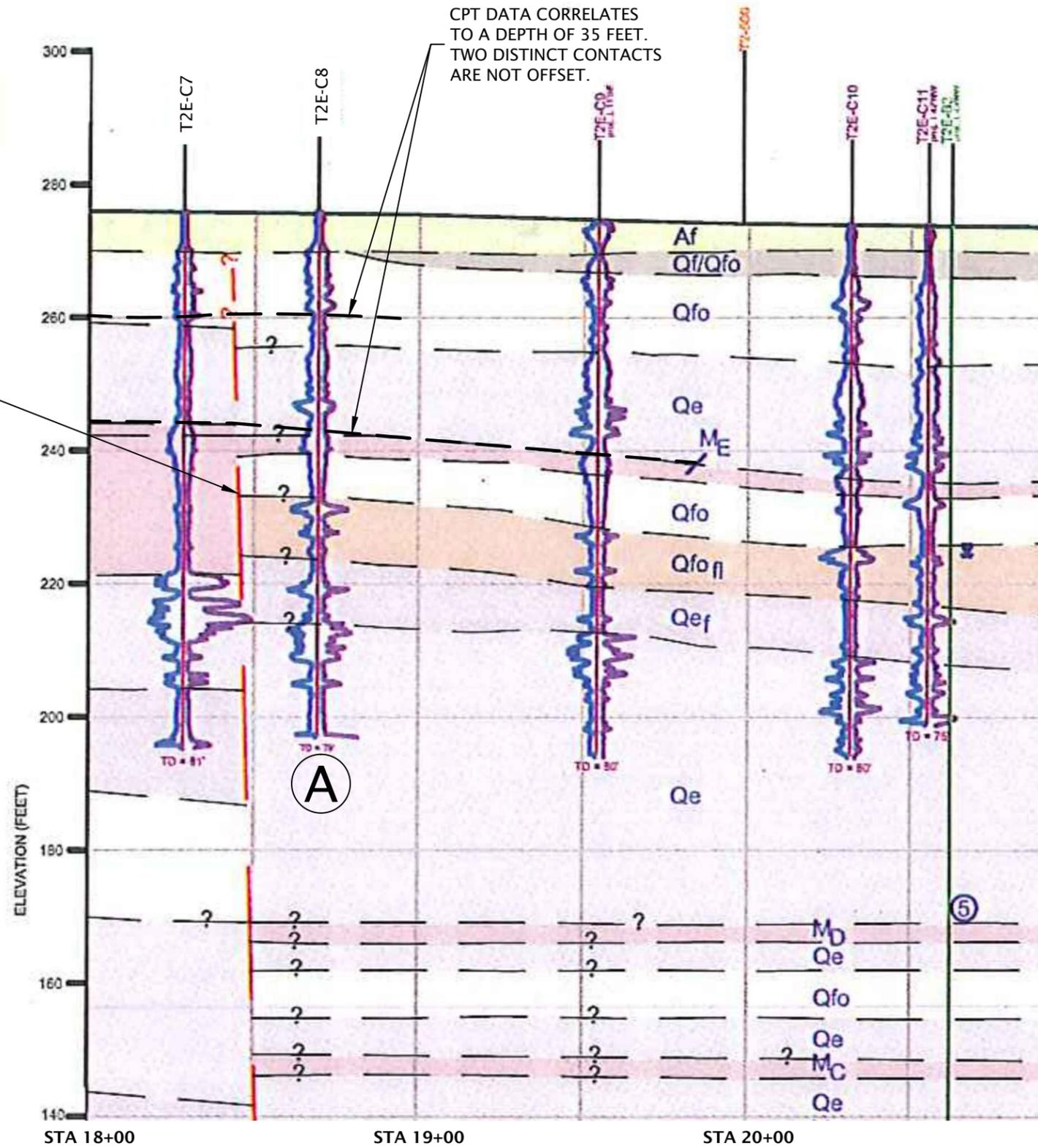
Printed By: mmiller | Print Date: 12/15/2011 12:36:41 PM  
 File Name: J:\A-D\Crescent\Crescent-1-01-CPT01.dwg | Layout: FIGURE 5

TRANSECT 2E CPT INTERPRETATION		FIGURE 5
PROPOSED TOWER DEVELOPMENT LOS ANGELES, CA		
CRESCENT-1-01	DECEMBER 2011	
 Kehoe Testing & Engineering Office: (714) 901-7270 Fax: (714) 901-7289 rich@kehoetesting.com www.kehoetesting.com		Date: 01/Jul/2011 Test ID: T2E-C7 Project: LosAngeles
 2121 S Towne Centre Place - Suite 130 Anaheim CA 92806 Off 714.634.3701 Fax 714.634.3711		Customer: MACTEC Job Site: Westside Subway Extension

# Transect 2 & 2East NE ↘

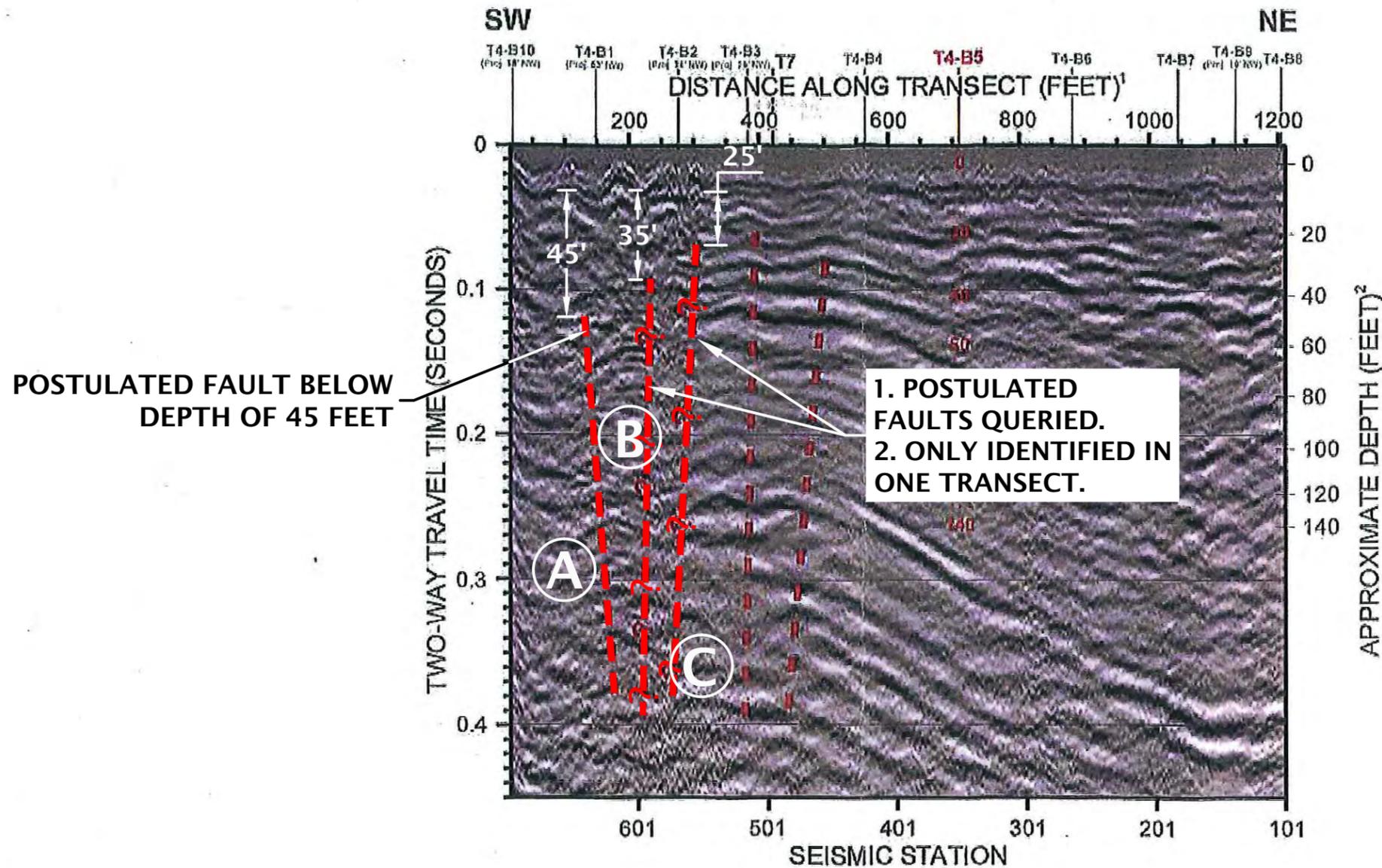
INTERPRETATION OF GEOPHYSICAL DATA SHOWS FAULT BELOW A DEPTH OF 35 FEET

SEE FIGURE L-5



SECTION BASED ON FIGURE L-6 OBTAINED FROM CENTURY CITY AREA FAULT INVESTIGATION REPORT PREPARED FOR METRO BY PARSONS BRINCKERHOFF, DATED OCTOBER 14, 2011.





**LEGEND**

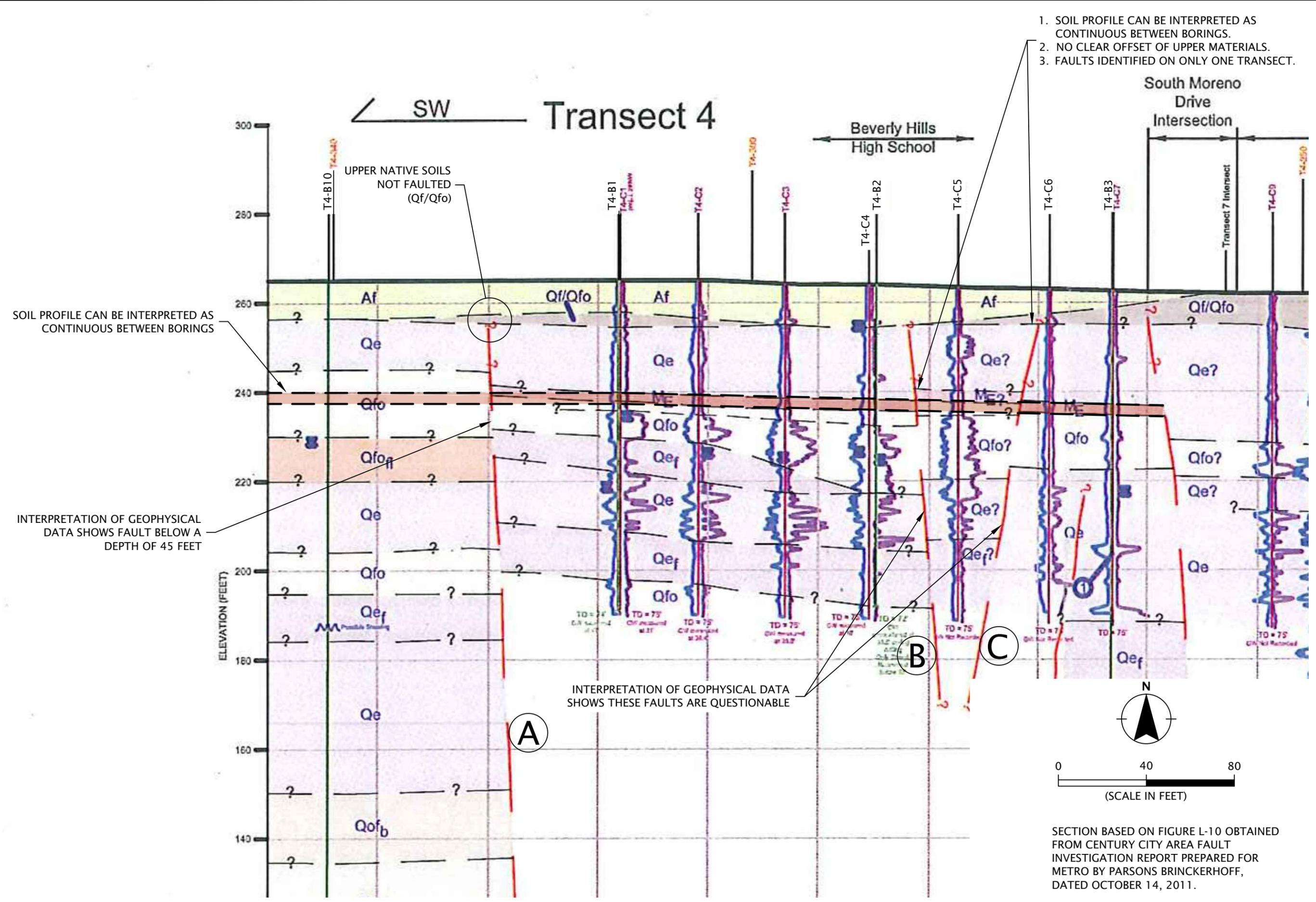
- T4-B5 P-S Logging Borehole Location with Estimated Depths
- T4-B1 Borehole Location
- T7 Line Intersection
- Street Intersection
- - - ? Fault Inferred on Basis of Reflector Truncations, Vertical Offsets of Major Reflectors, and/or Significant Lateral Changes in Reflector Amplitude (dashed where approximate, queried where uncertain)

Note:  
 1. Distances approximately tied to the geologic cross section where coincident with the seismic line. See report for details.  
 2. Depths are approximate and may vary by 20%.

	<b>FIGURE 38</b> TRANSECT 4 - S-WAVE SEISMIC SECTION WITH INTERPRETATION
	MTA-WESTSIDE EXTENSION DURANT DRIVE LOS ANGELES, CALIFORNIA
Project # 10500	PREPARED FOR AMEC ENVIRONMENT & INFRASTRUCTURE
Date: rev OCT 14, 2011	
Drawn By: DALRYMPLE	
Approved By: <i>[Signature]</i>	
File: C:\GVP\PROJECTS\10500\F38.edi	

 2121 S Towne Centre Place - Suite 130 Anaheim CA 92806 Off 714.634.3701 Fax 714.634.3711	CRESCENT-1-01	<b>TRANSECT 4 SEISMIC SECTION INTERPRETATION</b>	
	DECEMBER 2011	PROPOSED TOWER DEVELOPMENT LOS ANGELES, CA	<b>FIGURE 8</b>

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 File Name: J:\A-D\Crescent\Crescent-1-01-TSEC01.dwg | Layout: FIGURE 9



1. SOIL PROFILE CAN BE INTERPRETED AS CONTINUOUS BETWEEN BORINGS.
2. NO CLEAR OFFSET OF UPPER MATERIALS.
3. FAULTS IDENTIFIED ON ONLY ONE TRANSECT.

TRANSECT 4 INTERPRETATION

PROPOSED TOWER DEVELOPMENT  
 LOS ANGELES, CA

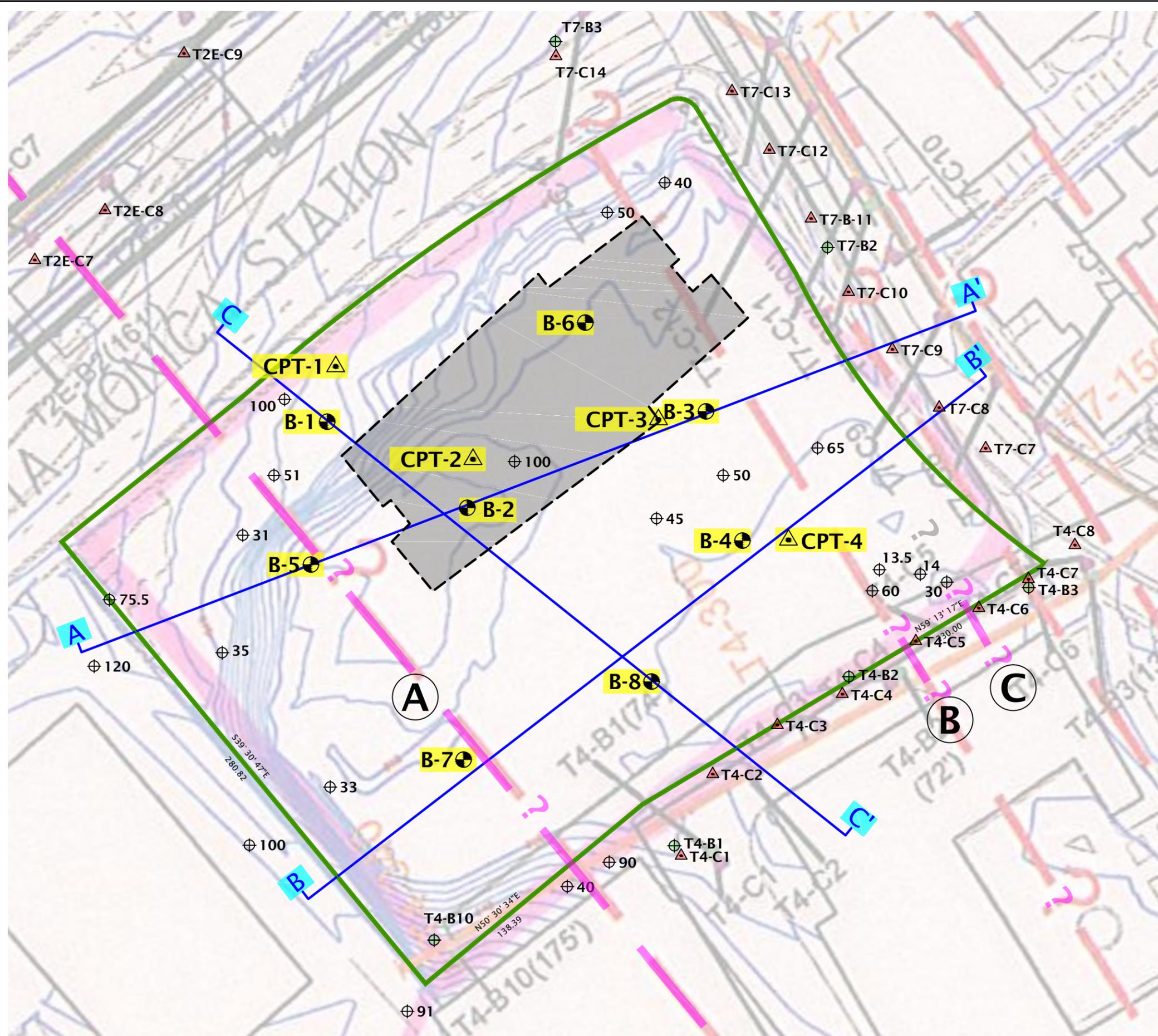
CRESCENT-1-01

DECEMBER 2011

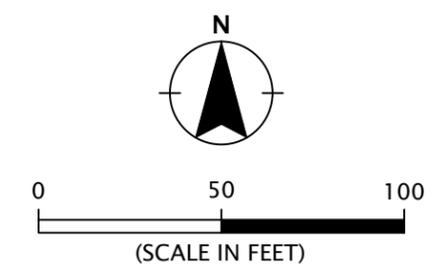
**GEO DESIGN**  
 2121 S Towne Centre Place - Suite 130  
 Anaheim CA 92806  
 Off 714.634.3701 Fax 714.634.3711

FIGURE 9

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 File Name: J:\A-D\Crescent\Crescent-1-01-SP03.dwg | Layout: FIGURE 10

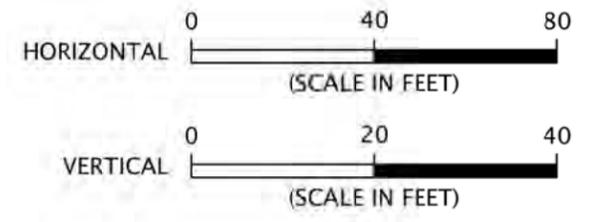
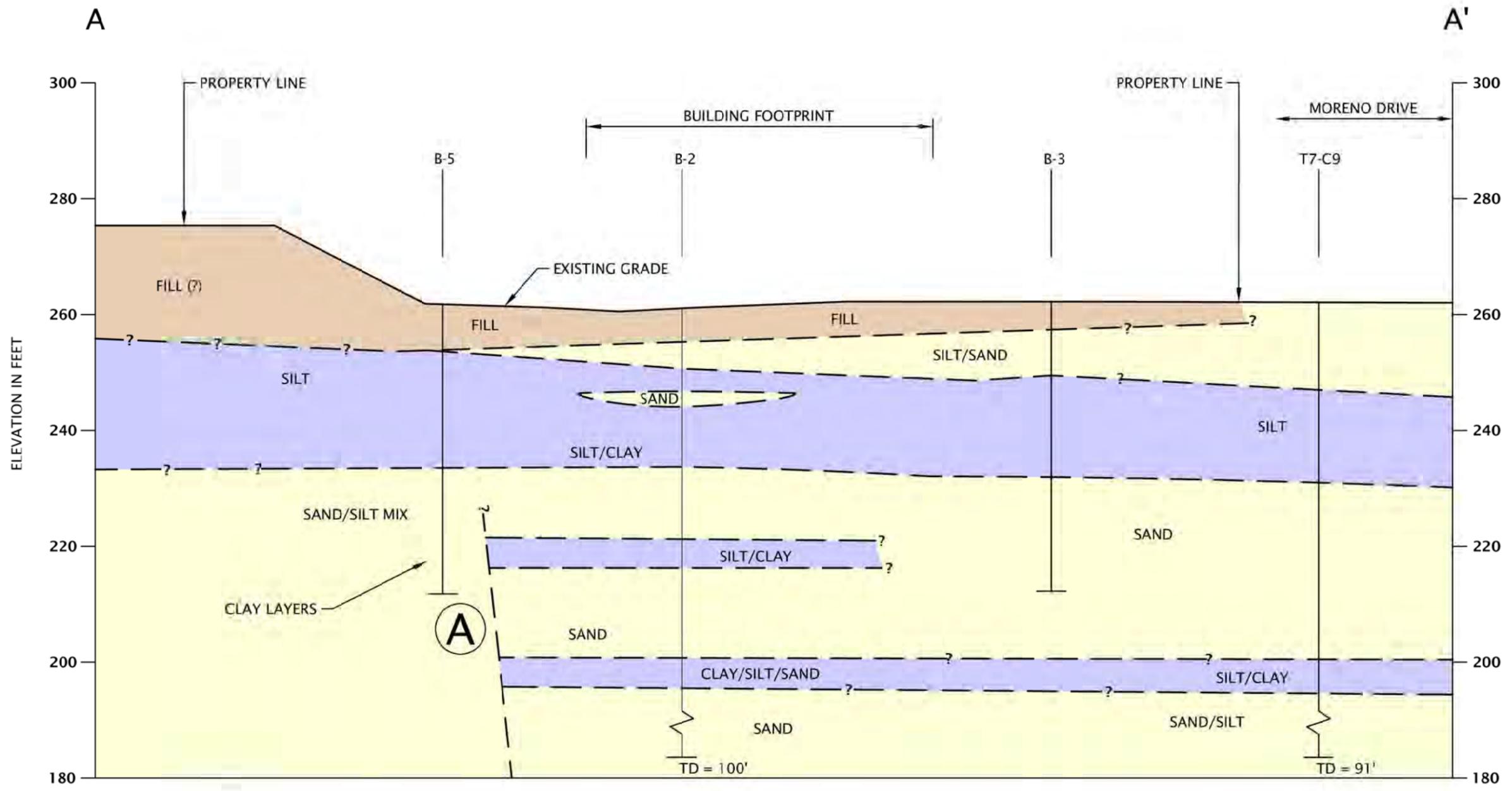


- LEGEND:**
- 10000 SANTA MONICA PROJECT
  - BUILDING FOOTPRINT
  - B-1 BORINGS BY FEFFER GEOLOGICAL CONSULTING
  - CPT-1 CONE PENETROMETER TESTS BY FEFFER GEOLOGICAL CONSULTING
  - 65 PREVIOUS BORINGS (METRO PRIOR DATA)
  - T4-B1 METRO BORINGS
  - T2E-C7 METRO CONE PENETROMETER TESTS
  - POSTULATED FAULT
  - A FAULT LABEL
  - CROSS SECTION LOCATIONS



SITE PLAN BASED ON PLATE 3 FROM CENTURY CITY AREA FAULT INVESTIGATION REPORT BY PARSON BRINCKENHOFF, DATED OCTOBER 14, 2011.

CRESCENT-1-01	SITE PLAN	FIGURE 10
DECEMBER 2011	PROPOSED TOWER DEVELOPMENT LOS ANGELES, CA	
 2121 S Towne Centre Place - Suite 130 Anaheim CA 92806 Off 714.634.3701 Fax 714.634.3711		



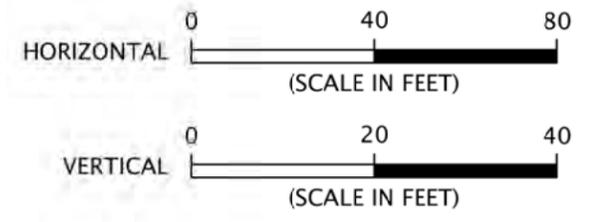
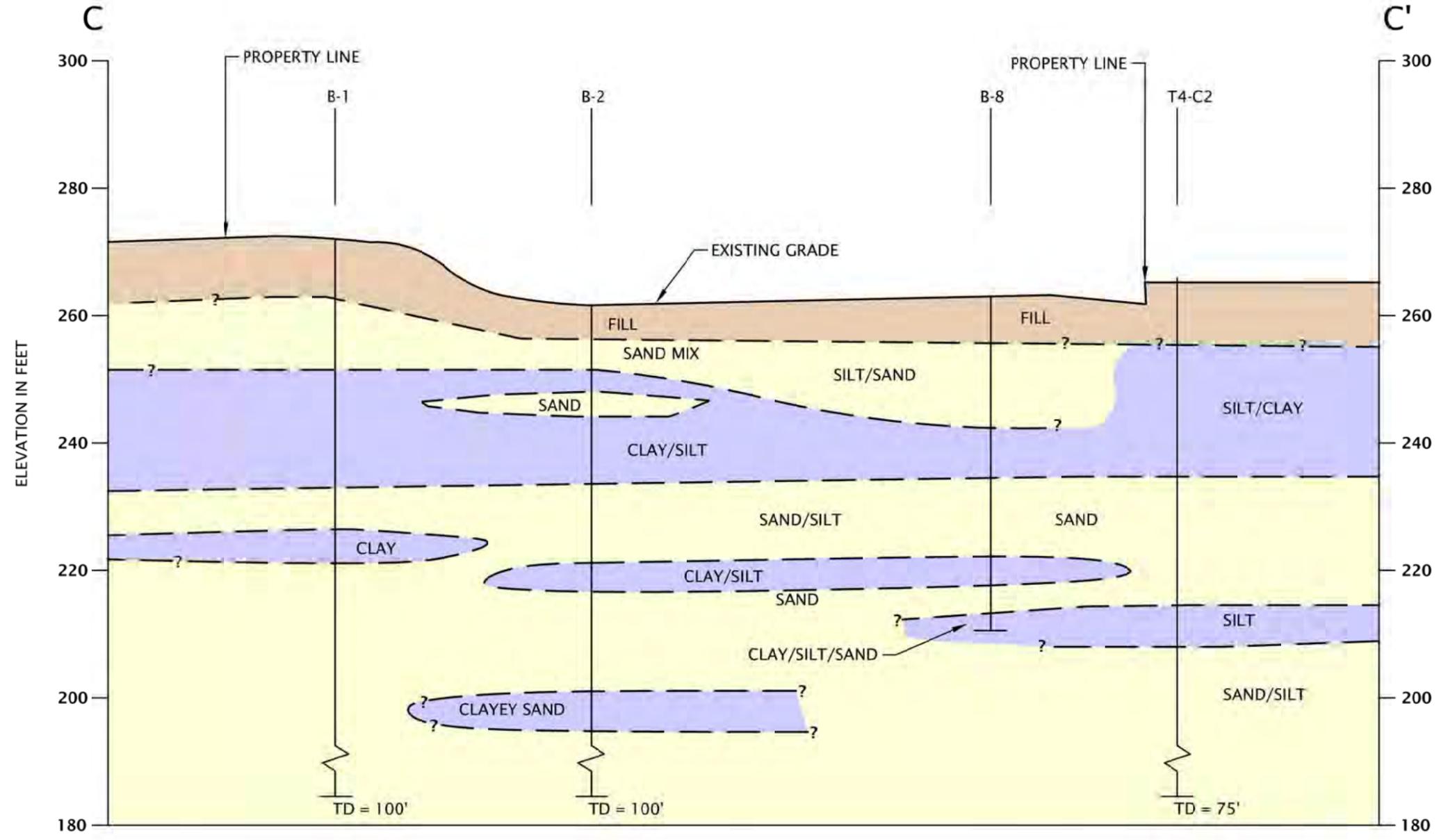
**GEOLOGIC SECTION A-A'**

PROPOSED TOWER DEVELOPMENT  
 LOS ANGELES, CA

CRESCENT-1-01

DECEMBER 2011





**GEOLOGIC SECTION C-C'**

PROPOSED TOWER DEVELOPMENT  
 LOS ANGELES, CA

CRESCENT-1-01

DECEMBER 2011

## APPENDIX

**APPENDIX**

**FEFFER GEOLOGICAL CONSULTING EXPLORATIONS**

LOG OF EXPLORATORY BORING

Sheet 1 of 3

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 1  
Boring Location: See Site Plan for location

Date Performed: 1/20/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
				Fill: Silty fine grained sand	Brown		Slightly moist
5	8/9/11	R		Silty medium to coarse grained sand with gravel	Brown	Medium dense	Moist
10	4/7/11	SPT		Alluvium: Silty fine to medium grained sand, with gravel, clay binder	Mottled orange, brown greenish-gray	Dense	Moist
15	10/12/16	R		Silty fine grained sand to clay sand		Dense to firm	
20	4/5/8	SPT		Fine grained sandy silt		Dense	
25	7/12/14	R		Interbedded silty fine grained sand and silty clay	Orange gray-brown		
30	7/11/14	SPT		Silty fine to medium grained sand, with gravel	Brown red-brown		
35	17/20/22	R		Clayey silt	Mottled brown, gray		
40							

LOG OF EXPLORATORY BORING

Job Number: 494-64  
 Project: Sun Cal Company

Boring No: 1  
 Boring Location: See site plan for location

Date Performed: 1/20/2007

Drill Type: 8" Hollow Stem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	6/9/10	SPT		Silty medium to coarse grained sand, with clay binder	Brown	Dense	Moist
45	16/22/25	R		Silty clay to clay silt	Mottled brown green-brown		
50	6/10/11	SPT		Water At 50' Interbedded gravelly medium to fine grained sand and silty sand	Brown, red-brown		Saturated
55	4/5/8	R		Gravelly coarse grained sand, cohesionless	Brown	Medium dense	
60	5/8/13	SPT		Interbedded silty fine grained sand, and gravelly coarse sand, gravelly sand is cohesionless	Gray	Medium dense to dense	
65	22/50	R		Sandy clay, caliche	Mottled orange-brown, gray-brown	Stiff	Moist
70	5/10/13	SPT		Silty fine to medium grained sand to sandy silt, with occasional gravel, caliche	Mottled brown, gray-green	Dense	
75	21/27/30	R		Silty fine grained sand to sandy silt, caliche			
80							

**LOG OF EXPLORATORY BORING**

Sheet 3 of 3

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 1  
Boring Location: See Site Plan for location

Date Performed: 1/20/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
80	12/15/22	SPT		Sandy silt to silty fine grained sand, caliche	Brown	Dense	Moist
85	25/50	R		Sandy silt, caliche			
90	13/15/17	SPT		Interbedded fine graiend sandy clay and sand, caliche	Gray-brown		
95	22/50	R		Clay, poor recovery	Brown	Stiff	
100	7/8/15	SPT		Silty clay	Mottled brown, gray-green		
				End at 100' Fill to 10', Water at 50', No Caving			
105							
110							
115							
120							

LOG OF EXPLORATORY BORING

Sheet 1 of 3

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 2  
Boring Location: See Site Plan for location

Date Performed: 1/19/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
0 - 5				Fill: Silty fine grained sand	Brown		Slightly moist
5 - 10	10/15/12	R		Alluvium: Interbedded sandy silt and silty fine to medium grained sand with gravel, clay binder	Brown, gray brown, green brown	Dense	Moist
10 - 15	5/6/9		SPT	Silty clay		Firm to stiff	
15 - 20	9/12/15		R	Silty fine grained sand, clay binder	Mottled orange-brown greenish-gray brown	Dense	
20 - 25	4/5/7		SPT	Fine grained sandy silt		Medium dense	
25 - 30	8/12/15		R	Fine grained sandy silt to clayey silt, occasional gravel & slate chips		Dense	
30 - 35	14/18/30		SPT	Silty medium grained sand grades into gravelly coarse grained sand, gravel up to 1/2"	Brown		
35 - 40	20/22/28		R	Silty fine grained sand to sandy silt, occasional gravel	Brown orange-brown		

LOG OF EXPLORATORY BORING

Sheet 2 of 3

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 2  
Boring Location: See Site Plan for location

Date Performed: 1/19/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	6/8/11	SPT		Clayey silt, occasional gravel	Mottled orange-brown gray-green brown	Dense	Moist
45	14/20/28	R		Water At 45' No recovery			
50	50 for 6"	SPT		Gravelly coarse grained sand, rock fragments up to 1"	Brown red-brown		Saturated
55	23/30	R		Gravelly medium grained sand, grades into sandy clay	Green-gray	Dense to firm	Moist
60	15/18/25	SPT		Silty fine to medium grained sand to clay sand	Mottled green-gray red-brown brown	Dense	
65	25/55	R		Gravelly coarse grained sand, clay binder, slate chips up to 3/4"	Red-brown gray-brown brown		
70	10/15/19	SPT		Silty medium to coarse grained sand with gravel slate chips, caliche	Brown		
75	20/23/28	R		Silty sand to clay sand with gravel up to 1/16", caliche		Dense to stiff	
80							

LOG OF EXPLORATORY BORING

Sheet 3 of 3

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 2  
Boring Location: See Site Plan for location

Date Performed: 1/19/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
80	13/19/20	SPT		Sandy silt to silty fine grained sand, clay binder	Brown green-brown	Dense	Moist
85	17/20/23	R		Silty fine to medium grained sand	Mottled orange-brown gray-green brown		
90	12/14/19	SPT		Silty fine to medium grained sand, clachie, occasional gravel			
95		R		Silty fine grained sand to sandy silt	Mottled green-gray brown		
100	29/50	SPT		Interbedded silty fine grained sand, and gravelly coarse grained sand	Brown		Saturated
				End at 100' Fill to 5', Water at 45', No Caving			
105							
110							
115							
120							

**LOG OF EXPLORATORY BORING**

Sheet 1 of 2

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 3  
Boring Location: See Site Plan for location

Date Performed: 1/20/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
				Fill: Silty sand with gravel			
5	26/55	R		Alluvium: Gravelly coarse grained sand, gravel up to 1/2"	Orange-brown gray, brown	Dense	Moist
10	15/17/19	R		Interbedded clayey sand and silty sand	Brown	Firm to dense	
15	10/12/15	R		Silty clay, with occasional gravel	Mottled gray orange-brown green-brown	Firm to stiff	
20	13/15/17	R		Silty clay	Mottled orange-brown brown		
25	17/19/20	R		Clayey silt to silty clay	Green-gray		
30	14/17/18	R		Silty fine to medium grained sand to sandy silt, with gravel up to 3/4"	Mottled red-brown black, gray	Dense	
35	20/21/23	R		Water At 35' Gravelly medium to coarse grained sand, clay binder, gravel up to 3/4"	Brown red-brown		Saturated
40							

**LOG OF EXPLORATORY BORING**

Sheet 2 of 2

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 3  
Boring Location: See Site Plan for location

Date Performed: 1/20/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	21/24/25	R		Gravelly coarse grained sand, clay inclusions, gravel up to 1/2"	Brown	Dense	Saturated
45	9/15/18	R		Gravelly coarse grained sand, clay inclusions, gravel up to 1/2" no recovery,			
50	14/16/20	R		Clayey coarse grained sand with gravel		Dense to stiff	
				End at 50', Fill to 5', Water at 35', No Caving			
55							
60							
65							
70							
75							
80							

LOG OF EXPLORATORY BORING

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 4  
Boring Location: See Site Plan for location

Date Performed: 1/19/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
				Fill: Silty sand with gravel			
5	14/15/17	R		Gravelly coarse grained sand, cohesionless	Brown, tan	Dense	Moist
10	26/50	R		Gravelly coarse grained sand, cohesionless, concrete debris			
15	12/14/17	R		Alluvium: Silty medium to coarse grained sand, with gravel	Light brown gray		Slightly moist to moist
20	14/15/16	R		Fine grained sandy silt, with clay binder	Mottled orange brown gray brown		Moist
25	8/10/11	R		Clayey silt	Greenish gray-brown	Dense to firm	
30	7/12/14	R		Gravelly medium to coarse grained sand, cohesionless, clay inclusions	Brown black orange	Dense	
35	17/23/28	R		Water At 35' Gravelly medium to coarse grained sand, cohesionless, gravel up to 1/4"	Brown		Saturated
40							

**LOG OF EXPLORATORY BORING**

Sheet 2 of 2

Job Number: 494-64  
Project: Sun Cal Co

Boring No: 4  
Boring Location: See Site Plan for location

Date Performed: 1/19/07

Drill Type: 8" Hollow Stem Rig

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	21/24/28	R		Gravelly medium to coarse grained sand, cohesionless, gravel up to 1/4"	Brown	Dense	Saturated
45	9/15/18	R		Gravelly coarse grained sand, cohesionless, poor recovery in rings, bag sample only			
50	14/16/20	R		Gravelly coarse grained sand, cohesionless, clay inclusions, poor recovery in rings, bag sample only			
55	14/17/22	R		Gravelly medium to coarse grained sand, clay inclusions			
60	14/15/19	R		Gravelly sand, medium to coarse grained, clay inclusions			
				End at 60', Fill to 15', Water at 35', No Caving			
65							
70							
75							
80							

LOG OF EXPLORATORY BORING

Sheet 1 of 1

Job Number: 494-14  
 Project: 10,000 Santa Monica Blvd

Boring No: 5  
 Boring Location: 10,000 Santa Monica Blvd  
 Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
5	5/10/19	R		Fill: Clayey silt with concrete fragments	Mottled brown, black	Soft	Moist
6	6/7/11	SPT		Alluvium: Clayey fine grained sandy silt	Olive gray, brown with orange	Firm	Moist
10	13/27/38	R		Slightly sandy silt, little clay			
11	10/11/12	SPT					
15	13/21/32	R		Some sub-angular pebbles mainly 1/16" but few to 1/4' clayey sandy silt	Less olive more red-brown but still some olive	Dense	
16	6/9/5	SPT					
20	15/22/34	R					
21	7/9/12	SPT					
25	7/12/17	R				Firm	
26	6/9/15	SPT					
30	16/19/27	R		Slightly clayey sandy silt some coarse grained sand intervals angular fines to 1/2" at back of sample at 31.5'	Olive-gray with orange	Slightly firm	
31	4/7/11	SPT				Firm	
35	12/22/37	R					
36	10/14/23	SPT					
40				Seep at 39' Coarse grained sand interval			

**LOG OF EXPLORATORY BORING**

Job Number: 494-14  
 Project: 10,000 Santa Monica Blvd

Boring No: 5  
 Boring Location: 10,000 Santa Monica Blvd  
 Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	7/27/30	R		Fine grained sandy silt, some clayey layers and coarse grained layers, horizontal laminations	Olive-gray, brown with orange	Firm	Moist
	8/9/13	SPT					
45	21/21/25	R					
	47/15	SPT					
50				End At 49.5', Fill To 7', Water At 42' No Caving			
55							
60							
65							
70							
75							
80							

**LOG OF EXPLORATORY BORING**

Sheet 1 of 1

Job Number: 494-14  
Project: 10,000 Santa Monica Blvd

Boring No: 6  
Boring Location: 10,000 Santa Monica Blvd  
Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
5	12/19/22	R		Fill: Silty clay and sand, asphalt and concrete fragments	Mottled brown	Soft	Dry to slightly moist
	3/3/3	SPT					
10	5/6/6	R		Alluvium: Slightly clayey sandy silt	Olive gray, brown with orange	Slightly firm	Moist
	3/5/9	SPT					
15	8/15/21	R		Slightly clayier			
	4/8/9	SPT					
20	8/13/15	R		Slightly more coarse grained			
	5/6/10	SPT					
25	7/19/24	R		Clayey silt			
	7/11/15	SPT		Some 1/4" angular rock fragments	Red-brown, some olive	Slightly soft to slightly firm	
30	12/47/32	R				Firm to dense	
	9/13/17	SPT		Coarse grained sandy, rocky interval 33-33.35' some angular rocks to 1" in cuttings	Orange, olive-brown, slightly red		
35	12/27/42	R		Clayey silty coarse grained sand and clayey sandy silt			
	15/18/24	SPT					
40				Seep at 38.5' Angular gravel and coarse grained sand			

LOG OF EXPLORATORY BORING

Job Number: 494-14  
 Project: 10,000 Santa Monica Blvd  
 Date Performed: 4/21/11

Boring No: 6  
 Boring Location: 10,000 Santa Monica Blvd  
 Soil covered vacant lot  
 Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	21/28/23	R		Coarse grained gravelly sand, sub-rounded and angular gravel	Brown to dark brown	Dense	Very moist to wet
	6/7/11	SPT		Sandy clay grades into sandy to gravelly clay	Mottled brown to red-brown, green	Dense to stiff	Moist
45	10/18/31	R		Sandy clay some gravel	Mottled red-brown, brown, orange	Dense to stiff	Moist
	13/16/17	SPT		Sand clay binder grades into to clayey sand	Mottled green-gray, orange, brown	Dense	Moist
50	19/42/45	R		No recovery			
				End At 49.5', Fill To 10.5', Water At 43' No Caving			
55							
60							
65							
70							
75							
80							

LOG OF EXPLORATORY BORING

Sheet 1 of 1

Job Number: 494-14  
Project: 10,000 Santa Monica Blvd

Boring No: 7  
Boring Location: 10,000 Santa Monica Blvd  
Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
				Fill: Silty sand clay binder	Brown Mottled orange-brown, green-brown		Moist
5	5/8/11	R		Silty sand clay binder	Mottled gray-brown green-brown	Dense	Moist
	4/8/10	SPT		Clay to sandy clay		Stiff	Moist
				Alluvium:			
10	12/18/24	R		Silty sand to sandy silt	Gray, orange, brown	Dense	Moist
	10/15/22	SPT		Silty sand to sandy silt	Orange green	Dense	Moist
15	13/24/21	R		Clayey sand	Orange, olive-brown	Dense to firm	Moist
	7/9/5	SPT		Silty to clayey fine to medium grained sand, occasional sub-rounded gravel	Olive-brown	Dense to stiff	Moist
20	13/23/33	R		Sandy clay to clayey sand, carbon	Orange, olive-brown	Dense to stiff	Moist
	10/15/22	SPT		Sandy clay, carbon	Mottled, orange, olive-green, black	Dense to stiff	Moist
25	16/21/32	R		Silty sand, clay binder, occasional gravel	Orange, olive-green	Dense to firm	Moist
	7/9/15	SPT		Clayey sand, minor gravel	Red-brown	Dense to firm	Moist
30	9/16/25	R		Gravelly fine to medium grained sand, sub-rounded gravel	Orange to red-brown	Dense to firm	Moist
	5/7/11	SPT		Sandy clay	Gray to olive-green	Stiff	Moist
35	17/25/33	R		Gravelly clayey sand to sandy clay, sub-rounded gravel up to 1.5"	Brown, orange	Dense to stiff	Moist
	16/14/16	SPT		Silty sand minor clay binder	Brown, orange	Dense	Moist
40							

LOG OF EXPLORATORY BORING

Sheet 1 of 2

Job Number: 494-14  
 Project: 10,000 Santa Monica Blvd

Boring No: 7  
 Boring Location: 10,000 Santa Monica Blvd  
 Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	12/45/45	R		Water At 40'			
	5/8/11	SPT		Gravelly sand, sub-rounded to angular gravel up to 1"	Dark brown	Very dense	Very moist to wet
				Sandy clay, occasional sub-rounded gravel	Orange to red-brown, olive-green	Stiff	Moist
45	8/15/27	R		Silty sand, clay binder occasional sub-rounded gravel	Red-brown, some olive-green	Dense	Moist
	10/16/17	SPT		Gravelly sand grades into silty to sandy clay	Brown sand, red-brown clay	Dense	Moist
50	13/20/36	R		Silty clay	Medium brown	Stiff	Moist
				End At 51.5', Fill To 7.5', Water At 40' No Caving			
55							
60							
65							
70							
75							
80							

LOG OF EXPLORATORY BORING

Job Number: 494-14  
 Project: 10,000 Santa Monica Blvd

Boring No:8  
 Boring Location: 10,000 Santa Monica Blvd  
 Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
				Fill: Sandy clay	Brown		Moist
5	13/25/28	R		Sandy clay	Gray-brown, some orange	Dense	Moist
	7/8/10	SPT		Sandy clay	Orange, olive-brown	Dense	Moist
10	9/11/16	R		Alluvium: Sandy silt	Orange, medium-brown	Dense	Moist
	7/9/13	SPT		Sandy silt	Orange, gray	Dense	Moist
15	17/25/47	R		Silty sand to sandy silt	Gray-brown to olive-brown some orange	Very dense	Moist
	7/9/13	SPT		Silty sand	Orange, Gray	Dense	Moist
20	13/17/20	R		Sandy silt	Orange to red-brown, brown	Dense	Moist
	7/8/15	SPT		Clayey silt to clayey sand, carbon, occasional sub-rounded gravel	Orange and brown	Dense	Moist
25	13/23/34	R		Clayey silt to clayey sand, some 1/4" sub-rounded to angular gravel	Red-brown, gray	Dense	Moist
	7/10/15	SPT		Gravelly sand, minor clay binder, sub-rounded to angular gravel up to 1/4"	Orange to red-brown, gray	Dense	Moist
30	36 for 5"	R		Gravelly coarse grained sand, sub-rounded to angular gravel up to 1.5"	Brown	Dense	Moist
	9/20/27	SPT		Gravelly sand, gravel up to 3/4"	Brown to dark-brown	Dense	Moist
35	33 50 for 6"	R		Gravelly coarse grained sand, sub-rounded to angular gravel up to 1"	Brown	Dense	Moist
	17/18/20	SPT		Gravelly coarse grained sand, sub-rounded to angular gravel up to 1"	Brown	Dense	Very moist
40							

LOG OF EXPLORATORY BORING

Job Number: 494-14  
 Project: 10,000 Santa Monica Blvd

Boring No: 8  
 Boring Location: 10,000 Santa Monica Blvd  
 Soil covered vacant lot

Date Performed: 4/21/11

Drill Type: 8" Hollowstem

Depth in Feet	Blows per 6 Inches	Sample Type		Bedrock/ Soil Description	Color	Density	Moisture
		Undisturbed	Bulk				
40	12/45/45	R		Sandy clay	Brown orange mottling	Dense	Moist
	5/8/11	SPT		Water At 42' Sandy clay with gravel, rounded to sub-rounded gravel up to 1"	Brown	Dense	Moist
45	8/15/27	R		Silty sand, minor clay binder	Brown	Dense	Moist
	10/16/17	SPT		Clayey sand with gravel, sub-rounded gravel up to 1.5"	Brown	Dense	Moist
50	13/20/36	R		Clayey silty sand	Brown, orange-brown	Dense	Moist
				End At 51.5', Fill To 7.5', Water At 42' No Caving			
55							
60							
65							
70							
75							
80							

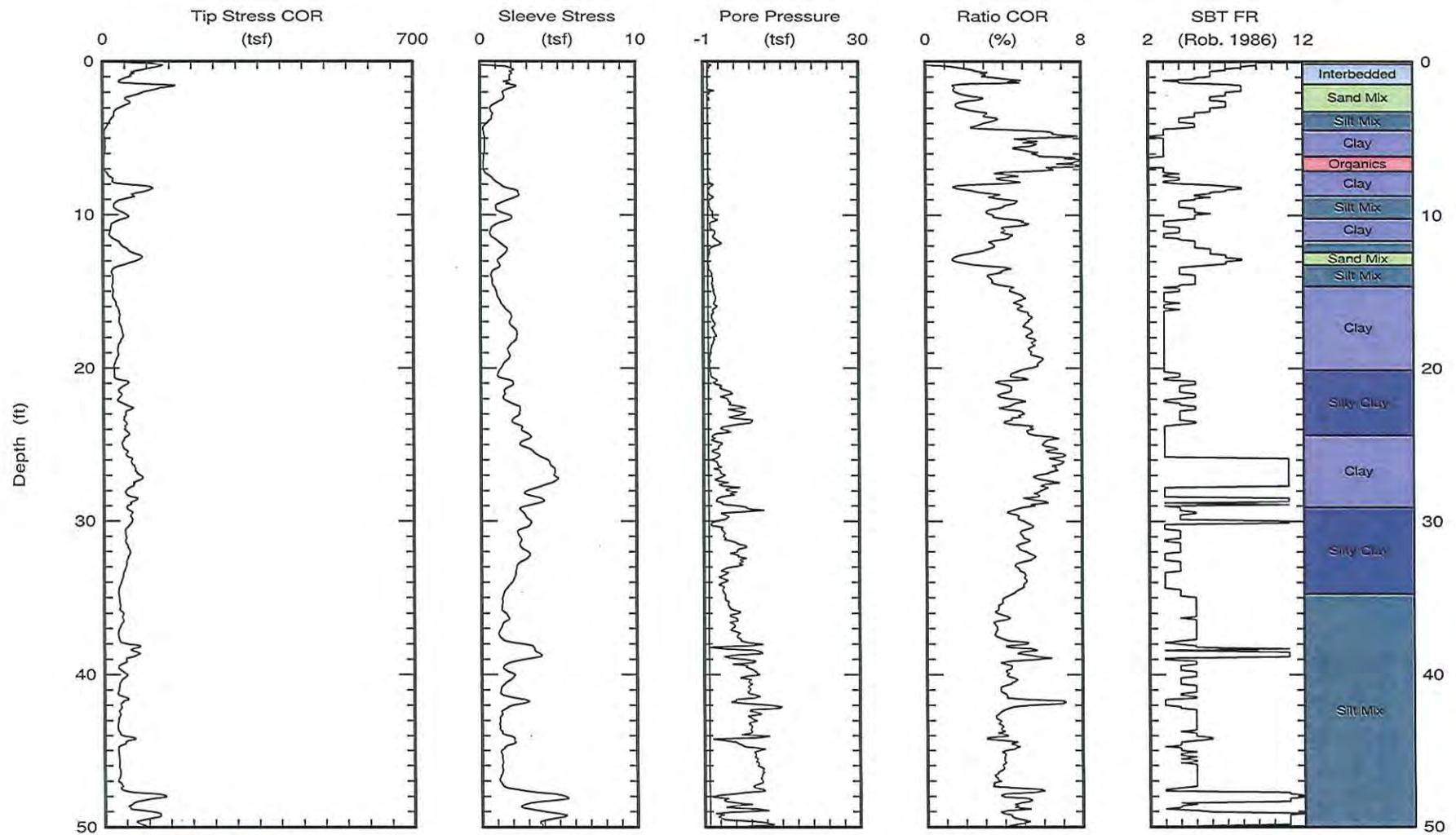


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-1  
Project: Los Angeles

Customer: Feffer Geological  
Job Site: Vacant Lot



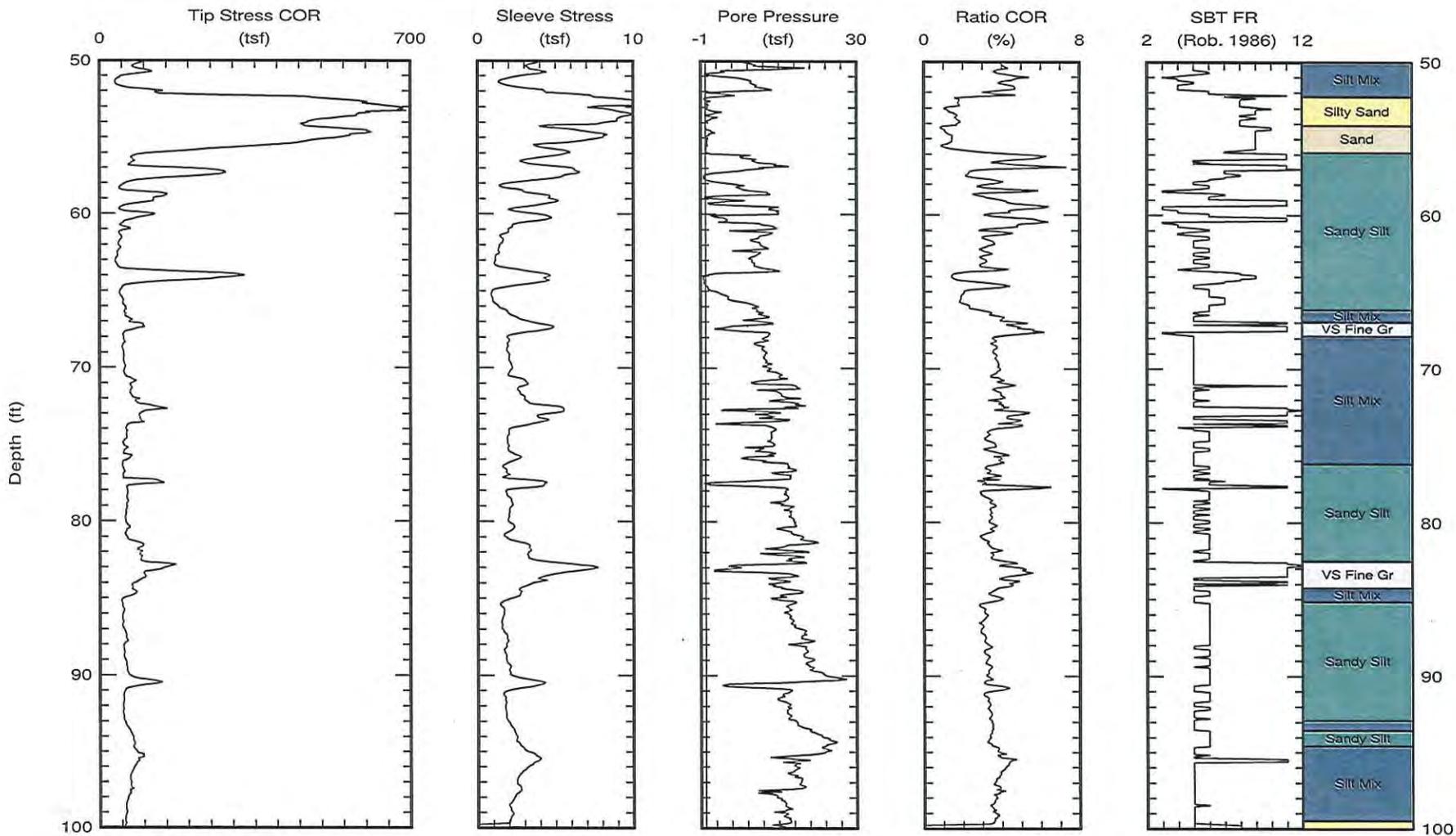


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Project: Los Angeles

Customer: Feffer Geological  
Job Site: Vacant Lot



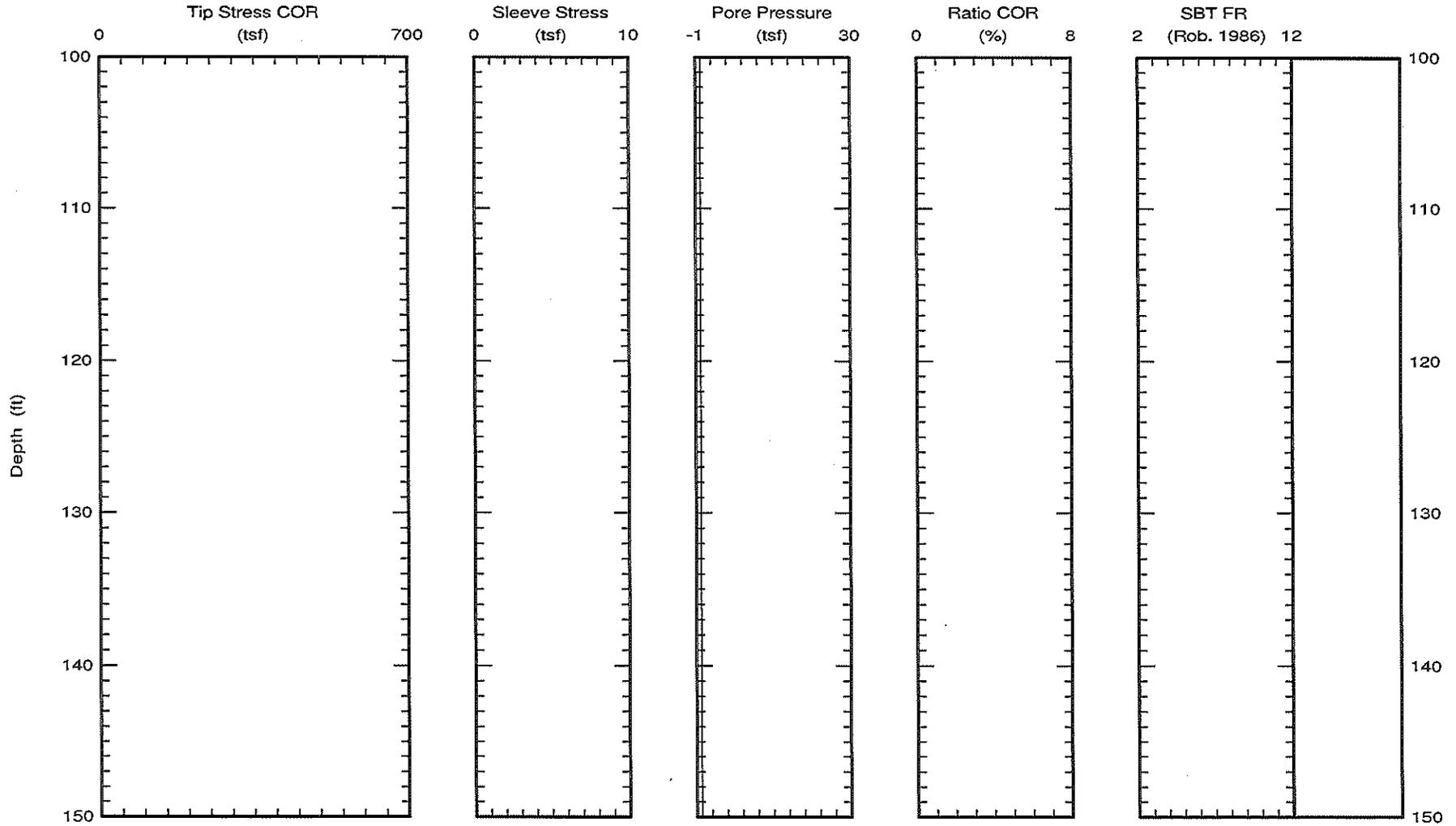


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-1  
Project: LosAngeles

Customer: Feffer Geological  
Job Site: Vacant Lot



Maximum depth: 100.09 (ft)

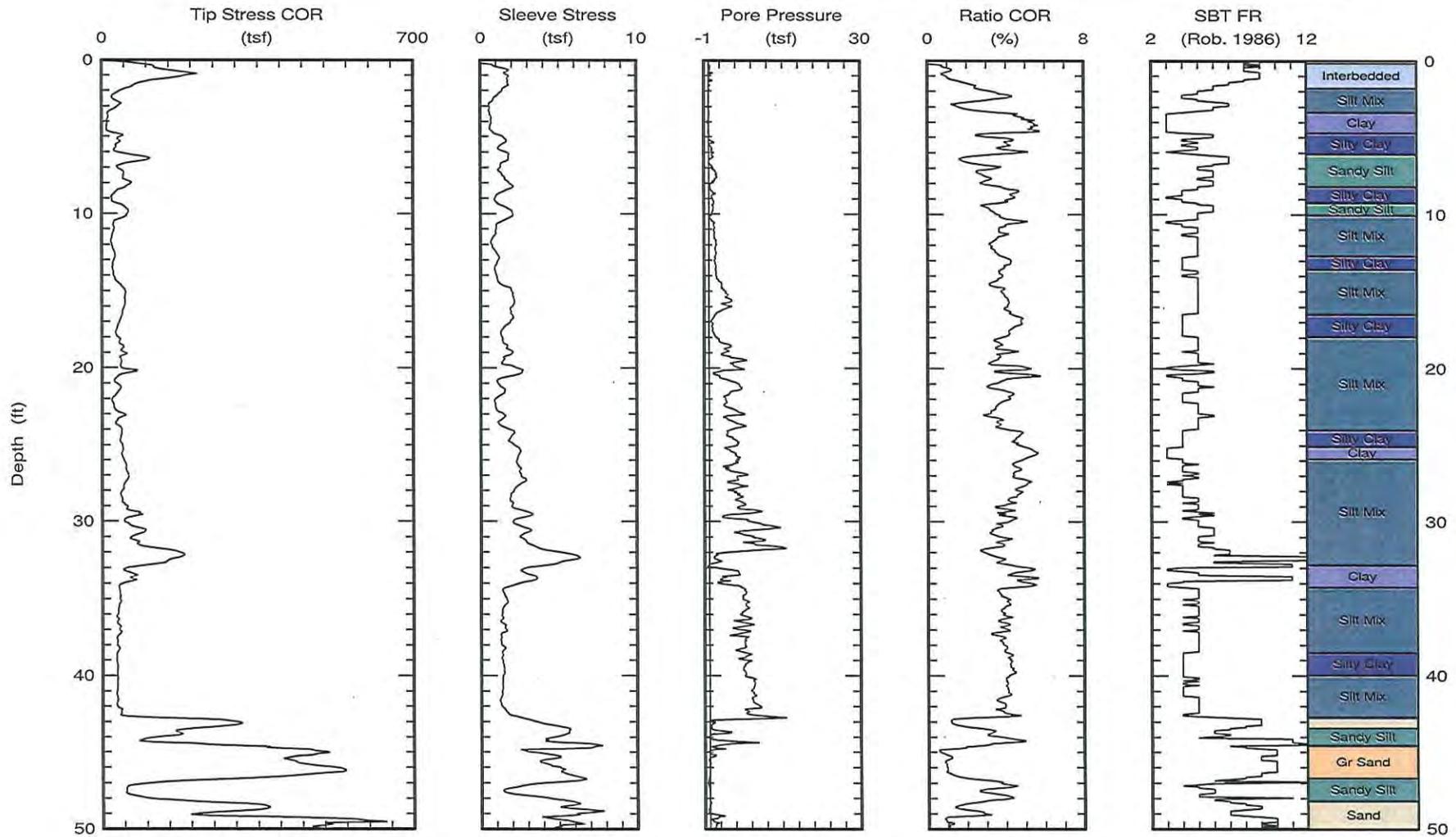


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-2  
Project: Los Angeles

Customer: Feffer Geological  
Job Site: Vacant Lot



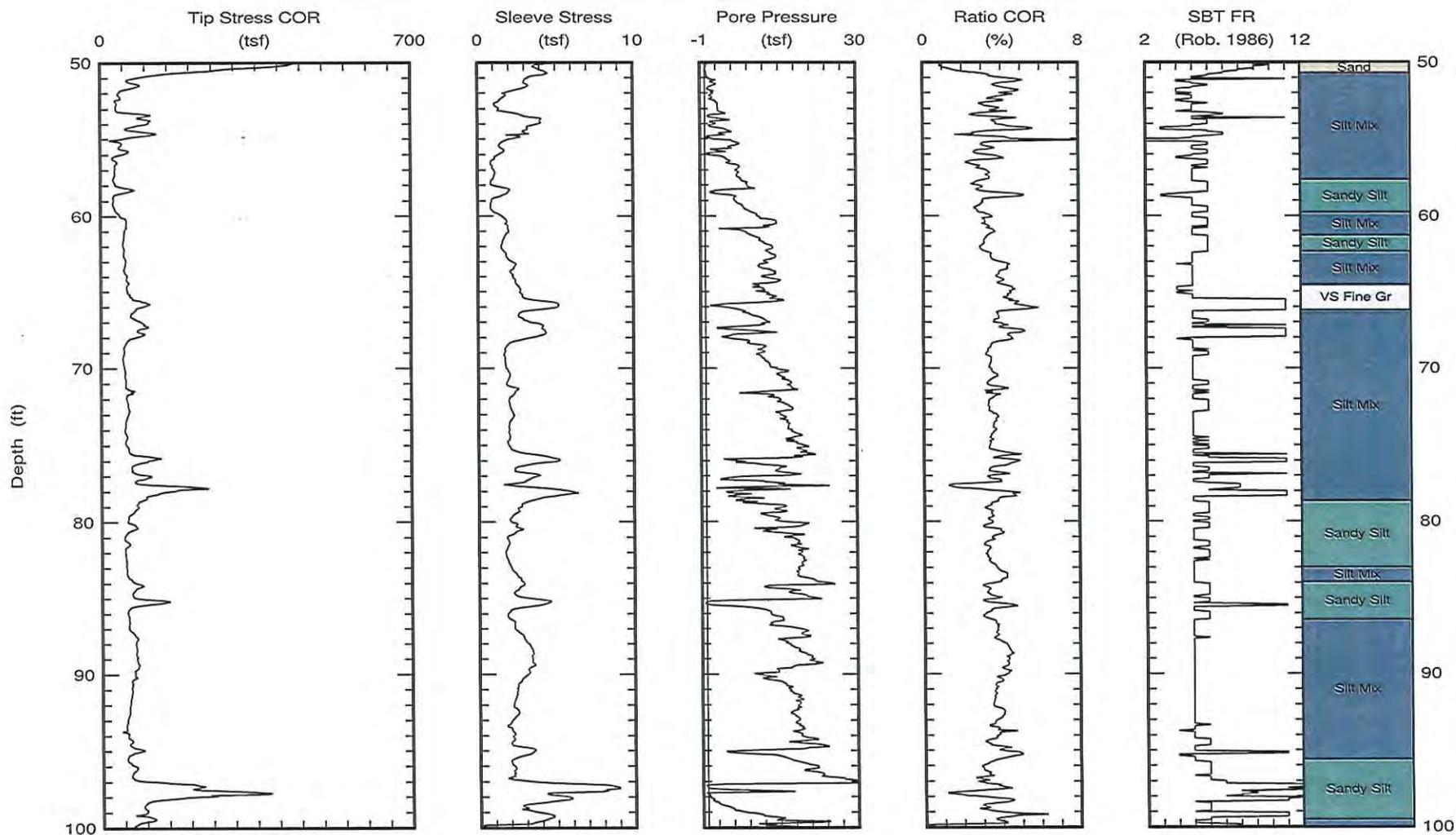


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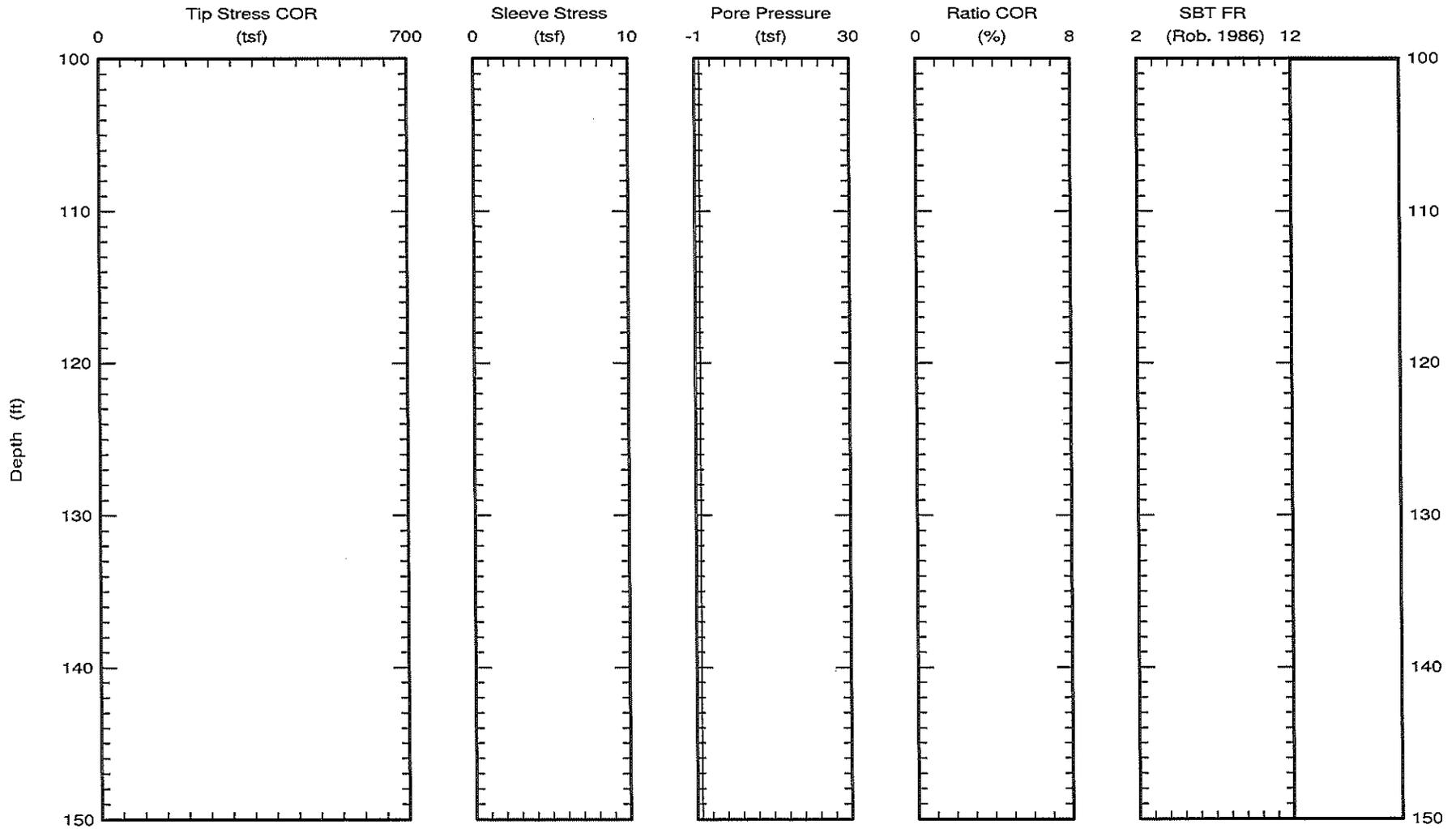
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30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-2  
Project: Los Angeles

Customer: Feffer Geological  
Job Site: Vacant Lot



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	Customer: Feffer Geological Job Site: Vacant Lot	



Maximum depth: 100.14 (ft)  
 Page 3 of 3

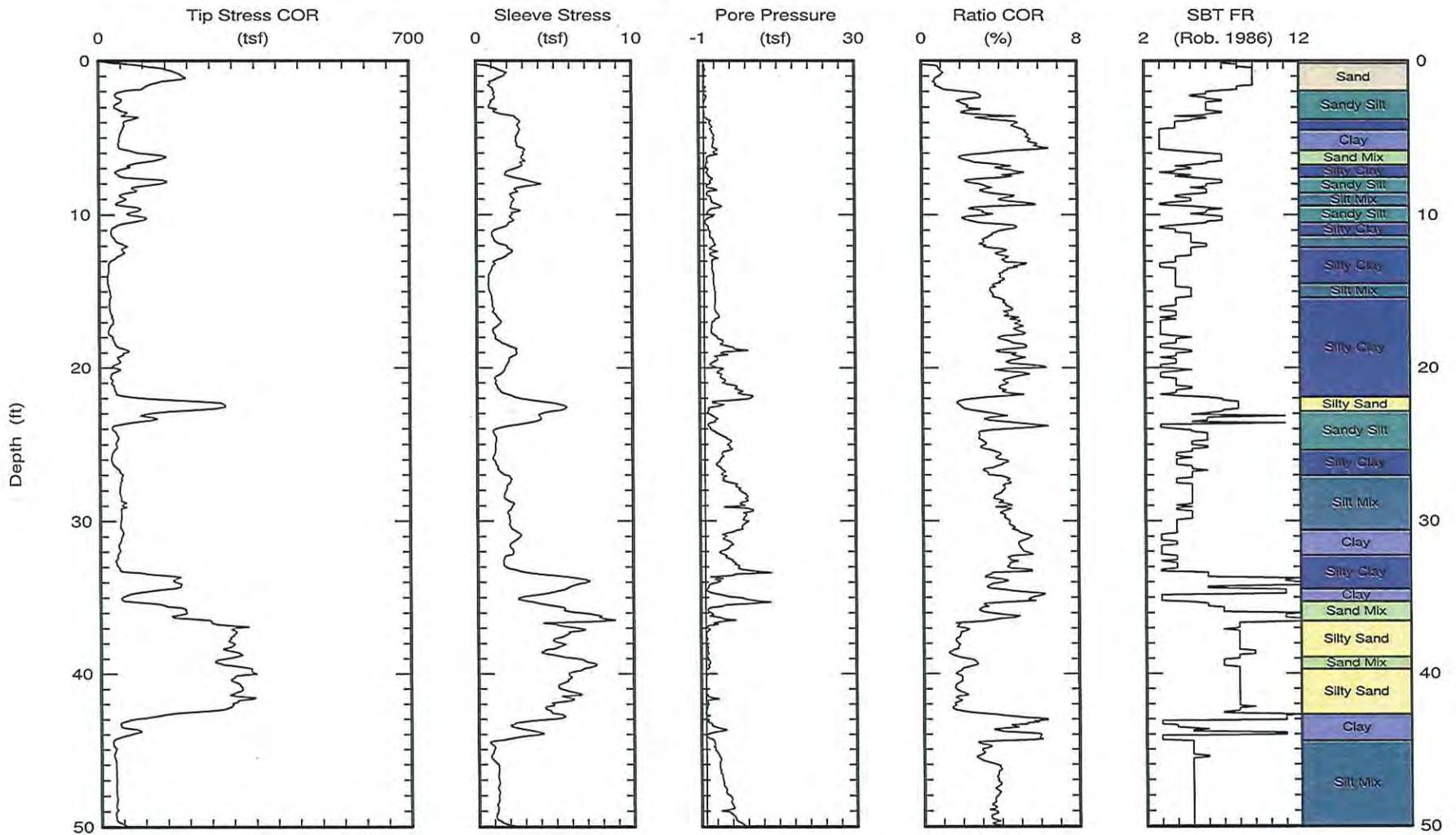


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-3  
Project: LosAngeles

Customer: Feffer Geological  
Job Site: Vacant Lot



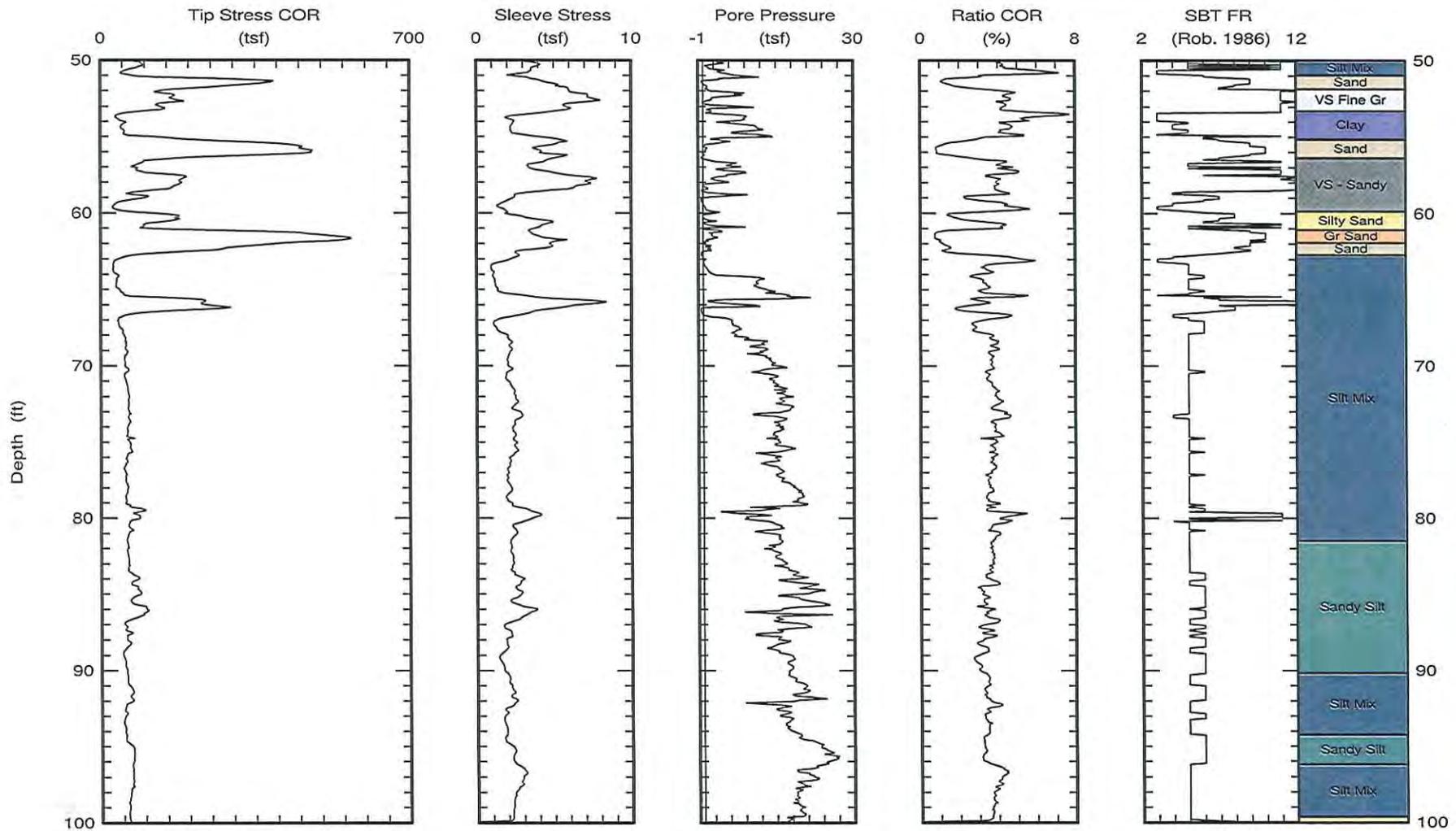


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CPT Data  
 30 ton rig

Date: 18/Jan/2007  
 Test ID: CPT-3  
 Project: Los Angeles

Customer: Feffer Geological  
 Job Site: Vacant Lot



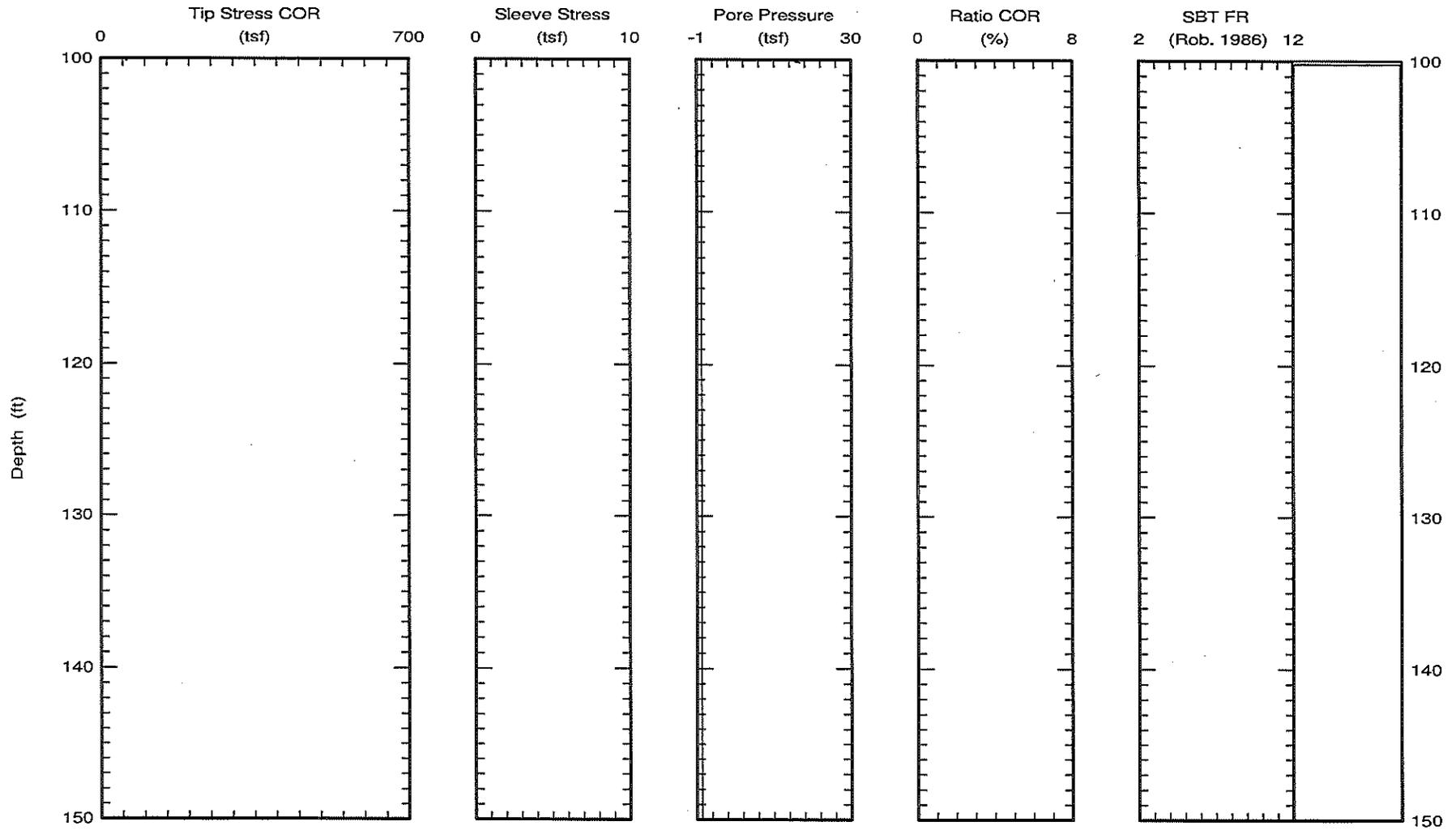


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30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-3  
Project: LosAngeles

Customer: Feffer Geological  
Job Site: Vacant Lot



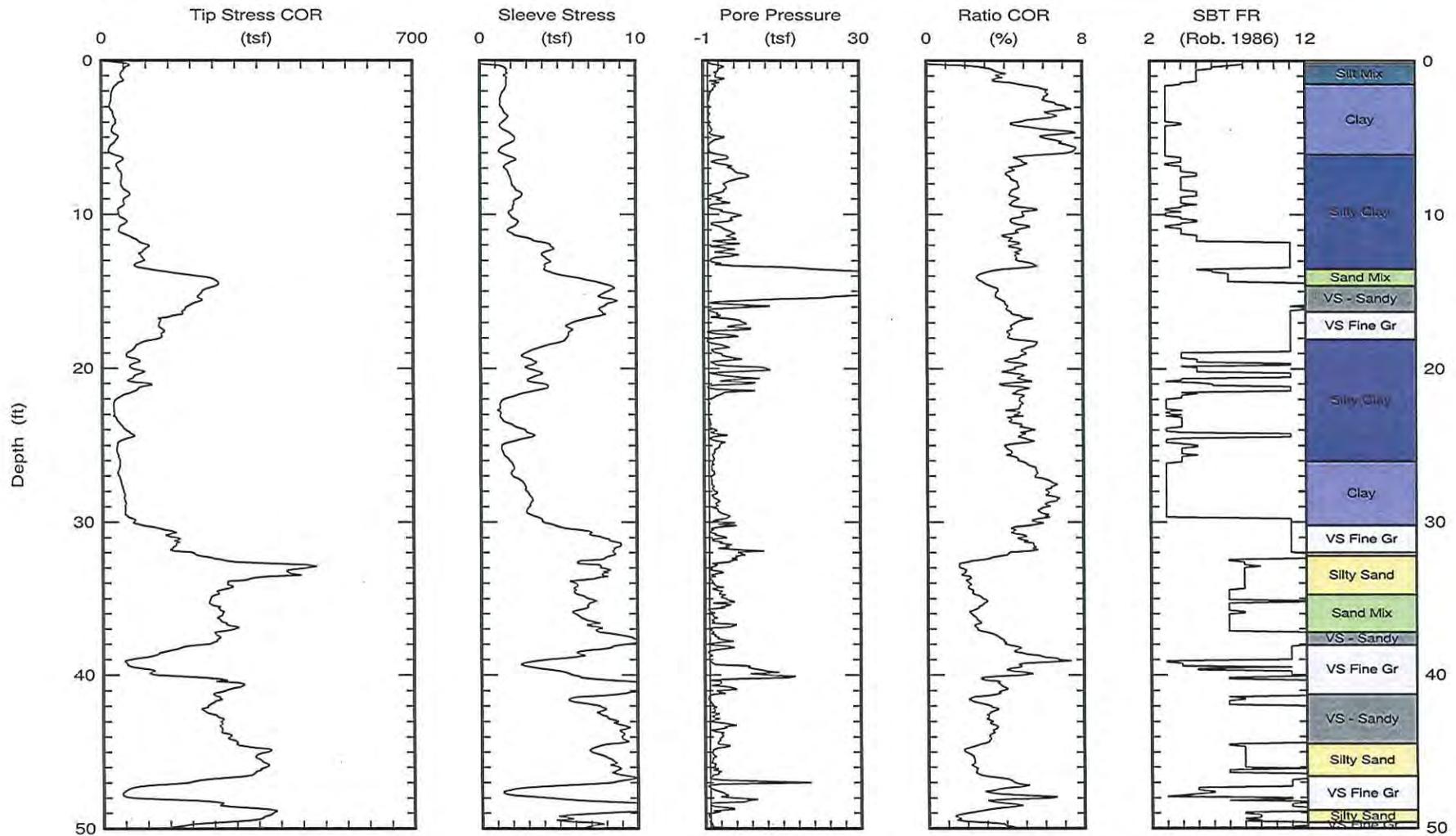


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-4  
Project: Los Angeles

Customer: Feffer Geological  
Job Site: Vacant Lot



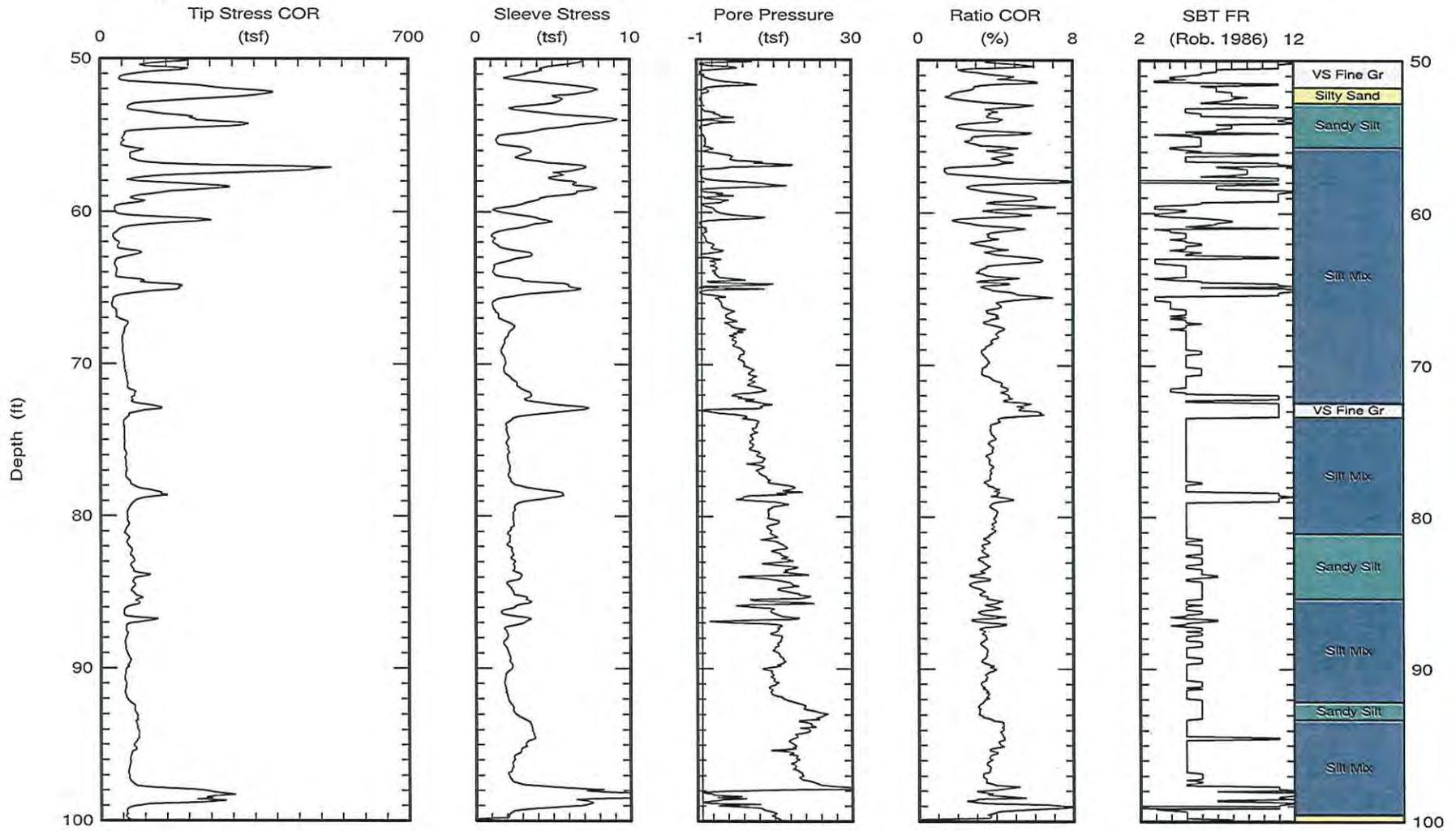


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-4  
Project: LosAngeles

Customer: Feffer Geological  
Job Site: Vacant Lot



Maximum depth: 100.17 (ft)  
Page 2 of 3

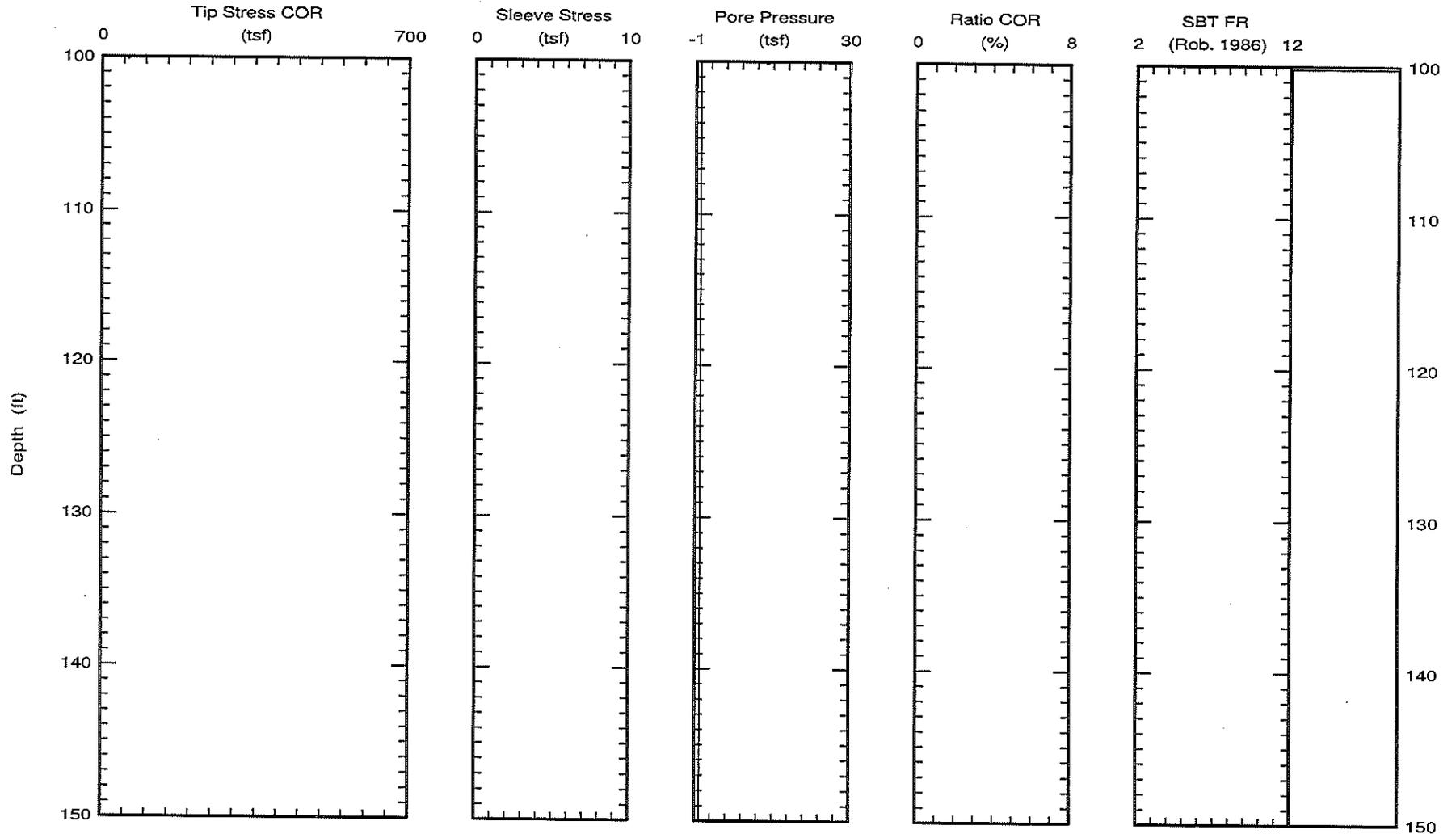


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CPT Data  
30 ton rig

Date: 18/Jan/2007  
Test ID: CPT-4  
Project: LosAngeles

Customer: Feffer Geological  
Job Site: Vacant Lot



Maximum depth: 100.17 (ft)