

IV. RESPONSE TO COMMENTS**A. STATE AND REGIONAL AGENCIES/OTHER CITIES**

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|----|---|--------------------|
| 1. | Terry Roberts, Governor's Office of Planning Research | September 17, 2002 |
| 2. | David Curtis, California Department of Conservation, DOGGR | August 1, 2002 |
| 3. | Stephen J. Buswell, California Department of Transportation | August 30, 2002 |
| 4. | Harlan R. Jeche, California Department of Toxic Substance Control | August 13, 2002 |
| 5. | Jeffrey M. Smith, Southern California Association of Governments | September 25, 2002 |

B. CITY OF LOS ANGELES OFFICIALS, AGENCIES AND DEPARTMENTS

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| 6. | Raymond E. Dippel, Los Angeles Unified School District | September 18, 2002 |
| 7. | Raymond E. Dippel, Los Angeles Unified School District | September 26, 2002 |
| 8A. | Edmond Yew, City of Los Angeles Bureau of Engineering | September 26, 2002 |
| 8B. | Ray Saidi, City of Los Angeles Bureau of Engineering | October 30, 2002 |

C. OTHER ORGANIZATIONS AND INDIVIDUALS

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| 9. | Richard Slawson, Los Angeles/Orange Counties
Building and Construction Trades Council | August 28, 2002 |
| 10. | Richard Slawson, Los Angeles/Orange Counties
Building and Construction Trades Council | August 29, 2002 |
| 11. | Daniel A. Case, P.C., Law Offices of Case, Knowlson, Jordan, & Wright | September 10, 2002 |
| 12. | Jim Watkins, Asbestos Workers Local 5 International Association
of Heat and Frost Insulators and Asbestos Workers | September 9, 2002 |
| 13. | Edward E. Barnes, Local Union 250 Steam, Refrigeration,
Air Conditioning, Pipe Fitters and Apprentices of the United
Association of the United States and Canada | September 11, 2002 |
| 14. | Annette Mercer, Westwood Gardens Civic Association | September 16, 2002 |
| 15. | Barton and Judith Wolin | September 12, 2002 |
| 16. | Mathew and Esther Rubin | September 19, 2002 |
| 17. | Terri Tippit, West of Westwood Homeowners Association | September 17, 2002 |
| 18. | Marta Feigenbaum | September 18, 2002 |
| 19. | John Janulaw | September 19, 2002 |
| 20. | John Gerard | September 22, 2002 |
| 21. | Martin Balcher | September 23, 2002 |
| 22. | Wilbur Cohn, Esq. | September 23, 2002 |
| 23. | Fred Fein | September 23, 2002 |
| 24. | Val Cole, California Country Club Homeowners Association | September 24, 2002 |
| 25. | K.P. March, William T. Coleman, Bradford C. Auerbach,
Manning Area Protection Association | September 25, 2002 |
| 26. | Bradford Auerbach | September 25, 2002 |
| 27. | Marvin Lang | September 25, 2002 |
| 28. | James D. Lynch, Century City Chamber of Commerce | September 26, 2002 |
| 29. | R.W. Burns, International Union of Operating Engineers,
Local Union No. 1 | September 26, 2002 |
| 30. | Richard Harmetz, Tract No. 7260 Association, Inc. | September 27, 2002 |
| 31. | Sean Hyatt | September 25, 2002 |
| 32. | Barbara Broide, Westwood South of Santa Monica Blvd.
Homeowners Association | September 30, 2002 |
| 33. | Clare Bronowski, Christensen, Miller, Fink, Jacobs, Glaser,
Weil & Shapiro, LLP | September 30, 2002 |

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| 34. | Lisa Weinberg, Gaines and Stacey, LLP | September 30, 2002 |
| 35. | Arthur L. Kassan, Cheviot Hills Homeowners Association | September 26, 2002 |
| 36. | Angela K. Chabot, Altshuler, Berzon, Nussbaum, Rubin & Demain | September 30, 2002 |
| 37. | Allan Abshez, Irell & Manella, LLP | September 30, 2002 |
| 38. | Melvin Levinthal, South Robertson Community Council | October 14, 2002 |
| 39. | Carole Segal, South Robertson Neighborhoods Council | October 14, 2002 |

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TOPICAL RESPONSES

The following topical responses have been prepared in order to address certain questions and summarize certain analysis regarding topics raised during the public comment period for the Draft EIR. The responses contained in this section are referred to, as appropriate, in Section IV, Response to Comments from Organizations and Persons Consulted, of this document.

The following subjects are addressed in this section: Topical Response No. 1, Traffic Study Methodology, provides an overview of the methodology used to evaluate potential traffic impacts; Topical Response No. 2, Project Trip Generation, provides an overview of the vehicular trip generation methodologies used to evaluate potential traffic impacts; Topical Response No. 3, Internal Capture Rates, explains the 50 percent reduction in trip generation methodology; Topical Response No. 4, Traffic Impacts, discusses the traffic impacts of the Project; Topical Response No. 5, Recommended Traffic Mitigation Measures, provides a summary of the traffic-related mitigation measures to be implemented by the Project applicant; Topical Response No. 6, Transportation Demand Management Program, provides a detailed summary of the Transportation Demand Management Program for the Project; Topical Response No. 7, Parking Supply, addresses the parking demand and code required parking reductions; Topical Response No. 8, Pedestrian Corridor, reviews the design and features of the pedestrian corridor; Topical Response No. 9, Construction Impacts, provides an overview of the potential construction related impacts, including, air quality, traffic, noise and dust and Topical Response No. 10, Summary of Corrections and Additions, provides a summary of the corrections and additions to the Final EIR.

Topical Response No. 1 - Traffic Study Methodology

The analysis of potential traffic impacts associated with the Project is provided in Technical Appendix 18 and summarized in Section V.M, Transportation/Traffic, of the Draft EIR Volume I. The analysis was prepared in accordance with guidelines set forth by the Los Angeles Department of Transportation (LADOT), the agency responsible for transportation review in the City of Los Angeles.

An extensive study area was developed so that the full range of potential impacts of the Project on the local and regional roadway network could be determined. In consultation with LADOT, thirty-eight intersections were analyzed specifically for potential Project impacts on the local and regional roadway network. Refer to the Draft EIR Volume I for a listing of these intersections. The methodology used for the analysis and evaluation of traffic operations at each study intersection is based upon procedures developed for determining operating characteristics of an intersection in terms of the quality of traffic flow.

Existing traffic conditions were assessed through manual traffic counts conducted at the thirty-eight study intersections in 2000, 2001 and 2002, with the majority of them being done in 2001, the selected base year for the study. Consistent with LADOT policy, an annual traffic volume growth factor of 1.5 percent was applied to the 2000 counts to reflect existing conditions for 2001. In addition to the application of the annual ambient growth traffic factor, future without project traffic volumes at the study intersections were derived by forecasting the traffic generated by other known related development projects in the area. Refer to Table IV-1 on pages 68 through 71 of Section IV. Environmental Setting, of the Draft EIR Volume I for the list of related projects.

Together, the application of the annual ambient traffic growth factor and consideration of traffic from other related development projects provides the future baseline (2005) from which the potential Project traffic impacts were measured.

The methodology used for the analysis and evaluation of traffic operations at each study intersection is

based on procedures outlined in the Transportation Research Board Circular 212,¹ Interim Materials on Highway Capacity. In the discussion of the Critical Movement Analysis (CMA) for signalized intersections, procedures were developed for determining operating characteristics of an intersection in terms of the "Level of Service" (LOS) provided for different levels of traffic volume and other variables, such as the number of traffic signal phases. Level of Service describes the quality of traffic flow. Levels of Service A to C denote conditions in which traffic operations are proceeding quite well, with no interruptions in traffic flow due to traffic volumes. Level D, a more constrained condition, is the level for which a metropolitan area street system is typically designed. Level E represents volumes at or near roadway capacity, which will result in possible stoppages of momentary duration and occasional unstable flow. Level F is a forced-flow condition; occurring when a facility is overloaded and vehicles experience stop-and-go traffic with delays of long duration.

The existing conditions traffic analysis has been conducted pursuant to standard Los Angeles Department of Transportation (LADOT) policy, the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), Century City North Specific Plan (CCNSP) and CEQA.

The LADOT Traffic Study Policies and Procedures manual states that for an existing use to receive credit, it must have been in place for at least six months within the past two years.

Section 4(C)(2)(c) of the WLA TIMP permits in this case prior traffic conditions at the proposed Project site to determine the existing conditions traffic analysis. Under the WLA TIMP, the City looks back four years from the date a building permit application is submitted in order to account for full occupancy of the Project site. By looking at the preceding four years and granting credits for continuous uses, LADOT does not penalize the Project applicant for existing uses that become underutilized at the subject site in anticipation of new development.

The CCNSP is the ordinance that governs development in Century City. The intent of this law is to impose regulations that assist in assuring orderly development and redevelopment and provide adequate transportation and other public facilities. Under the CCNSP, trips are determined by existing square footage, and not occupancy of the existing buildings. The CCNSP assumes full utilization of the existing Project site. Thus, the CCNSP would not measure the existing building's trips on the select square footage of its current tenants. Rather, the entire square footage of the two existing buildings is utilized.

Topical Response No. 2 - Project Trip Generation

To assess the potential traffic impacts, the Project was analyzed according to three vehicular trip generation methodologies used for projects in Century City: the Century City North Specific Plan (CCNSP), West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), and LADOT Traffic Study Policies and Procedures manual (Standard LADOT Methodology). In addition, LADOT, in response to NOP comments, required a Revised Methodology that incorporates adjustments for internal trip making (i.e., trips made between uses on the same site without requiring use of the surrounding streets), to provide a more conservative analysis. See Topical Response No. 3 (Internal Capture Rates) for a more detailed explanation. This "capture" of trips internal to the site has the net effect of reducing the trips generated between the development and the external street system. This analysis, which reduced the number of trips by 50%, was unprecedented and higher than any other trip percentage reduction ever approved by LADOT. The trip rates used in the traffic analysis for the existing uses and the proposed Project have been reviewed and approved by the Los Angeles Department of Transportation. Refer to Tables V.M-4 through V.M-7 and Tables V.M-9 through V.M-11 on pages 223 through 230 of Section V.M Transportation/Traffic, of the Draft EIR Volume I for the estimated trip generations for the existing and Project uses.

¹ Interim Materials on Highway Capacity, Circular Number 212, Transportation Research Board, Washington D.C., 1980

Pursuant to the methodologies discussed above, the Draft EIR compares the proposed Project's traffic generation to the amount of traffic being generated by the current development on the Project site. This comparison takes into account the differing uses of the existing development and the proposed development, whereby each use is evaluated as to trip generation for daily, AM peak hour and PM peak hour traffic generation.

Topical Response No. 3 – Internal Capture Rates

As discussed in Topical Response No. 2, Project Trip Generation, the trip generation analysis is based on four trip generation methodologies. LADOT required a Revised Methodology that incorporates adjustments for internal trip making (i.e., trips made between uses on the same site without requiring use of the surrounding streets), to provide a more conservative analysis and in response to NOP comments. This "capture" of trips internal to the site has the net effect of reducing the trips generated between the development and the external street system.

The internal capture rate for the Project was required by LADOT after an independent review and analysis of the existing conditions and Project characteristics. The 50 percent internal capture rate was estimated on the basis of the collective professional experience, judgment and determination of LADOT and the traffic consultant preparing the traffic study, which included a review of traffic engineering literature and documents pertaining to internal capture. This rate was validated by information contained in the Trip Generation Handbook, An ITE Proposed Recommended Practice, October 1998, published by ITE, which showed no more than 30 percent internal capture between office and retail uses; Travel Characteristics at Large-Scale Suburban Activity Centers, Report 323, October 1989, published by the Transportation Research Board, which found an average internal capture of 24 percent for the trip generated by retail uses during the PM peak hour; and traffic studies prepared for other projects in the City of Los Angeles. The Sherman Oaks Galleria project applied 0 percent internal capture assumptions to existing and proposed office, restaurant, retail and cinema uses. Whereas, the Howard Hughes Entertainment Center project applied 20 percent internal capture assumptions to retail uses, 10 percent to cinema and low turn-over restaurant uses and 50 percent to high turnover restaurant uses. Like Sherman Oaks Galleria, the Alameda District Specific Plan project did not assume internal capture in its traffic analysis. The Constellation Place project, although not a redevelopment project, also did not assume internal capture in its traffic analysis.

Additionally, a review of internal capture rates assumed by projects in other jurisdictions was conducted by LADOT. The review included the jurisdictions of Manhattan Beach, El Segundo and Culver City. The maximum internal capture reductions identified in other jurisdictions was 15 percent.

Also, ITE's Trip Generation, 6th Edition references only one study in the United States in which internal capture rates are utilized. The study, which was conducted in Florida, includes different uses as related to commercial, office, retail and restaurant uses. The highest internal capture rate utilized was 38 percent. The internal capture rates ranged from 0 percent to 38 percent. Although the 50 percent internal capture rate as applied in the traffic analysis was higher than that determined from the review process, this rate was agreed upon as a reasonable and conservative estimate.

While LADOT has applied some internal trip adjustments on a project-by-project basis, the 50 percent adjustment for each of these uses is unprecedented in the City of Los Angeles and resulted in fewer existing trips and a higher net project trip generation. This higher net generation was used to determine Project traffic impacts.

Unlike the Howard Hughes project referenced above, which applied the internal capture reduction to only one use at a mixed-use site, the Revised Methodology applied a 50 percent reduction to the following uses at the site: High-Turnover Restaurant, Quality Restaurant, Retail and Health Club.

The 50 percent reduction results in a conservative analysis of Project trip generation. The 50 percent reduction is applied to 262,530 sf of the existing uses, whereas for the Project uses, the 50 percent reduction is only applied to 51,237 sf.

Based on the Revised Methodology approach, the Project results in a net decrease of daily, AM peak-hour and PM peak-hour trips when compared to the existing trip generation.

Topical Response No. 4 - Traffic Impacts

Compared to existing conditions, the Project would result in a net decrease of trips under the CCNSP, WLA TAMP, Standard LADOT Methodology and Revised LADOT Methodology during all study hours. Existing conditions and projected future conditions at the thirty-eight study intersections are summarized in the Draft EIR. As indicated therein, by the year 2005, twenty of the thirty-eight study intersections in the area are anticipated to operate at F levels of service as a result of ambient growth and development of related projects. Eighteen of these intersections would be operating at an F level of service in both AM and PM peak hours.

Based on the most conservative of the four methodologies analyzed, the Revised LADOT Methodology, the Project may have a potentially significant impact prior to mitigation at one study intersection, Santa Monica (North) at Avenue of the Stars, in the AM peak hour.

Major or key intersections at which there are capacity constraints and involving the streets most likely to be used by Project traffic were the locations selected for analysis in consultation with LADOT. Based on the less than significant impacts at all but one of the study intersections adjacent to or closer to the Project site, it can be reasonably estimated that there would not be a significant impact caused by the Project at the intersections that are further away from the Project site.

Topical Response No. 5 - Recommended Traffic Mitigation Measures

Transportation Demand Management Program

Refer to Topical Response No. 6 for a summary of the proposed Transportation Demand Management Program for the Project

Construction Traffic Control Plan

Project applicant will develop and implement a construction traffic control plan, including the approved haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking.

Construction Employee Parking

Construction employees commuting to the Project site will not be allowed to park on public streets.

Neighborhood Traffic Management Plan

As indicated in the traffic analysis, the Project will not significantly impact any residential streets. Nevertheless, the Applicant voluntarily agreed to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic. The amount of funding will be determined at the time of Project approval. In addition to administering the funds, LADOT will be responsible for developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. Measures may include, but are not limited to, traffic control devices including turn prohibitions, stop signs, traffic diverters, street closures, partial cul-de-sacs, speed humps, retiming of traffic signals, right-turn-on-red restrictions, sound walls, or other measures to discourage traffic intrusion or noise.

Inform Los Angeles Unified School District

Prior to commencement of the Project, the Project contractor shall inform the LAUSD Transportation Branch of those activities so that LAUSD can inform potentially affected schools.

Protocol to Stop for School Buses

All construction crews will be notified of school locations and will be instructed to stop when school bus red lights are flashing.

Haul Route and Staging Areas

All hauling activities shall incorporate any or all of the following measures, or other measures as determined by the Department of Building and Safety: (a) Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, minimize the use of residential streets; (b) Haul routes shall be established in coordination with the Department of Building and Safety to minimize congestion to public streets and highways; (c) Where necessary, flagmen with communication devices, shall be used to coordinate hauling activities, in particular, ingress and egress on public streets; and (d) The location of construction staging areas shall be situated and operated in a manner which will minimize direct interference with and impact upon residential streets and schools, to the extent feasible.

Topical Response No. 6 – Transportation Demand Management Program

As indicated in Topical Response No. 4 (Traffic Impacts), above, and the traffic study of the Draft EIR, assuming 50 percent internal trip adjustments (i.e., Revised LADOT Methodology), the proposed Project may significantly affect the intersection of Santa Monica Boulevard (North) at Avenue of the Stars. To mitigate this potential impact, the applicant shall implement a Transportation Demand Management (TDM) program for the project. The TDM program will effectively mitigate the traffic impacts to a less than significant level. The preliminary TDM program is adequate and has been approved by LADOT. The TDM program will be designed and operated to further encourage ridesharing, transit usage and bicycle usage among project employees. Among the services and amenities expected to be included in the TDM program are designated carpool and vanpool parking spaces; bicycle parking, clothes lockers and related facilities; centralized ridesharing and public transit information; an on-site Transportation Coordinator to provide assistance with carpool and vanpool matching; on-site sale of transit passes; and participation in the Century City Transportation Management Organization that is to be developed by the Constellation Place project. The TDM program will provide for the widespread posting of signs and notices on site to inform employees about the TDM program and how to contact the Transportation Coordinator. The final TDM program will be refined in consultation with LADOT and will comply with all applicable TDM/trip reduction ordinances of the City of Los Angeles.

The Office use of the proposed Project is expected to generate 943 AM and 833 PM peak-hour trips. It is estimated that the Project TDM program will achieve at least a five percent (5%) reduction in these trips amounting to 47 fewer AM peak-hour trips and 42 fewer PM peak-hour trips. The implementation of the Project TDM program would effectively mitigate the Project impact at the intersection of Santa Monica Boulevard (North)/Avenue of the Stars to a less than significant level. This would also further reduce less than significant Project impacts at the other study intersections.

As part of the TDM program, the Applicant will monitor the Project access driveways and measure their vehicular usage. The monitoring will be accurate and effective. It is recommended that the trip monitoring be conducted on an annual basis and implemented no sooner than when the Project reaches a minimum of 80 percent floor area occupancy, and that the monitoring measurements cover the peak periods of 7:00 – 9:00 AM and 4:00 – 6:00 PM, Monday through Friday (excluding holidays), over a one-or two-week period as agreed to with LADOT. From this information, the highest 60 minutes in each peak hour period of driveway use attributable to the Project will be determined. As the Project is on the same

block and uses the same parking garage as the existing Century Plaza Towers, appropriate procedures will be established with LADOT to ensure that the trips generated by the Project are properly identified and evaluated.

The TDM program requires the Applicant to submit a minimum of five annual reports on the project TDM program and document its effectiveness to LADOT. The Applicant agrees to both a reasonable fee payment to cover the cost of staff review of the annual traffic monitoring reports, and the noticing to neighborhood groups and the Council office regarding the submission and availability of monitoring reports. If the annual report documents that either the AM or PM peak-hour trips have not achieved its goal, the Applicant will have one year to achieve compliance. If the annual report subsequent to the noncompliance annual report shows that the Project is still not in compliance, then LADOT may require additional operating improvements and/or modifications to the TDM measures. These include requiring the Applicant to buy an annual bus pass for each excess trip occurring in the peak hour with the most excess trips up to a maximum 47 annual bus passes, or requiring an increase in the number of reserved car and van pool preferential parking spaces in order to further encourage employee bus transit usage and ridesharing. When five consecutive annual reports demonstrate continuous compliance with the peak-hour trip thresholds, the Project will be deemed to have satisfied the TDM mitigation measure requirement and no further action by the Applicant regarding this requirement will be necessary.

Topical Response No. 7- Parking Supply

As discussed in Appendix 18 and summarized in Section III, Project Description of the Draft EIR Volume I, the existing parking supply for the overall site is 5,922 spaces. This is comprised of 5,471 spaces in the subterranean garage underneath the site and 451 off-site spaces located at 2030 Century Park West. Currently, code required parking is 4,205 spaces for the Century Plaza Towers and 1,717 parking spaces for the 2020 and 2040 Avenue of the Stars.

The total code required parking for the proposed Project is 1,860 spaces, which includes parking space reductions pursuant to Los Angeles Municipal Code Section 12.21-A4(c) and Section 12.24-Y. Prior to the code reductions, the code required parking for the Project is 2,109. Section 12.21-A4(c) provides for a reduction of 43 parking spaces because 43 bicycle spaces will be provided on-site pursuant to the code. This section reduces the code required parking to 2,066 spaces.

Additionally, Section 12.24-Y provides that if a commercial building is located not more than 1,500 feet from the street-level entrance, exit or escalator of a fixed rail transit station or bus station, or other similar transit facility, then the required number of parking spaces for the commercial building may be decreased by 10 percent of the code required parking. The new building is located approximately 1,200 feet east of the bus transit station to be provided at the Constellation Place office building under construction at 10250 Constellation Avenue. This facility is anticipated to be in operation by December 2003, well in advance of the new building's estimated completion in 2005. Therefore, with this reduction, a total of 1,860 (90 percent of 2,066 code required spaces) parking spaces will be required to serve the new building. With the 4,205 parking spaces required for the existing Century Plaza Towers, the required parking for the entire site would be 6,065 spaces with the parking reductions.

The Project proposes two parking plans that could be utilized if the Project is approved. The Project's preferred parking plan would provide 6,358 parking spaces on-site and would include tandem parking with parking attendants on all parking levels except level B. This would satisfy all code required parking and result in a surplus of 293 parking spaces. Alternatively, the Project would satisfy all code required parking by providing 5,867 parking spaces on-site and 451 spaces off-site, for a total of 6,318 spaces. This would result in an excess of 253 spaces over the code requirement.

The 451 off-site parking spaces mentioned above are allocated for the use of the entire site, including the

Century Plaza Towers and the ABC Entertainment Center Buildings pursuant to two parking covenants. Demolition of the ABC Entertainment Center buildings (2020 and 2040 Avenue of the Stars) will not terminate these covenants. This is supported by the plain meaning of the language in the parking covenants and relevant documents. In other words, the off-site parking spaces are not allocated exclusively to the ABC Entertainment Center buildings.

During the construction phase, the ABC Entertainment Center's 1,717 spaces will be available for construction employee vehicle parking and construction activities. Project construction will involve a maximum of approximately 200 construction worker vehicles on site at any given time. The Project applicant will also be encouraging a ride share program for construction employees to decrease the number of construction vehicles accessing the site. Construction will be phased so that only limited portions of the parking areas will be impacted and unavailable for vehicle parking. Out of the available 1,717 parking spaces, it is anticipated that approximately 300 parking spaces will be unavailable at any given time due to the construction work. In addition, there are excess parking spaces available in nearby, off-site parking facilities in Century City for rental, if necessary.

Topical Response No. 8 - Pedestrian Corridor

In compliance with the Century City North Specific Plan (CCNSP), the Project would provide a grade-separated pedestrian crossing below Avenue of the Stars to allow pedestrians to easily walk between the Century Plaza Hotel and retail, restaurants and amenities in the landscaped plaza of the proposed Project. Currently, a grade-separated pedestrian crossing is provided below Avenue of the Stars connecting the Project site to the Century Plaza Hotel. The existing corridor is 50 feet wide and nine feet high.

The proposed pedestrian corridor is consistent with the goals of the Specific Plan. One goal of the Specific Plan is that "[s]ufficient provisions have been made, if necessary, to assure the installation of a continuous Pedestrian Corridor in accordance with the provisions of Section 10 of this Ordinance and as shown on the Map." The proposed Pedestrian Corridor conforms to all requirements set forth in the Specific Plan.

The proposed corridor would connect the existing courtyard at the Century Plaza Hotel to the new plaza at the Project site by way of a well-lit and ventilated pedestrian corridor under Avenue of the Stars that would be approximately 16 feet wide, and between 10 and 15 feet in height. A canopy of signage would mark the enlarged entry on the Hotel side, and a series of murals would decorate the pedestrian corridor itself. The pedestrian corridor, which slopes down from the Hotel courtyard approximately 5 feet over 150 feet to an escalator that connects up one level to the Plaza level lobby, would have tiled floor, plaster walls and a plaster ceiling with cove lighting. The proposed project would be located so as not to impede the location of construction of the Pedestrian Corridor required by the CCNSP in connection with other developments.

The proposed corridor's quality and function are similar to that of the existing corridor. Pedestrians will just as easily be able to walk between the Century Plaza and the retail, restaurant and other amenities provided at the Project site. For safety reasons, the corridor will have to be closed during construction of the Project.

Security for the site, including the pedestrian corridor, will be provided at all times.

Topical Response No. 9 - Construction Impacts

To assess the potential construction impacts associated with the Project, an analysis was conducted and is discussed by topic in Section V. Environmental Impact Analysis of the Draft EIR.

1. Air Quality

An analysis of the Project construction and demolition air pollution emissions around the subject property is set forth in Appendix 3 and summarized in Section V.B.1, Air Quality-Emissions of the Draft EIR. The study determined that pollutants would be emitted by construction equipment and fugitive dust would be generated during demolition of the existing buildings on-site.

Due to construction, excavation and material removal activities, the demolition phase of the Projects represents the “worst case” scenario with respect to short-term air pollutant emissions and is analyzed in the Draft EIR. The net changes in pollutants generated by demolition are determined by subtracting the emissions that would be generated by the existing land uses without the Project, from the pollutants generated by the Project. During the demolition phase, the Project results in a net reduction in emissions for all pollutants with the exception of PM₁₀. The reductions range from 71% to 94% of the existing use emissions. The projected net increase in PM₁₀ emissions during demolition is below the daily and quarterly SCAQMD significance thresholds. The demolition phase would generate the highest emission levels; emissions from all other phases of construction would be below the thresholds. Therefore, the Project demolition and construction activities do not result in a significant short-term air quality impact. The Project contractor is also required to provide a contact person and phone number to be available during the construction phase of the Project to address and report back on neighbor and community concerns.

Additionally, because of the relatively short duration of construction, diesel emissions resulting from the construction of the Project are not expected to result in a significant impact. In the demolitions calculations, emissions from on site equipment and the debris hauling trucks were calculated directly. Emission from on site equipment was calculated using emission factors (i.e. emissions per hour of operation) from the South Coast Air Quality Management District's (SCAQMD) CEQA Air Quality Handbook and the expected peak equipment activity levels during demolition. Emissions from debris hauling trucks were calculated using the number of trips, trip lengths and emission factors (i.e., emissions per mile traveled) for heavy diesel trucks taken from EMFAC2000. EMFAC2000 is a computer program published by the California Air Resources Board that calculates emissions and emission factors from on-road vehicles. For more information, see <http://www.arb.ca.gov/msei/msei.htm>. The calculations for emissions during demolition activities showed that net criteria pollutant emissions from the Project are projected to be below the threshold of significance. Therefore, demolition and construction of the Project will not result in a significant diesel emissions air quality impact and no mitigation is required.

Notwithstanding, the contractor will utilize electricity from power poles or electrical outlets rather than from temporary diesel generators to the extent feasible.

Of the 43 related projects, it is possible that some may overlap schedules with the Project and raise the issue of significance of cumulative construction air quality impacts. The closest of these include Constellation Place, Santa Monica Boulevard Transit Parkway project, Westfield Shoppingtown Century City Expansion, and the Fox Studio Expansion.

The construction schedules for each of the projects, discussed on page 118 of the Draft EIR, could coincide; however, because initiation and completion of the projects depends in part on economic and other unpredictable factors, any overlap is uncertain. For example, the Fox Studios project has been approved for some time, yet not all of the construction has been initiated. Further, construction impacts are short term, and will cease upon occupancy/opening of the related projects. It is unlikely that all four related projects are under construction simultaneously with their maximum possible emissions.

Further, it is noted that construction air quality emissions vary considerably from day to day, and the maximum-day emissions are assumed for purposes of this analysis. In addition, each of the related projects has been required to mitigate their impacts to the extent feasible. Thus, it is likely that actual air

emissions will be less than predicted. In any case, the proposed Project's contribution is substantially less than significant (the 22.3 lbs. per day projected Project construction emissions of PM₁₀ are only 15% of the SCAQMD threshold of 150 lbs. per day, all other emissions are reduced). However, the Santa Monica Transit Parkway Project is currently scheduled to be under construction at the same time as the proposed Project. Such scheduling, coupled with other projects which could commence construction during this time could result in a potentially significant cumulative air quality impact due to construction emissions.

2. Construction Traffic

Section V.M, Transportation/Traffic for the traffic analysis, explains that removal of materials during the demolition phase is expected to take approximately 5 months and will require approximately 41 roundtrip truckloads (or 82 directional daily trips, counting the arrival and departure of each truck separately). Work hours are anticipated to be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 6:00 p.m. on Saturday. During the construction phase of the Project, all trips generated by existing uses would be replaced by fewer trips and would include crew vehicles and haul trucks. Therefore, construction traffic impacts would be less than significant. Nevertheless, to further reduce traffic impacts during construction, the Project applicant will develop and implement a construction traffic control plan, including the designated haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking. Additionally, the Project contractor shall inform the LAUSD Transportation Branch of construction activities prior to commencement so that the LAUSD can inform any potentially affected school(s).

Additionally, the City of Los Angeles will approve specific haul routes for the transport of materials to and from the site during demolition and construction. Currently, the Project's haul route is not approved and is subject to the City's approval process. This process includes a public hearing and opportunities for the public to comment on the proposed route. Subject to approval, the general haul routes currently envisioned are as follows:

- Inbound: Approaching from the north, south, east or west, vehicles would travel the 10 Freeway and exit at Overland Boulevard. Proceed north to Pico Boulevard, east on Pico Boulevard to Avenue of the Stars, and north to the Project site.
- Outbound: From the site, vehicles would proceed east on Constellation Boulevard to Century Park East. South on Century Park East to Pico Boulevard. West on Pico Boulevard to Overland Avenue, and South on Overland Avenue to the 10 Freeway.

The following mitigation measure includes additional construction restrictions agreed to by the Project Applicant and is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR:

- “T-4 All hauling activities shall incorporate any or all of the following measures, or other measures as determined by the Department of Building and Safety:
- (a) Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, minimize the use of residential streets;
 - (b) Haul routes shall be established coordination with the Department of Building and Safety to minimize congestion to public streets and highways;
 - (c) Where necessary, flagmen with communication devices, shall be used to coordinate hauling activities, in particular, ingress and egress on public streets; and
 - (d) The location of construction staging areas shall be situated and operated in a manner which will minimize direct interference with and impact upon residential streets and schools, to the extent feasible.”

3. Noise

Refer to Section V.I, Noise for an analysis of the impact of the Project on adjacent uses as well as impacts on uses along the haul route. Construction and demolition activities would generate increased noise levels at the multi-family residential and hotel uses adjacent to the Project. This is a potentially significant impact. Construction hours would be limited by the City of Los Angeles Municipal Ordinance, which designates the hours of the day during which construction activities are appropriate. Section 41.40 Chapter IV (Public Welfare) of the City of Los Angeles Municipal Code prohibits noise generating construction activities that may disturb nearby hotel occupants or residents before 7:00 a.m. or after 9:00 p.m. Monday through Friday. The Planning Department further restricts construction to no later than 6:00 p.m. Monday through Friday. All construction activity within 500 feet of residences or hotels is restricted before 8:00 a.m. or after 6:00 p.m. on Saturday or any national holiday, and at anytime on Sunday. Construction and demolition activities for the Project shall only occur during the hours allowed. Therefore, construction and demolition activities would not affect people during normal sleep times. These restrictions are included as mitigation measure N-1 on page 186 of the Draft EIR. The Project would also be required to comply with mitigation measures N-2 to N-6 on page 186 of the Draft EIR, which would reduce temporary noise impacts. However, the construction noise impact would continue to be significant.

Trucks used to haul debris from the Project site during demolition would increase traffic noise levels along the haul route. The greatest increase in construction traffic noise would occur along the roadway segment with the lowest existing traffic volume and currently generating the lowest levels of noise. Based on information received from Crain and Associates, the roadway segment with the lowest existing traffic volume is Century Park East north of Pico Boulevard. This roadway has an existing average daily traffic volume of 14,200 trips and a posted speed of 35 miles per hour. The additional trucks on this roadway would result in a 0.3 dB increase in the traffic noise CNEL levels along the roadway segment. This increase is not significant. Increases along all other roadway segments on the haul route would be less than 0.3 dB. Therefore, construction vehicles utilized for the Project would not result in a significant noise impact.

4. Dust

Refer to Section V.B.1, Air Quality-Emissions for a discussion regarding dust impacts. Temporary air quality impacts would result from Project construction and demolition activities. Air pollutants would be emitted by construction equipment and fugitive dust would be generated during demolition of the existing buildings on site. Peak periods of demolition would result in the greatest levels of air pollution emissions.

The existing office space, retail uses, theater, cinema and health club would continue to generate emissions on the Project site without the Project. The net changes in pollutants generated by the demolition and construction of the Project are determined by subtracting the emissions that would be generated with the existing land uses from the modeled demolition-related emissions. The Project results in a net reduction in emissions during demolition for all pollutants with the exception of PM₁₀. The projected net increase in PM₁₀ emissions during demolition is 22.3 pounds per day. This is below the SCAQMD significance threshold of 150 pounds per day. This phase of construction would generate the highest emission levels, and emissions from all other phases of construction would be below the thresholds. Therefore, the Project does not result in a significant short-term air quality or dust impact.

Topical Response No. 10 - Summary Of Corrections And Additions

The Project evaluated the written comments received during the noticed comment period and prepared written responses. The responses are contained in the Final EIR. The Final EIR examines issues discussed in the Draft EIR and incorporates additional mitigation measures agreed to by the Project

Applicant to further reduce less than significant impacts. These measures have also been incorporated into the mitigation monitoring program, as discussed in the Final EIR. The Final EIR (comprised of the Draft EIR, comments on the Draft EIR, written responses to those comments, corrections and additions, and the Mitigation Monitoring Program [MMP]) will be considered by the City Planning Commission at a public hearing.

All of the comments received on the Draft EIR have been reviewed and written responses have been prepared in accordance with CEQA. The Final EIR provides adequate and reasoned responses to all of the CEQA comments.

Pursuant to CEQA Guidelines Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after notice is given, but before certification. The term "significant new information" includes the following: (1) "A new significant environmental impact would result from the project or from new mitigation measures proposed to be implemented;" (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;" (3) "A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents declined to adopt it;" (4) "The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

The comments on the Draft EIR did not identify (1) a new significant environmental impact, (2) a substantial increase in the severity of an environmental impact, (3) a feasible Project alternative or mitigation measure considerably different from the others previously analyzed that would clearly lessen the significant environmental impacts of the Project, but the Project's proponents declined to adopt it, or (4) that the Draft EIR was fundamentally and basically inadequate and conclusory in nature that public review and comment were precluded. In other words, there is no significant new information. Textual refinements and errata were identified in some of the comments. In addition, the Project Applicant agreed to implement additional mitigation measures to further reduce the less than significant impacts of the Project. See FEIR Section III, Corrections and Additions. These corrections and additions did not, however, change any of the impact conclusions in the Draft EIR. They merely clarify, amplify and/or make insignificant modifications to the analysis in the Draft EIR. The Draft EIR is adequate and provided the public with a meaningful opportunity to comment upon the Project. There is, therefore, no new significant information requiring recirculation.

A. STATE AND REGIONAL AGENCIES/OTHER CITIES

LETTER NO. 1

September 17, 2002

Terry Roberts
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95812-3044

Comment 1.1

**Subject: 2000 Avenue of the Stars ENV-2001-4027-CU
SCH#: 2002011024**

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 16, 2002, and the comments from the responding agency(ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 2.104(c) of the California Public Resources code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Response 1.1

This comment is noted for the record.

LETTER NO. 2

August 1, 2002

David Curtis
Environmental Engineer
State of California Department of Conservation
Division of Oil, Gas, and Geothermal Resources

Comment 2.1

**Subject: Draft Environmental Impact Report, 2000 Avenue of the Stars
SCH #2002011024**

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. We offer the following comments for your consideration.

The proposed project is located within the administrative boundaries of the Beverly Hills oil field. There are three plugged and abandoned wells within the project boundaries. These wells are identified on Division map 117 and records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Response 2.1

The positions of the three wells based upon Division Map 117 have been plotted on the existing lowermost garage floor plan. In addition, a magnetometer survey has recently been completed in an effort to confirm and/or refine the positions of the abandoned wells. The results of this survey were discussed with Bob Samuelian of DOGGR's Cypress office on August 9, 2002. These results will be described in a Site Investigation report required by mitigation measure HHM-9 that will be submitted to DOGGR for review.

Comment 2.2

One of the wells, G&M Oil Co. "Wolfskill" 44, may be located under or in close proximity to the proposed new construction. This well was abandoned in 1940, but this office has no records of reabandonment in 1970 as stated on page 143 of the DEIR.

Response 2.2

Based upon the available DOGGR records and the results of the recent magnetometer survey referenced above, this abandoned oil well is believed to be located within the limits of the proposed construction. The estimated position of this well relative to the proposed construction limits is shown in the building floor plan. Handwritten notes taken by a DOGGR inspector during the re-abandonment of the casing at the time of building construction in November of 1970 are present at the bottom of the original abandonment inspection form in DOGGR's files. This form is entitled "Special Report on Operations Witnessed" and it is dated April 17, 1940, with the hand written note dated November 12, 1970. The 1970 DOGGR re-abandonment notes indicate the 12-1/2" diameter casing for this well was cut off approximately 8 feet below the garage floor slab. Accordingly, it is unlikely that it will be encountered during the proposed construction activities, which will involve the excavation of relatively shallow spread footings.

Comment 2.3

Building over or in the proximity of plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Response 2.3

The proposed Project includes renovation of the existing garage. Because the subject well is presumably located beneath a multi-level parking garage, re-abandonment of that well would be impossible without removing the parking garage, which is not proposed. Mitigation measure HHM-9 on page 147 of the Draft EIR requires the following:

“Prior to issuance of a building permit, the building shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. The owner shall implement the engineer’s design recommendations subject to Department of Building and Safety and Fire Department approval.”

Pursuant to this requirement, a series of multi-stage gas probes was recently installed beneath the subject facility. These gas probes have been monitored on several occasions over the last six months. The results of this monitoring indicate that elevated methane gas levels are present in the soils beneath the building, however, they provide no indication of gas leakage or seepage in the area where Wolfskill 44 is presumed to be located. In addition, extensive monitoring for methane gas at the lowest parking garage level has been performed over the last 12 months. This monitoring indicates that significant levels of methane gas are not present in the interior of the building. Nonetheless, as a precautionary measure, a perforated sub-drain system that was installed within a 12-inch thick gravel blanket beneath the lowermost level of the building at the time of its construction was recently converted into a passive methane gas vent system. The gas probe monitoring results, the interior air monitoring results, and the sub-slab passive vent system configuration will be discussed in a Site Investigation report that will be submitted to DOGGR and the Department of Building and Safety for review, pursuant to mitigation measure HHM-9. In addition, an attempt will be made to confirm the location of the abandoned Wolfskill 44 casing during the proposed construction activities. If the casing is located, DOGGR will be immediately notified and a vent cone and vent line could be installed at that time, if required. Therefore, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact after mitigation:

“**HHM-10** If the casing to Wolfskill 44 is located during construction activities, the Applicant shall immediately notify DOGGR and a vent cone and vent line shall be installed, if required.”

Comment 2.4

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division’s district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Response 2.4

As discussed above, the proposed Project involves renovation of the existing parking garage. The Project does not involve extensive excavation or grading. The 1970 DOGGR re-abandonment notes indicate the 12-1/2" diameter casing for this well was cut off approximately 8 feet below the garage floor slab. Accordingly, it is unlikely that it will be encountered during the proposed construction activities, which will involve the excavation of relatively shallow spread footings. Also, as discussed above, a magnetometer survey has recently been completed, and no additional wells were discovered. Notwithstanding, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact after mitigation:

"HHM-11 If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, the Applicant shall notify DOGGR'S district office to obtain information on the requirements for and approval to perform remedial operations."

Comment 2.5

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division's Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714)816-6847.

Response 2.5

A representative of the Project Applicant has contacted and met with a representative in DOGGR's Cypress district office. As discussed above, pursuant to mitigation measure HHM-9, a complete Site Investigation report documenting the abandoned oil well location activities as well as the methane gas monitoring and mitigation activities will be submitted to DOGGR's Cypress office for review. Plans for the proposed construction activities will also be submitted with that report.

Refer to Section III, Corrections and Additions, which incorporates the following mitigation measure regarding the Project's building plans to further reduce the less than significant impact after mitigation:

"HHM-12 Final building plans shall undergo DOGGR review prior to the start of construction."

LETTER NO. 3

August 30, 2002

Stephen J. Buswell
IGR/CEQA Branch Chief
Transportation Planning Office
Caltrans, District 7

Comment 3.1

**RE: IGR/CEQA # 020805NY
DEIR/2000 Avenue of the Stars
LA/405/30.86
SCH# 2002011024**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed 2000 Avenue of the Stars Project in Century City.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of your need to discharge clean run-off water.

Response 3.1

Refer to Section V.N.2, Utilities and Service Systems, Stormwater, of the Draft EIR. As stated in this section, the Project would be designed to comply with all applicable construction and operational water quality standards and waste discharge requirements. The proposed Project will not generate stormwater run-off in excess of the existing conditions of the site. By incorporating stormwater pollution control measures, no significant stormwater pollution impact is anticipated. The Project would incorporate a stormwater plan, comply with the existing NPEDES permit for the site and implement best management practices to reduce stormwater pollution impacts.

Comment 3.2

We would like to remind you that any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit.

Response 3.2

All necessary permits will be obtained for the proposed Project.

Comment 3.3

We recommend that large size truck trips be limited to off-peak commute periods.

If you have any questions regarding this response, please call the Project Engineering/Coordinator Mr. Yerjanian at (213) 897-6536 and refer to IGR/CEQA # 020805NY.

Response 3.3

As stated in Section V.M Transportation/Traffic of the Draft EIR, a Project construction traffic control plan will be developed, to the satisfaction of LADOT, including a designated haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking to mitigate any traffic impacts during construction. It is infeasible to limit large size truck trips to off-peak hours and maintain 41 roundtrip truck trips per a day without extending the demolition and construction schedules.

LETTER NO. 4

August 13, 2002

Harlan R. Jeche
Unit Chief
Southern California Cleanup Operations Branch-Glendale Office
State of California Department of Toxic Substances Control

Comment 4.1

NOTICE OF COMPLETION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 2000 AVENUE OF THE STARS, SCH. 2002011024.

The Department of Toxic Substances Control (DTSC) has received your Notice of Completion of a draft Environmental Impact Report (EIR) for the project mentioned above.

Based on the review of the document, DTSC comments are as follows:

1. The draft EIR states that the proposed Project site is within the historic boundaries of the Beverly Hills Oil Field (Wolfskill Oil Unit). The Limited Phase I Environmental Site Assessment Update for the Site by Law/Crandall also states that Camp, Dresser & Mckee, Inc. is evaluating the potential hazards associated with oil fields, such as methane gas, hydrogen sulfide gas, and free petroleum products in soil and ground water. The EIR should include the result of the evaluation performed by Camp, Dresser & Mckee, Inc., and the name of government agency providing regulatory oversight.

Response 4.1

The evaluation of potential hazards by Camp Dresser & Mckee, Inc. has been completed. Refer to Section V.F, Hazards and Hazardous Materials, page 143 in the Draft EIR, which discusses the results of the Methane Assessment Report found in Appendix 9, prepared by Camp Dresser & Mckee, Inc. The discussion includes an evaluation of the potential hazards associated with oil fields.

A detailed methane gas investigation has been performed in conjunction with the proposed construction activities and mitigation measures have been identified to further reduce the potential for methane gases to enter the building during or after construction. Refer to the mitigation measures set forth on page 147 of the Draft EIR and the additional measures agreed to by the Project Applicant in Responses 2.3, 2.4 and 2.5. Hydrogen sulfide or other potentially toxic gases were not identified during this investigation. The Los Angeles Department of Building & Safety is providing oversight for this Project. The California Department of Oil, Gas and Geothermal Resources will provide assistance to LADBS with respect to the evaluation of three abandoned oil wells that are located on the property.

Comment 4.2

2. The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.

Response 4.2

The proposed Project consists of construction on top of a six-level subterranean parking structure. The Project does not involve excavation or grading that would likely require remediation. Appendix 5 of the Draft EIR discusses the ABC Entertainment Center's on-going hazardous materials abatement program for the site. Pursuant to this program, asbestos and other hazardous materials have been removed from

the existing buildings for the past fifteen years. Asbestos and other hazardous materials will continue to be removed from the existing buildings according to an Operations and Maintenance program for the site. Methods and requirements for handling hazardous materials are included in the comprehensive Operations and Maintenance program for the site, and in the demolition specifications for the proposed Project.

The process of hazardous materials removal, waste packing and disposal meets or exceeds all applicable federal, state and local statutes and regulations. The agencies that regulate this work include the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), U.S. Environmental Protection Agency (EPA), the U.S. Department of Transportation (DOT), the Department of Health Services (DHS), South Coast Air Quality Management District (SCAQMD), and the City of Los Angeles Fire Department (LAFD). The applicable code and procedures are extensive and are listed in Exhibit A attached to Appendix 5 of the Draft EIR.

Additionally, as stated in Section V.F, Hazards and Hazardous Materials, of the Draft EIR, all contractors and construction companies shall be advised of the potential risk associated with subsurface methane in soil gas below the Project site. Although soil gas monitoring in the site assessment did not indicate that hydrogen sulfide is present at the Project site, this gas can be associated with methane gas and would be monitored during construction operations as a potential health threat and an odor concern. See Appendix 9 of the Draft EIR.

Section V.F, Hazards and Hazardous Materials, also provides that contractors and construction companies shall develop a Health and Safety Plan, which will comply with all applicable health and safety laws in order to mitigate potential impacts to a less than significant level. This includes the continuous monitoring of hazardous gases and soils, in which a contingency response shall be established for each possible scenario.

Comment 4.3

3. If during construction of the project, soil contamination is suspected, construction in the area should stop, and appropriate health and safety procedures should be implemented. If it is determined that contaminated soils exists, the EIR should identify how any required investigation and/or remediation will be conducted, and which government agency will provide regulatory oversight.

Response 4.3

Please refer to Response 4.2 above. The proposed Project consists of construction on top of a six-level subterranean parking structure. The Project involves minimal excavation that will be shallow and localized and soil contamination is not expected to be encountered. Notwithstanding, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact:

“HHM-13 During construction of the Project, if soil contamination is encountered, construction in that area shall stop, required health and safety procedures shall be implemented and any required investigation and/or remediation shall be conducted pursuant to all applicable laws and required regulatory oversight.”

Comment 4.4

DTSC provides guidance for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP please visit DTSC's web site at www.dtsc.ca.gov. If you would like to meet and discuss this matter further, please contact Mr. Alberto Valmidiano, Project Manager, at (818) 551-2870 or me, at (818) 551-2870.

Response 4.4

This comment provides information for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). The proposed Project consists of construction on top of a six level subterranean parking structure. The Project does not involve excavation or grading that would likely require remediation. Additionally, hydrogen sulfide and other potentially toxic gases were not identified during a detailed methane gas investigation. However, as discussed above, if soil contamination is encountered, construction in that area shall stop, required health and safety procedures shall be implemented and any required investigation and/or remediation shall be conducted pursuant to all applicable laws, including consideration of VCP.

LETTER NO. 5

September 25, 2002

Jeffery M. Smith
Senior Planner
Intergovernmental Review
Southern California Association of Governments
818 West Seventh Street
12th Floor
Los Angeles, California 90017-3435

Comment 5.1

Thank you for submitting the Draft Environmental Impact Report for the 2000 Avenue of the Stars Project, Century City to SCAG for review and comment. As area wide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

It is recognized that the proposed Project considers a Conditional Use Permit to permit the demolition of existing commercial and office uses, and construct a 15 story building with 778,947 square feet of commercial office uses. The proposed Project is located at 2000 Avenue of the Stars, Century City, City of Los Angeles.

SCAG staff has evaluated the Draft Environmental Impact Report for the 2000 Avenue of the Stars Project, Century City for consistency with the Regional Comprehensive Plan and Guide and Regional Transportation Plan. The Draft EIR includes a discussion on the proposed Projects' consistency with SCAG policies and applicable regional plans, which were outlined in our January 28, 2002 letter on the Notice of Preparation (NOP) for this Draft EIR.

The Draft EIR, in Sections H (Land Use) and J (Population and Housing), cited SCAG policies and addressed the manner in which the proposed Project is consistent with applicable core policies and supportive of applicable ancillary policies. The Draft EIR incorporated a side-by-side comparison of SCAG policies with a discussion of the consistency or support of the applicable policies with the proposed Project. This approach to discussing consistency or support of SCAG policies is commendable and we appreciate your efforts. Based on the information provided in the Draft EIR, we have no further comments. A description of the proposed Project was published in the August 15, 2002 Intergovernmental Review Clearinghouse Report for public review and comment.

If you have any questions, please contact me at (213) 236-1867. Thank you.

Response 5.1

These comments are noted for the record.

B. CITY OF LOS ANGELES OFFICIALS, AGENCIES AND DEPARTMENTS**LETTER NO. 6**

September 18, 2002

Raymond E. Dippel
 Assistant Environmental Planning Specialist
 Los Angeles Unified School District
 Office of Environmental Health & Safety
 355 S. Grand Ave,
 KPMG Building, 6th Floor
 Los Angeles, CA 90071

Comment 6.1

**SUBJECT: HAUL ROUTE FOR CONSTRUCTION OF A 15-STORY BUILDING
 2000 AVENUE OF THE STARS - DEIR NO. 2001-4027**

Thank you for giving the Los Angeles Unified School District (LAUSD) an opportunity to comment on DEIR NO. 2001-4027. The proposed project's Haul Route through Overland Avenue passes Overland Elementary School. Consequently, the District's concern is student and school staff safety.

The District's review of this proposed project includes the attached comments concerning daily negative impacts upon this LAUSD School, due to the project's hauling activity. Mitigation measures necessary to protect the school and its walk routes during construction are also included.

Thank you for your attention to this matter. If you need additional information please call me at (213) 633-3897.

Response 6.1

These comments are introductory paragraphs to the commentor's letter and do not require response. Specific responses to the commentor's letter are set forth below.

Comment 6.2**ENVIRONMENTAL IMPACT RESPONSE**

The following are environmental impact concerns and mitigation measures necessary to address school traffic, pedestrian routes and transportation safety issues.

- LAUSD Transportation Branch, (323) 227-4400, must be contacted regarding the potential impact, if any, upon existing school bus routes.

Response 6.2

The Project does not have a significant transportation impact after mitigation, including any such impact to school bus routes. Refer to Topical Responses Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) for a summary of the traffic analysis. As stated in the Draft EIR on page 227, the Project would not result in a significant construction or operational traffic impacts after mitigation. During the construction and demolition phase, all trips generated by existing uses would be replaced with fewer trips comprised of commuting construction personnel and trucks. During the operational phase of the Project, when compared to existing trip

generation, the Project results in a net decrease in the number of daily trips, AM peak hour trips and PM peak hour trips.

Refer to Section V.M. Transportation/Traffic of the Draft EIR. Page 227 of the Draft EIR explains that the City of Los Angeles will approve specific haul routes for the transport of materials to and from the site during demolition and construction. Currently, the Project's haul route is not approved and is subject to the City's approval process. This process includes a public hearing and opportunities for the public to comment on the proposed haul route. Subject to approval, the haul routes currently envisioned are as follows:

- Inbound: Approaching from the north, south, east or west, vehicles would travel the 10 Freeway and exit at Overland Boulevard. Proceed north to Pico Boulevard, east on Pico Boulevard to Avenue of the Stars, and north to the Project site.
- Outbound: From the site, vehicles would proceed east on Constellation Boulevard to Century Park East. South on Century Park East to Pico Boulevard. West on Pico Boulevard to Overland Avenue, and South on Overland Avenue to the 10 Freeway.

Refer to Topical Response No. 9 (Construction Impacts) for the additional construction traffic restrictions agreed to by the Project Applicant to further reduce the less than significant impact.

Notwithstanding, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact:

- "T-5 Prior to commencement of Project construction, the Project contractor shall inform the LAUSD Transportation Branch at (323) 277-4400, LAUSD Transportation Branch, of those activities so that LAUSD can inform any nearby school(s). The Project contractor shall also maintain ongoing communication with the administrator of Overland Elementary School."

Comment 6.3

School buses must have access to Overland Avenue Elementary School

Response 6.3

Refer to Response 6.2 above. Based on the traffic analysis for the Project in Section V.M, Transportation/Traffic of the Draft EIR, school buses would continue to have access to Overland Avenue Elementary School. The Project would not have a significant impact on such access.

Comment 6.4

During construction phase, truck traffic and construction vehicles may cause traffic, delays for our transported students.

Response 6.4

During the construction phase of the proposed Project, all trips generated by the existing uses at the Project site would be replaced by fewer trips at all times of the day, comprised of commuting construction personnel and construction trucks. Therefore, there will be fewer vehicles on the roadways to cause traffic delays for transported students.

Comment 6.5

During and after construction, changed traffic patterns, lane adjustment, traffic light patterns and altered bus stops may impact school bus-on-time performance and bus passenger safety.

Response 6.5

Refer to Response 6.2 above. As stated in Section V.M Transportation/Traffic of the Draft EIR, a Project construction traffic control plan will be developed, to the satisfaction of LADOT, including a designated haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking to mitigate any traffic impacts during construction.

Additionally, as stated in Section V.M, Transportation/Traffic of the Draft EIR, the proposed Project would result in a net decrease of daily vehicle trips. Because there would be fewer vehicles on the roadway during the construction and operational phases of the Project, school bus on-time performance and passenger safety would not be affected.

Lane adjustments, changed traffic light patterns and altered bus stops that may affect school bus-on-time performance and bus passenger safety are not part of the Project. Although traffic patterns may change this will not significantly affect bus-on-time performance or passenger safety as analyzed in the Draft EIR. Refer to Section V.M and Appendix 18 of the Draft EIR.

Comment 6.6

Because of provisions in the California Vehicle Code, other trucks and construction vehicles may encounter school buses using the red flashing lights and must stop.

Response 6.6

The following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact:

“T-6 All construction crews will be notified of school locations and will be instructed to stop when school bus red lights are flashing.”

The commentor states that trucks and construction vehicles may encounter school buses using the red flashing lights and must stop. This comment is noted for the record.

Comment 6.7

The Project Manager or designee should notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic through the areas.

Response 6.7

See Response 6.2.

Comment 6.8

- Contractors must guarantee that safe and convenient pedestrian routes to Overland Avenue Elementary School are maintained. The “Pedestrian Routes to Overland Avenue Elementary School” map will be provided upon request.

Response 6.8

The Project contractor is required to provide for safe pedestrian access around all construction areas in accordance with Section 91.4401 of the Los Angeles Municipal Code. Therefore, a separate mitigation measure addressing this issue is not required. Also, please refer to the new mitigation measure added in Response 6.2 which requires the contractor to notify the District of upcoming construction activities. Such notification will help ensure that safe and convenient pedestrian routes to Overland Avenue Elementary School are maintained and that designated safe routes that may warrant modification are appropriately modified.

Comment 6.9

- Contractors must maintain ongoing communication with the administrator of Overland Avenue Elementary School, providing sufficient notice to forewarn children and parents when existing pedestrian and vehicular routes to school will be impacted.

Response 6.9

Refer to Responses 6.2 and 6.8 above.

Comment 6.10

Appropriate traffic controls (signs and signals) must be installed as needed to ensure pedestrian and vehicular safety.

Response 6.10

Refer to Response 6.2 above. The Project does not result in impacts requiring traffic controls during Project construction or operation. Notwithstanding, the Project applicant has voluntarily agreed to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic. In addition to administering the funds, LADOT will be responsible for developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. Measures may include, but are not limited to, traffic control devices including turn prohibitions, traffic diverters, street closures, stop signs, partial cul-de-sacs, speed humps, retiming of traffic signals, right-turn-on-red restrictions, sound walls or other measures to discourage traffic intrusion. Such traffic control devices would enhance pedestrian and vehicular safety.

Comment 6.11

- Haul routes are not to be routed past Overland Avenue Elementary School, except when school is not in session.

Response 6.11

A potential haul route is identified in the Draft EIR, which does pass Overland Avenue Elementary School. Section V. M, Transportation/Traffic on page 227 explains that the haul route is subject to refinement and approval by the City of Los Angeles. The process includes a public hearing and opportunities for the public to comment on the proposed route.

Comment 6.12

- Funding for crossing guards to be provided when safety of children is compromised by construction-related activities at impacted crossings.

Response 6.12

Refer to Responses 6.2 and 6.8 above. The Project does not have a significant transportation impact after mitigation. Presently there are crossing guards at the school funded by DOT on Overland Avenue, on Manning Avenue and Ashby Avenue and on Westwood Boulevard and Ashby Avenue. This comment is noted for the record.

LETTER NO. 7

September 26, 2002

Raymond E. Dippel
Assistant Environmental Planning Specialist
Los Angeles Unified School District
Office of Environmental Health & Safety
355 S. Grand Ave,
KPMG Building, 6th Floor
Los Angeles, CA 90071

Comment 7.1

**SUBJECT: HAUL ROUTE FOR CONSTRUCTION OF A 15-STORY BUILDING
2000 AVENUE OF THE STARS – DEIR NO. 2001-4027**

Thank you for giving the Los Angeles Unified School District (LAUSD) an opportunity to comment on DEIR NO. 2001-4027. The proposed project's Haul Route through Overland Avenue; passes Overland Elementary School. Consequently, the District's concern is student and school staff safety.

The District's review of this proposed project includes the attached comments concerning daily negative impacts upon this LAUSD School, due to the project's hauling activity. Mitigation measures necessary to protect the school and its walk routes during construction are also included.

Thank you for your attention to this matter. If you need additional information please call me at (213) 633-3897.

Raymond E. Dippel
Assistant Environmental Planning Specialist

RD:rd
Attachments

c: Ms. Suzanne Lindele Di Julio
Mr. Merle Price

ENVIRONMENTAL IMPACT RESPONSE

The following are environmental impact concerns and mitigation measures necessary to address school traffic, pedestrian routes and transportation safety issues.

- LAUSD Transportation Branch, (323) 227-4400, must be contacted regarding the potential impact, if any, upon existing school bus routes.
- School buses must have access to Overland Avenue Elementary School.
- During construction phase, truck traffic and construction vehicles may cause traffic delays for our transported students.
- During and after construction, changed traffic patterns, lane adjustment, traffic light patterns and altered bus stops may impact school bus-on-time performance and bus passenger safety.
- Because of provisions in the California Vehicle Code, other trucks and construction vehicles may encounter school buses using the red flashing lights and must stop.
- The Project Manager or designee should notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic through the areas.
- Contractors must guarantee that safe and convenient pedestrian routes to Overland Avenue Elementary School are maintained. The "Pedestrian Routes to Overland Avenue Elementary School" map will be provided upon request.
- Contractors must maintain ongoing communication with the administrator of Overland Avenue Elementary School, providing sufficient notice to forewarn children and parents when existing pedestrian and vehicular routes to school will be impacted.
- Appropriate traffic controls (signs and signals) must be installed as needed to ensure pedestrian and vehicular safety.
- Haul routes are not to be routed past Overland Avenue Elementary School, except when school is not in session.
- Funding for crossing guards to be provided when safety of children is compromised by construction-related activities at impacted crossings.

Response 7.1

This comment letter is a duplicate of Letter No. 6. Refer to Responses 6.2 to 6.12.

LETTER NO. 8.A

September 26, 2002

Edmond Yew, Manager
 Land Development Group
 Bureau of Engineering
 201 N. Figueroa Street, Suite 200

Comment 8.A.1

**Subject: Comments on Draft Environmental Impact Report (DEIR) for
 The "2000 Avenue of the Stars", Case No.. ENV-2001-4027-EIR**

The staff of the Bureau of Engineering has reviewed your referral dated August 1, 2002, and has the following comments for inclusion into the Final Environmental Impact Report (FEIR).

STREET

Page 213 of the DEIR, under Streets and Highways, 4th paragraph stated "Olympic Boulevard is an east/west major highway..." Olympic Boulevard is designated as a Major Highway-Class I on the Highway Designation Map with a width of 126 feet for that portion of the street adjoining the project site. Therefore, a 13-foot wide strip of land should be dedicated on Olympic Boulevard adjoining the project site to complete a 63 foot half-street dedication. Olympic Boulevard adjoining the project site should be widened to a 51-foot width half-roadway, curb, gutter, and a 12-foot concrete sidewalk with street trees satisfactory to the City Engineer.

Response 8.A.1

These comments are noted for the record. However, the suggested dedication and widening of this portion of Olympic Boulevard is not feasible. The subterranean parking garage is built along and in close proximity to the property line at this location. Refer to Appendix 3 herein. Dedication for street purposes cannot be required where a lot is occupied by a legally existing building which is to remain. This suggested measure is not a mitigation measure to mitigate a potentially significant effect of the Project, and accordingly, there would not be any significant effects if the dedication and the street improvements cannot be undertaken.

Comment 8.A.2**Sanitary Sewers**

Page 249 of the DEIR, under project impact, line 9 stated "there is sufficient capacity in the sewer system to accommodate the Project", based on comments from the Bureau of Sanitation. Subsequently the author concluded that no mitigation measures are warranted. Continuing on the same page under Cumulative Impact, line 3 and 4 indicated "Related projects must comply with the City's water conservation policies would be subject to review for adequate sewer capacity". Apparently, there is a contradiction in these statements as far as sewer capacity. Perhaps additional mitigation measures might be warranted to safeguard the adequacy of the sewer capacity of public sanitary sewers in the vicinity of the project site.

~~The capacity of a sanitary sewer depends on several factors. It seems that the DEIR has relied only on the water conservation factor and the subsequent conclusion stated on page 250 of the DEIR apparently is not based on all available elements such as type, size, slope, and existing availability of the public sewers. Therefore, a comprehensive analysis of the wastewater flows for the entire proposed project site, including capacity of the existing and future sanitary sewers in a cumulative context and in conjunction~~

~~with the new development being proposed, should be addressed in the FEIR. Also, a table showing the times and locations of the flow measurements for each sanitary sewer of the existing sewer system in the project area both upstream and downstream should be included in the FEIR.~~

~~The FEIR should discuss the possibility of construction of additional sanitary sewers and a full analysis of the environmental effects likely to be associated with such construction. In addition, all related city wastewater policies and guidelines should also be included in the FEIR.¹~~

Should you have any questions in regard to the aforementioned comments please call Ray Saidi of the Land Development Group of the Bureau of Engineering at (213) 977-7097.

Response 8.2

Refer to Section V.N.1, Utilities and Service Systems-Wastewater in the Draft EIR for an analysis of the sanitary sewer system. As noted, the Bureau of Sanitation has reviewed the proposed Project and determined that “there is sufficient capacity in the system to accommodate the Project”. This statement does not contradict the statement referenced under cumulative impacts, as there is no reference to whether the existing infrastructure has sufficient capacity to service the related projects. The sentence referenced merely refers to the fact that, as in the process that has been undertaken for this Project, each of the related projects will have to undergo review by the Bureau of Sanitation to ensure that sufficient capacity exists in the sewer infrastructure to provide service. The proposed Project is responsible for mitigating potential impacts on the existing infrastructure as well as its contribution to the cumulative impact. However, the proposed Project is not responsible for mitigating the potential impacts of related projects.

The conclusions of the DEIR are based on elements beyond the water conservation factor. On Page 248, paragraphs 2 and 3 of the DEIR discuss the location and sizes of the existing infrastructure, as well as the capacity and existing flow for the main trunk line sewer. The proposed wastewater flows as a result of the proposed Project have been calculated (Page 249, paragraph 2), and their effect on the sewer line has been determined to be less than significant. However, due to the Bureau of Engineering’s concern regarding cumulative sewer impacts, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact:

“U-26 Prior to issuance of a building permit, the Applicant shall prepare a study to reconfirm the capacity of the existing and future sanitary sewers potential sewer impacts of the proposed Project, unless otherwise approved or confirmed by the City of Los Angeles Bureau of Engineering. “

¹ Refer to Letter No. 8.B.

LETTER NO. 8.B

October 30, 2002

Ray Saidi
Land Development Group
Bureau of Engineering

Comment 8.B.1

The office of Land Development Group of the Bureau of Engineering has received additional information regarding the capacity of the sanitary sewers in the vicinity of the above-mentioned project. Therefore, please make the following changes in our comments dated September 26, 2002:

On first page, under Sanitary Sewers, delete the 2nd paragraph on its entirety starting with the words " the capacity of a sanitary sewer depends on.....".

On second page, continuing under Sanitary Sewers, delete the paragraph in its entirety starting with " The FEIR should discuss the possibility of.....".

All other comments remain intact.

Should you have any questions regarding the aforementioned corrections, please call my office at (213) 977-7097.

Response 8.B.1

Refer to Comment 8.A.2. The changes requested by the commentor to the letter dated September 26, 2002, provided herein as Letter No. 8, have been made. These comments are noted for the record.

C. OTHER ORGANIZATIONS AND INDIVIDUALS

LETTER NO. 9

August 28, 2002

Richard Slawson
Executive Secretary
Los Angeles/Orange Counties
Building and Construction Trade Council

Comment 9.1

Re: EIR Case No: 2001-4027 EIR
Project: 2000 Avenue of the Stars

I write to you on behalf of the Los Angeles and Orange Counties Building and Construction Trades Council, representing more than 52 local unions and 130,000 union members.

I recently had the opportunity to review the Draft EIR for Trammell Crow's 200 Avenue of the Stars project, and am heartened to find that the report concludes that this revitalization project can be built with little or no impacts to the community.

The development and construction of this project will create more than 1,300 jobs for our union members. In an economy where unemployment continues to rise, these jobs are critically important.

The City itself stands to gain an estimated \$2.6 million in one time development-related revenues and about \$3.5 million per year in recurring annual revenues once the project is completed. These are desperately needed dollars for vital community services such as police and fire, in a City with serious budget concerns.

Thank you for the opportunity to comment on this worthy project.

Response 9.1

These comments are noted for the record.

LETTER NO. 10

August 29, 2002

Richard Slawson
Executive Secretary
Los Angeles/Orange Counties
Building and Construction Trade Council

Comment 10.1

Re: EIR Case No: 2001-4027 EIR
Project: 200 Avenue of the Stars

As Executive Secretary for the Los Angeles and Orange Counties Building & Construction Trades Council, I'd like to comment on the Draft EIR for the proposed 2000 Avenue of the Stars Project.

Regarding traffic, several widely accepted methodologies were used to compute trip generation for the proposed Project. Importantly, all methodologies were in sync with the final determination: trip generation for the proposed Project will decrease compared to the trips caused by the existing Project. Further, proposed mitigation measures such as the Transportation Demand Management Program will ensure that potential impacts, particularly at the intersection of Santa Monica Boulevard and Avenue of the Stars, will be effectively reduced to a less than significant level. Clearly, this replacement Project will reduce traffic from the level that the neighbors have become used to from the existing ABC entertainment Center.

The proposed development is key to maintaining the vital character of Century City and a strong local economy. On behalf of the Los Angeles/Orange Counties Building & Construction Trades Council, we ask that you move this important Project through the public hearing process in a timely manner.

Response 10.1

These comments are noted for the record.

LETTER NO. 11

September 10, 2002

Daniel A. Case, PC
Law Offices Case, Knowlson, Jordan & Wright LLP

Comment 11.1

Re: 2000 Avenue of the Stars
EIR Case Number: ENV-2001-4027-EM
Reference Number: SCH # 2002011024

I'm writing this letter in support of 2000 Avenue of the Stars Project.

I am a lawyer who has had the good fortune of working in Century City for most of my career (beginning in 1976) and who has lived within two miles of Century City since 1981. While I am a big fan of Century City and believe it is one of the finest office communities in the country, the ABC Entertainment Center is the one area that does not live up to that standard. With this proposed project, however, it is my hope that this outdated center can be rescued and turned into a vibrant part of the Century City community.

The flaws in the existing center are numerous. The cold, dark retail areas are uncomfortable and uninviting. The tunnel area is completely devoid of any charm or comfort. The reflection off the stonework in the plaza area is unrelenting in its brightness. There is no open space which lends itself to a pedestrian-friendly ambience like so many of the wonderful redevelopments which have taken place in office communities over the last several years.

There seems to be a bias against any change in Century City (clearly expressed at a public scoping meeting which I attended earlier this year). I do not understand this. With all of the creativity in design and function being applied to this project, we should be very thankful, both as office tenants and nearby residents, that the owners of this project have the resources to redevelop this poorly designed and under-utilized facility. It strikes me as absurd that some people are resisting this effort. In truth, we should all be embracing this project as a wonderful urban redevelopment which will only add to the luster of Century City.

Thank you for taking the time to read this letter.

Response 11.1

These comments are noted for the record.

LETTER NO. 12

September 9, 2002

Jim Watkins
Business Manager
Asbestos Workers Local 5
International Association of Heat and
Frost Insulators & Asbestos Workers
670 E. Foothill Blvd. Unit #2
Azusa, CA 91702-2628

Comment 12.1

RE: 2000 Avenue of the Stars
EIR Case Number: ENV-2001-4027-EIR
Reference Number: SCH # 2002011024

Please accept this letter on behalf of Local Union #5 of the Heat and Frost Insulators. We would like to respectfully submit our whole-hearted support for the above noted project.

The Draft EIR for this project concludes that replacement of the outdated and under-utilized ABC Entertainment Center produced many positive affects, for example, bringing new tax revenues to fund badly needed City services such as police and fire support and will bring new jobs to the community. Additionally, the project can be done with little or no environmental impact on adjacent neighborhoods or without any new traffic impacts after mitigation,

Please join the families of Local #5 in support this worthwhile project. Thank you for your time and attention in this matter.

Response 12.1

These comments are noted for the record.

LETTER NO. 13

September 11, 2002

Edward E. Barnes
Business Manager
Steam-Refrigeration-Air Conditioning-Pipe Fitters and Apprentices
of the United Association of the United States and Canada
Local Union 250
18355 South Figueroa Street,
Gardena, CA 90249

Comment 13.1

On behalf of the 4,800 men and women of Steam-Refrigeration-Air Conditioning-Pipe Fitters and Apprentices of the United Association of the United States and Canada Local Union 250, I'm writing to express our support for the 2000 Avenue of the Stars project.

The findings in the Draft EIR contain good news. The replacement project will not adversely affect traffic, congestion or the environment. In fact, the project will enhance Century City's urban environment and add amenities and open space for workers and neighbors to enjoy.

And there is more good news. The revitalization of the property will bring new revenues into the City and boost the local economy.

Thank you for the opportunity to comment on the Draft EIR.

Response 13.1

These comments are noted for the record.

LETTER NO. 14

September 16, 2002

Annette Mercer
Co-President
Westwood Garden Civic Association
PO Box 64194
Los Angeles, CA 90064

Comment 14.1

I am co-president of the Westwood Gardens Civic Association (a homeowners & residents association), which comprises approximately 615 homes. Our boundaries are National Blvd., Midvale Avenue, Pico Blvd., and Overland Avenue (including the Dunleer Place cul-de-sac). I have several comments, most regarding the traffic analysis. The adjacent West of Westwood Homeowner's Association, comprised of 1000 homes, is joining us in these comments. The 2000 Avenue of the Stars project would directly affect our area due to the use of the I-10 offramp at Overland, and Overland Avenue as a traffic route. The DEIR seems to essentially ignore our area and provides very little analysis of potential impacts.

General & Miscellaneous Comments:

1. I do not see the need for the project documented anywhere. While I realize that market conditions can change, is there a shortage of Class A space in Century City? Are the Century Plaza towers at full occupancy?

Response 14.1

The comments regarding need for the Project do not address CEQA impact areas. Refer to Section III, Project Description of the Draft EIR. As stated on page 46, there is a demand for new modern office space in Century City and the new Project would meet this demand. The proposed Project is designed to replace the two existing buildings, which contain office space representative of Class B-C buildings, with Class A office space. The presence of materials, such as asbestos, in the two existing buildings makes any renovations necessary to upgrade the buildings to modern standards, short of complete reconstruction of the existing buildings, prohibitive.

The ABC Entertainment Center site is one of the older developments in Century City. The proposed development would revitalize this site by providing economically productive and vibrant use of the property that benefits the community, reduces vacant properties, and stimulates the local economy.

This comment is noted for the record.

Comment 14.2

2. What does "[buildings] no longer meet current standards of operation" (pg. 2 of the Executive Summary) mean? The adverse impacts of the project and extensive use of resources cannot be condoned without solid reasons.

Response 14.2

Refer to Section II, Executive Summary and Section III, Project Description of the Draft EIR. As stated on pages 2 and 46, the existing buildings cannot make as efficient use of the property as the proposed Project. Renovation of the existing buildings would be prohibitive because the presence of asbestos, which would need to be totally removed. In addition, the floor plates and ceiling heights do not meet current or prospective tenants' standards for office space located in Century City. The proposed building

would contain Class A office space, including upgraded utilities, optimal floor plates that meet current market demands, energy efficient equipment and materials, and amenities not currently provided. The existing buildings do not contain Class A office space. Rather, they contain Class B-C office space and do not provide the updated features the proposed Project would provide.

Comment 14.3

3. The proposed removal of 113 trees and resultant loss of our urban forest cannot be adequately replaced as proposed. These trees represent years of growth and a great asset to the Century City area. The project should relocate the trees to other properties or parks as well as planting new trees as densely as possible (at a greater than 1:1 ratio for trees lost). The project should include a commitment to maintain the health of all trees for at least five years.

Response 14.3

Refer to Section V.C, Biological Resources of the Draft EIR. As stated on page 125, the potential impacts associated with implementation of the proposed Project would be the loss of mature trees and landscaping throughout the Project site. The loss of ornamental landscaping is potentially significant. However, implementation of mitigation measure BR-1, stated on page 125 of the Draft EIR would reduce this impact to a less than significant level. BR-1 states that prior to the issuance of a grading permit, a plot plan prepared by a reputable arborist, indicating location, size, type, and condition of all existing trees on the site shall be submitted for approval to the Department of City Planning and the Street Division of the Bureau of Street Services. All trees in the public right-of-way shall be subject to the current Street Tree Division Standards. The plan shall contain such measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site on a 1:1 basis, shall be required for unavoidable loss of trees greater than 12" diameter at breast height on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

The 113 trees to be removed consist of non-native ornamental species and are not considered habitat for any state or federal listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern. Of these, sixty-seven are mature trees with trunk diameters of twelve inches or greater and forty-six are smaller. The majority (nearly seventy-five percent) of trees to be removed are either ornamental fig trees (*Ficus* sp.), laurelleaf snailseed (*Cocculus laurifolius*), or London plane (*Platanus acerifolia*) trees. The relocation and replanting requested by the commentor are not warranted. The trees to be removed would be replaced with comparable vegetation. The replacing vegetation would be a diamond-shaped central lawn area, flanked by trees along the northwest and southern edges of the Project site. Additional rows of trees would also be planted between the lawn and the restaurant on the north side of the plaza area. Trees would be planted on the slopes to the south and east of the cultural facility and on the east and west sides of the garage access from Constellation Boulevard.

As stated in the Section III, Corrections and Additions, mitigation measure BR-1 in Section V.C, Biological Resources has been amended to include the following to further reduce the less than significant impact after mitigation:

"All new and remaining trees will be maintained in a manner consistent with Class A office projects in Century City."

Comment 14.4

4. There is an error on page 164, under policy 2-2.2: What transit corridor is on Sawtelle Blvd. and in what way is that walking distance from Century City?

Response 14.4

Policy 2-2.2 of the West Los Angeles Community Plan is to: “Promote mixed-use projects along transit corridors and in appropriate commercial areas.” The West Los Angeles Community Plan under Policy 2-2.2 identifies portions of Santa Monica, Wilshire and Sawtelle Boulevards as designated Mixed Use Boulevards, suggesting that Projects near these streets would satisfy Policy 2-2.2 as transit corridors in appropriate commercial areas. Additionally, pages 1-3 of the West Los Angeles Community Plan identifies Wilshire, Santa Monica and Sawtelle Boulevards as major commercial corridors. Therefore, Sawtelle Boulevard is appropriately listed with Wilshire Boulevard and Santa Monica Boulevard in the Draft EIR as a “transit corridor.”

Refer to Section III Corrections and Additions of the Final EIR, which removes Sawtelle as a transit corridor within walking distance of the proposed project.

Comment 14.5

5. The list of schools on Page 203 is inaccurate. There are schools in Beverly Hills that are substantially closer than Webster MS. Overland Avenue ES is located on Overland Avenue at Ashby directly affected by construction and operational traffic. There are also several private and religious schools that are not mentioned.

Response 14.5

The list of schools on page 203 of the Draft EIR accurately reflects the public schools in the City of Los Angeles that are in closest proximity to the Project. No letters were received from other school districts, including private and religious schools.

The commentor has noted that Overland Avenue Elementary School located on Overland Avenue at Ashby would be directly affected by construction and operational traffic. Construction and operational traffic impacts were analyzed in Section V.M, Transportation/Traffic of the Draft EIR. During the proposed Project’s demolition phase, removal of material is expected to take approximately 5 months and will require 41 daily roundtrip truckloads. During the construction phase, all trips generated by the existing uses would be replaced in part by newer trips comprised of commuting construction personnel and haul trucks, thus not adding additional trips to the roadway. Additionally, the Project’s haul route is subject to the City’s approval process.

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation) and 4 (Traffic Impacts) of this document, for a review and analysis of potential traffic impacts associated with the Project and provided in the Draft EIR.

Comment 14.6

6. The DEIR discussion of pedestrians is inconsistent. Pg. 30 of the Executive Summary states (in reference to Police) that the project would NOT generate additional pedestrians. Pg 62, however, discusses pedestrian access and uses pedestrian access to reduce trips (6th bullet).

Response 14.6

The two statements identified by the commentor are not inconsistent. As stated on page 30 and 201 of the Draft EIR, the Project would not generate additional pedestrians that would affect police services. There is no discussion of pedestrian access on page 62 of the Draft EIR. However, there is a pedestrian access discussion on page 65 of the Draft EIR, which states that one objective of the Project is to:

“Reduce vehicle trips, and the associated traffic, noise and air quality environmental impacts from those trips, by providing suitable pedestrian access to and from the site, to encourage Project occupants to shop and dine in the local area.”

The Project objective stated on page 65 is not inconsistent with page 30 of the Draft EIR and does not state that the Project will generate additional pedestrians. The Project proposal is designed to accomplish a number of objectives of which this is one. Objectives are provided by the Project applicant and page 65 does not reach a conclusion as to whether the objective is met. Vehicle trips, and associated traffic, noise and air quality environmental impacts are analyzed in Section V of the DEIR. The above Project objective would not promote the increase in the number of pedestrians at the site. Rather, the Project objective is to provide suitable pedestrian access to the Project site to encourage existing and Project patrons or employees at the site to remain at the site or in the Project vicinity instead of leaving the site by vehicle. Also, providing suitable pedestrian access would encourage people in the area to utilize the site by foot rather than to access the site by vehicle, thereby reducing vehicular traffic.

Comment 14.7

Construction Comments

7. Construction would be very disruptive for at least two years. The proposed construction route (82 trucks per day, between the hours of 7 am and 6 pm) along Overland and Pico would substantially impact at least the following sensitive receptors:

- a. Palms Park Child Care
- b. Palms-Rancho Park Library
- c. Notre Dame Elementary School
- d. Notre Dame Academy High School
- e. Overland Avenue Elementary School
- f. St. Timothy’s School
- g. Temple Isaiah School
- h. Lycee Franceise
- i. Residences along Overland Avenue
- j. Child care facilities in residences

Many of these facilities have children’s play yards that would be adversely affected by noise and dust from the trucks. Also classrooms and outdoor teaching areas would be adversely affected.

Response 14.7

Refer to Response 6.2. Refer also to Topical Response No. 9 (Construction Impacts). The haul route for the Project has not been approved. The Draft EIR, Transportation/Traffic section on page 227 explains that the route is subject to the City’s haul route approval process. The process includes a public hearing and opportunities for the public to comment on the proposed haul route. These comments will be forwarded to the decision-makers for review and consideration.

Section V.I, Noise of the Draft EIR states that there is a potentially significant construction noise impact to the multi-family residential and hotel uses adjacent to the Project. Other residential areas analyzed, that are located greater distances away from the construction areas would be less affected. The locations listed by the commentor, between Overland and Pico are located at a greater distance from the construction area than the uses that could be potentially impacted by construction noise at the Project site. The locations listed by the commentor and their distance from the Project site are as follows:

Palms Park Child Care, located at 2950 Overland Avenue, is 2.4 miles from the proposed Project. Palms Rancho Park Library, located at 2920 Overland Avenue is 2.4 miles from the Project site. Notre Dame

Elementary School and Notre Dame Academy High School, located at 2851 Overland Avenue, are 2.3 miles from the Project site. Overland Avenue Elementary School, located at 10650 Ashby is 2.0 miles from the Project site. St. Timothy's School located at 10479 W. Pico Boulevard is 1.1 miles from the Project site. Temple Isaiah School located at 10345 W. Pico is .94 miles from the Project site. Lycee Français located at 10361 W. Pico is 1.0 mile from the Project site.

There are uses closer to the Project site that would not be potentially significantly affected by construction noise than the above listed locations. Therefore, the above listed locations would not be affected by construction noise at the Project site.

Construction vehicle noise is analyzed to assess whether the Project would significantly affect noise levels along the proposed construction haul route. Refer to page 181 of the draft EIR for an analysis of off-site construction vehicle impacts. The study concluded that the greatest increase in construction traffic noise would occur along the roadway segment with the lowest existing traffic volume and currently generating the lowest levels of noise. Based on information received by Crain and Associates, the roadway segment with the lowest existing traffic volume is Century Park East, north of Pico Boulevard. This segment included a hospital as a sensitive receptor. The noise increase from Project activity on this roadway segment was less than significant. Therefore, construction vehicles utilized for the Project would not result in a significant noise impact. Thus, the uses listed above by the commentor would also not be significantly affected by construction vehicle noise.

Additionally, 41 round trip truck trips per day is the maximum amount of trips during demolition. There would be fewer truck trips during the construction phase of the Project.

The construction phase of the Project will not result in significant dust impacts. Refer to Section V. B.1, Air Quality-Emissions, which analyzes air quality construction impacts. Regardless, the uses listed in the comment are not adjacent to the Project site and are at too great a distance from the Project site to be affected by on-site dust impacts.

The Project construction vehicles would not cause significant dust impacts off-site. To reduce impacts further, the DEIR requires that mitigation measures are implemented to ensure that dust does not escape from construction vehicles traveling on the proposed haul route. Specifically, mitigation measure AQ-4 requires that all loads be secured by trimming, watering or other appropriate means to prevent spillage and dust. Mitigation measure AQ-5 has been amended, as stated in Section III, Corrections and Addition, as follows: "All materials transported off-site shall be securely covered to prevent excessive amounts of dust, to the extent necessary." It is anticipated that certain trucks will not need to be covered given that they will not have any potential dust impacts (e.g., trucks carrying solid materials). For additional dust reducing mitigation measures, see AQ-1 – AQ-6.

Comment 14.8

8. I suggest a better construction route would be use of the 405 freeway to Santa Monica Blvd. Although the street may be under construction, there is greater distance to sensitive uses (a wider street) and fewer schools.

Response 14.8

Refer to Response 14.7. The proposed haul route was selected to minimize impacts to the community. As stated in Section V.B.1, Air Quality-Emissions of the Draft EIR, construction of the Santa Monica Boulevard Transit Parkway Project is scheduled to begin in January 2003 and be complete in July 2005. That project is designed to rehabilitate, reconstruct and reconfigure Santa Monica Boulevard between Beverly Hills City limit on the east and the San Diego (405) Freeway on the west. Construction of that project will occur during five phases in seven segments of Santa Monica Boulevard. The preliminary

schedule calls for construction between Century Park West and Moreno Drive (the Beverly Hills City limit) during the first 10 to 14 months of the project, with construction activities diminishing over the next six to eight months. The expected haul route for the Santa Monica Boulevard Transit Parkway Project is use of the 405 freeway to Santa Monica Boulevard. Because the Santa Monica Boulevard Transit Parkway Project and the proposed Project construction schedules could coincide, use of Santa Monica Boulevard for the proposed Project construction haul route would have more of an impact than the proposed route. The Project haul route was proposed to minimize potential cumulative impacts.

Comment 14.9

9. Where are the truck staging areas “outside of Century City” (page 109)? We do not want noisy diesel trucks idling in front of our homes or schools. Overland Avenue is often used in this way and is too congested for this to be a safe or sound solution. The trucks need to stage on the construction site. The project also needs to coordinate with the Santa Monica Blvd. project regarding staging and construction impacts. Cumulatively, these could be significant and adverse.

Response 14.9

Refer to Topical Response No. 9 (Construction Impacts) and Section V.M, Transportation/Traffic, which describe the construction restrictions agreed to by the Project Applicant and explains that a construction traffic control plan, including the designated haul route and staging area will be developed prior to commencement of the proposed development. Staging will likely take place on both Avenue of the Stars and Constellation Boulevard. Additionally, a private drive on Olympic Boulevard may also be used.

Also, the proposed Project will coordinate with the Santa Monica Boulevard Transit Parkway Project regarding staging and construction impacts. Please refer to Section V.B.1, Air Quality-Emissions mitigation measure AQ-8, which states: “The Project applicant shall be required to coordinate with a representative of the Santa Monica Transit Parkway Project regarding construction-related activities.” Also, the proposed Project will not result in any cumulative construction impacts, except for a potentially significant cumulative construction air quality impact.

Existing Mitigation Measure N-2 requires the following: Construction equipment shall use noise control devices, such as equipment mufflers, enclosures, and barriers. Natural and artificial barriers such as ground elevation changes and existing buildings can shield construction noise. Construction operations shall be staged as far from sensitive uses as feasible.

Comment 14.10

10. The traffic, noise, and dust impacts will be significant even if the impact due to the project is “temporary”. Two years or more of classroom disruption is 20% or more of these kids’ lives! And breathing dust, possibly including asbestos, for any period is hazardous. Adequate mitigation needs to be provided if the project goes forward, including traffic and staging areas away from sensitive receptors.

Response 14.10

Refer to Response 14.7 above for the potential noise and dust impacts of the Project. Refer also to Topical Response No.9 (Construction Impacts) for additional construction restrictions agreed to by the Applicant. Refer to Section V.M, Transportation/Traffic of the Draft EIR for the traffic analysis, which explains that during the construction phase of the Project, all trips generated by existing uses would be replaced by fewer traffic trips and would include crew vehicles and haul trucks. Therefore, construction traffic impacts would be less than significant. Nevertheless, to mitigate traffic impacts during construction to a less than significant level, the Project applicant will develop and implement a construction traffic control plan, including the approved haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking.

Refer to Section V.I, Noise of the Draft EIR for an analysis of the impact of the Project on adjacent uses as well as impacts on uses along the haul route. Construction and demolition activities would generate increased noise levels at the multi-family residential and hotel uses adjacent to the Project. This is a potentially significant impact. Construction activities, including exterior and interior, will take approximately 25 months. Construction hours would be limited by the City of Los Angeles Municipal Ordinance, which designates the hours of the day during which construction activities are appropriate. Section 41.40 Chapter IV (Public Welfare) of the City of Los Angeles Municipal Code prohibits noise generating construction activities that may disturb nearby hotel occupants or residents before 7:00 a.m. or after 9:00 p.m. Monday through Friday. The Planning Department further restricted construction to no later than 6:00 p.m. Monday through Friday. All construction activity within 500 feet of residences or hotels is restricted before 8:00 a.m. or after 6:00 p.m. on Saturday or any national holiday, and at anytime on Sunday. Construction and demolition activities for the Project shall only occur during the hours allowed. Therefore, construction and demolition activities would not impact people during normal sleep times. These restrictions are included as mitigation measure N-1 on page 186 of the Draft EIR. The Project would also be required to comply with mitigation measures N-2 to N-6 on page 186 of the Draft EIR, which would reduce temporary noise impacts. However, the construction noise impact would continue to be potentially significant.

Trucks used to haul debris from the Project site during demolition would increase traffic noise levels along the haul route. The greatest increase in construction traffic noise would occur along the roadway segment with the lowest existing traffic volume and currently generating the lowest levels of noise. Based on information received from Crain and Associates, the roadway segment with the lowest existing traffic volume is Century Park East north of Pico Boulevard. This roadway has an existing average daily traffic volume of 14,200 trips and a posted speed of 35 miles per hour. The additional trucks on this roadway would result in a 0.3 dB increase in the traffic noise CNEL levels along the roadway segment. An increase of 3 dB or more is considered to be significant. Accordingly, this increase is not significant. Increases along all other roadway segments on the haul route would be less than 0.3 dB. Therefore, construction vehicles utilized for the Project would not result in a significant noise impact.

Refer to Section V.B.1, Air Quality-Emissions of the Draft EIR for a discussion regarding dust impacts. Potential temporary air quality impacts would result from Project construction and demolition activities, however such impacts would not be significant. Air pollutants would be emitted by construction equipment and fugitive dust would be generated during demolition of the existing buildings on site, but would be reduced to less than significant levels as specified in mitigation measures AQ-1 – AQ-8.

The existing office space, retail uses, theater, cinema and health club would continue to generate emissions on the Project site without the Project. The net changes in pollutants generated by the demolition and construction of the Project are determined by subtracting the emissions that would be generated with the existing land uses from the modeled demolition-related emissions. The Project results in a net reduction in emissions during demolition for all emissions with the exception of PM₁₀. The projected net increase in PM₁₀ emissions during demolition is 22.3 pounds per day. This is below the SCAQMD significance threshold of 150 pounds per day. This phase of construction would generate the highest emission levels, and emissions from all other phases of construction would be below the thresholds. Therefore, the Project does not result in a significant short-term air quality or dust impact.

Refer to Section V.F, Hazards and Hazardous Materials in the Draft EIR for a discussion of potentially significant asbestos impacts. The existing structures to be removed are known to have asbestos containing materials (ACMs). ACMs are being removed from the existing structures as a part of the on-going asbestos abatement program for the site. Demolition without first removing friable or potentially friable ACMs could result in the uncontrolled release of asbestos into the air. This would constitute a potentially significant impact to on-site employees and visitors, as well as adjacent employees and residents. However, the process of asbestos and hazardous materials removal, waste packing and

disposal meets all applicable federal, state and local statutes and regulations, including the South Coast Air Quality Management District Rule 1403. Rule 1403 includes a comprehensive list of asbestos removal procedures governing the removal, containment, transportation and disposal of ACMs in a manner that prevents their release into the environment. The applicable codes and procedures are extensive and listed in Appendix 5 of the Draft EIR.

Pursuant to strict controls, the asbestos containing material, after removal, is sealed and transported into heavy duty bags in the containment area and loaded into lockable, metal dumpsters that are then loaded onto trucks that transport the material to a permitted disposal facility.

During the abatement process, air monitoring will be carried out by the environmental consultant on behalf of the owner to verify that the building air, both within and outside the containment area and outside containment in the environment, remains uncontaminated. In the case of an accidental spill, at a minimum, all affected areas are decontaminated by wet cleaning and HEPA vacuuming. Where necessary, the affected area(s) is/are isolated by the construction of critical barriers. If decontamination of each contained work area is incomplete, the area is then re-cleaned and retested until the clearance criteria are met.

Therefore, local air currents would not carry ACMs over surrounding uses including Century Park East Condominiums, Park Place Condominiums, Century City Hospital, Century Plaza Hotel, the St. Regis Hotel or locations along the haul route. In addition, all demolition and on-going asbestos abatement and activity would be conducted in full compliance with all other Rule 1403 requirements related to notification, waste disposal and training. The requirements of Rule 1403 and all other applicable regulations alleviate potential health risks as a result of the ACM removal process. As a result of the on-going asbestos abatement program and the identified mitigation measure (HHM-1) in the Draft EIR, removal of asbestos containing materials and related health impacts would be considered less than significant.

Comment 14.11

11. Perhaps the project could build noise walls to protect the school play yards and our young people.

Response 14.11

The Project has a less than significant noise impact on schools. Refer to Response 14.7, 14.9 and 14.10. The proposed mitigation is not necessary or required. This comment has been noted for the record.

Comment 14.12

12. Does the analysis take into account trips diverted due to construction on Santa Monica Blvd. (either planned or just by driver's choice) to routes approaching from the south (Overland, Pico, etc.)?

Response 14.12

The Draft EIR on page 118 acknowledges that the construction schedule for the Santa Monica Boulevard Transit Parkway Project (SMBTP) could coincide with the proposed Project and analyzes the SMBTP as a related project for cumulative impact purposes.

The SMBTP project is discussed in the traffic study, pages 47-48 in Appendix 18 of the Draft EIR. According to the Environmental Assessment/DEIR (March 1999) prepared for the SMBTP project, a construction mitigation plan will be implemented. This plan will maintain three through lanes in each direction on Santa Monica Boulevard at all times during construction, which is essentially the same number of lanes that exist today. By providing this number of lanes throughout the construction period, motorists will be able to use Santa Monica Boulevard as they do currently and not have to divert to other

routes because of less lanes on Santa Monica Boulevard. The SMBTP Environmental Assessment/DEIR concludes that the SMBTP project is not expected to have significant traffic impacts during its construction.

As discussed in the DEIR, page 227, construction truck traffic for the Project will not be using Santa Monica Boulevard to access the site. Instead, it is planned that routes such as Overland Boulevard, Pico Boulevard, Avenue of the Stars, Constellation Boulevard and Century Park East will be used. Therefore, Project construction traffic is not expected to impact Santa Monica Boulevard while it is undergoing the Transit Parkway improvement.

During the construction phase of the proposed Project, all trips generated by the existing uses at the Project site would be replaced by fewer trips comprised of commuting construction personnel and construction trucks. Additionally, the proposed haul route, which is detailed on page 227 of the Draft EIR, is not intended to divert construction vehicles through residential communities.

Although the Draft EIR concludes that the Project will not result in any significant impacts upon residential streets in the area, the Project applicant is committed to minimizing intrusion by non-residential traffic by implementing a Neighborhood Traffic Management Plan (NTMP). The Los Angeles Department of Transportation (LADOT) will be responsible for administering the funds and developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. Measures may include, but are not limited to, traffic control devices including turn prohibitions, traffic diverters, street closures, stop signs, partial cul-de-sacs, speed humps, retiming of traffic signals, right-turn-on-red restrictions, sound walls or other measures to discourage traffic intrusion.

Comment 14.13

13. Please notify us at least two weeks in advance of the date for the hearing for the construction route. Every resident and business along all the proposed routes should also be notified.

Response 14.13

The commentor's name and address will be placed on a mailing for future public hearings on the Project. Pursuant to Los Angeles Municipal Code Section 91.7006.7.4(4), the Department of Building and Safety shall within 45 days after receipt of the proposed method of hauling, and completion of any environmental document required pursuant to the provisions of the California Environmental Quality Act, schedule a public hearing before the board. □The Department shall give notice of the time, place and purpose of the hearing in at least one publication in a newspaper of general circulation in the city, designated for that purpose by the City Clerk, not less than 10 days prior to the date of the hearing, and to the owners of all properties within 300 feet of the site for which the grading permit has been requested as shown in the records of the City Clerk.

Comment 14.14

Traffic Analysis comments, and related subjects

14. The DEIR did not do any noise or traffic impact analysis for the stretch of Overland Avenue between Pico Blvd. and the I-10. Traffic and noise levels are already very high and ANY increase would have a significant adverse impact. The analysis logic that impact would only occur if the existing noise levels are low is flawed. There is an absolute criteria of 65dBA for sensitive uses and evidence in the literature that people are more sensitive to increases in noise if background levels are already high. And since key stretches of roadway were not measured for background levels or analyzed, it is hard to swallow the conclusions. New analysis is required.

**"Traffic noise impacts occur based upon the definition contained in 23 CFR 772. This definition does not contain subjective descriptors. If impacts are identified, noise abatement measures must be considered and implemented if found to be reasonable and feasible. When analyzing the reasonableness of abatement, SHAs should consider the relationship between the absolute noise levels and the extent of the increase over existing noise levels for a given situation. A small increase at a higher absolute level (e.g., 70 dBA to 75 dBA) can be more important and justify greater consideration than a similar increase at a lower absolute level (e.g., 50 dBA to 55 dBA). Likewise, a large increase at a lower absolute level (e.g., 40 dBA to 55 dBA) can be less important and justify less consideration than a similar increase at a higher absolute level (e.g., 55 dBA to 70 dBA)."*

Source: HIGHWAY TRAFFIC NOISE ANALYSIS AND ABATEMENT POLICY AND GUIDANCE by U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch, Washington D.C. June 1995.

Response 14.14

The analysis of traffic noise level changes is based on the ADT traffic volumes presented in the traffic study for the Project. Refer to Section V.I, Noise and Appendix 11 of the Draft EIR. Based on the fact that the analysis of traffic noise level changes showed that the Project results in no change or slight decreases in traffic noise levels for the roadway segments analyzed closer to the Project it would be unlikely that the Project would result in a noise level increase along this segment of roadway, let alone a substantial noise increase (i.e., greater than 3 dB).

The significance criteria used in the Draft EIR noise analysis is if the Project results in a substantial traffic noise level increase (i.e., greater than 3 dB in the traffic noise CNEL level) and the resulting noise level is greater than the City's noise standard (i.e., 65 CNEL for residential uses). Therefore, no impact can occur where noise levels are below the City's threshold and the threshold is not what would be typically described as a "low" noise level. The 3 dB increase is used because it is typically considered a "barely perceptible" increase in that most people will not perceive a traffic noise level increase of 3 dB or less. Therefore, if the increase in traffic noise due to the Project is not perceptible by most, the Project does not result in a significant noise impact.

23 CFR 772 does not provide appropriate guidance of determination of noise impacts for non-highway projects. 23 CFR 772 is the Federal Regulation that establishes federal standards for mitigating highway traffic noise for federally funded highway projects which involve new construction or physically altered highways "which significantly changes either the horizontal or vertical alignment or increase the number of through traffic lanes" (23 CFR 772). It does not apply in a CEQA analysis. There are fundamental differences in the two analyses.

The first difference is the noise metric used. The federal regulation uses the highest one hour average noise level (Leq(h)) as a metric for its standards. For CEQA, the CNEL metric is most often used in California. CNEL is a 24 hour weighted average noise level. In the averaging, 5 dB is added to noise occurring during evening hours (7:00 p.m. to 10:00 p.m.) and 10 dB is added to noise occurring during the nighttime hours (10:00 p.m. to 7:00 a.m.).

The second difference is when mitigation or traffic noise abatement is implemented. The federal regulations call for traffic noise abatement to be considered if a traffic noise impact is identified. A traffic noise impact is identified when the predicted project noise levels "approach or exceed" the Noise Abatement Criteria (NAC) in the regulation (67 dBA for residential uses) or if the predicted with project noise level "substantially exceeds" the existing noise level. Each State Highway Agency (SHA) is left to

define "approach" and "substantially exceed." Caltrans has defined approach to be 1 dB and substantially exceed to be 10 dB. Therefore, if the predicted project noise level is within 1 dB of the NAC or is 10 dB higher than the existing level then a traffic noise impact is identified and noise abatement must be considered. For noise abatement to be implemented it must be found to be reasonable and feasible. It is also left to the SHA to define reasonable and feasible. Caltrans has defined feasible as being if the traffic noise abatement can reduce noise levels by at least 5 dBA. Reasonableness includes several factors including the cost of the abatement versus the benefit, opinions of affected residents and other social, economic, environmental, legal and technological factors.

CEQA calls for mitigation if the project results in a significant noise impact. A significant impact is defined by the lead agency. The significance threshold used in the 2000 Avenue of the Stars analysis is typical of what is used in Southern California. For the project to cause a significant noise impact, it must cause a substantial noise increase and the resulting noise level must be in excess of the local municipality's noise standard. A substantial noise increase was defined in the study as an increase of 3 dB in the traffic CNEL level. In a laboratory setting with direct comparison of constant noise levels, persons are not able to distinguish between noise level differences of less than 1 dB. In a community noise situation where the instantaneous noise level constantly fluctuates and an immediate direct comparison of noise levels cannot be made, it is generally accepted that a 3 dB increase is barely perceptible. (This is also the description of a 3 dBA increase in the FHWA document quoted by the commentor). Most people will not notice this increase. The City of Los Angeles, along with most cities having established noise standards in the state, has established 65 CNEL as being the acceptable noise level for residential areas. Under the CEQA threshold, the project is not required to provide mitigation just because the traffic noise level with or without a project is projected to be over the federal standard. The changes in traffic volumes must perceptibly change the noise level generated by the roadway.

Further, a project is not required to mitigate just because it results in a substantial noise increase. By establishing a standard, the local municipality has established that noise levels below the standard are considered acceptable. If the noise level remains below the standard, the project does not result in a significant noise impact. Under the federal criteria, even if a project does not substantially change the noise level from the highway but the noise level with the project approaches or exceeds the NAC, traffic noise abatement must be considered. This results in areas along existing highways with noise problems to be abated if the roadway is physically altered. This is because the purpose of the regulations is to minimize all highway noise impacts to the greatest extent possible. The purpose of the CEQA analysis is to determine if a project is going to significantly affect the environment and provide mitigation where it does. CEQA does not require projects to mitigate impacts that would exist with or without the project.

Refer to Section V.M, Transportation/Traffic of the Draft EIR, which explains that the intersections studied in the traffic analysis were selected in consultation with the Los Angeles Department of Transportation, and are the intersections which could be most affected by additional traffic generated by the Project. One intersection included in this analysis is Pico Boulevard and Overland Avenue, which analyzes the Project traffic impacts on Overland Avenue. The analysis concludes that the Project would have a less than significant impact at that intersection and at the I-10 freeway.

Comment 14.15

15. The analysis of traffic and trips, that leads to the often stated conclusion that traffic will be less, is seriously flawed. As such, the noise and air quality analysis are also flawed since they depend on the trip analysis. New analysis is needed.

- There will be 500 new jobs from the new office trips and these, and the office trips generated, will be coming from outside Century City during morning and afternoon rush hours, Monday through Friday.

- The trips that are being replaced are generally cinema and theatre generated. These do NOT occur in the same time frame as the office trips. Any discussion that uses total trips is flawed if the impacts or conditions in the peak hours worsen. This change in type of trip is noted in the discussion of pedestrians on pg. 30 of the Executive Summary; and taken into account in some cases by using the peak hour traffic numbers rather than total trips, but is not fully addressed in the discussion of impacts.
- The community would like to reduce the trips originating from outside Century City.

Response 14.15

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation) and 4 (Traffic Impacts), for a review and analysis of potential traffic impacts associated with the Project and set forth in the Draft EIR. Refer to Section V.B and Section V.I of the Draft EIR. No new analysis is required.

The commentor suggests that only the cinema and theater trips would generally be the only trips being replaced. The existing trips being “replaced” are those generated by the office, restaurant, retail and health club uses, as well as by the cinema and theater uses.

While cinema and theater uses typically do not have their highest trip generations occurring during the overall peak traffic periods of 7:00-9:00 AM and 4:00-6:00 PM, they do generate some trips during those periods. As the peak hours analyzed occur during those periods, it is correct to include whatever trips are generated by the cinema and theater uses during those hours.

The Project is expected to generate less trips than the uses it is to replace. In addition, the Project will be implementing a TDM program to further reduce its trips. Therefore, Project trips will be less than for the existing site generation, including trips generated from outside Century City.

Comment 14.16

16. The stated reduction of trips by 6,711 (which I don’t believe given the above points) is not real in any case since these “replacement trips” can be reassigned to another parcel. There is nothing to guarantee that these trips would not be used by another parcel or parcels for development projects that would not require the same level of public scrutiny and therefore would return to the traffic flow and nothing would be improved (although this project bases its conclusions on the reduction of those trips.)

Response 14.16

Refer to Topical Response No. 4 (Traffic Impacts), for a review and analysis of potential traffic impacts associated with the Project and set forth in the Draft EIR.

As explained in Appendix 18 of the Draft EIR, the Century City North Specific Plan (CCNSP) is one of two plans that cover the Century City Area. The CCNSP affects “any building, structure or addition to any building or structure excluding any construction or renovation activity which does not add to [Cumulative Automobile Trip Generation Potential] CATGP. Also affected is a change of use which increases CATGP.” The intent of the CCNSP is to impose regulations that assist in assuring orderly development and redevelopment, and provides adequate transportation and other public facilities. The number of CATGP trips assigned to or transferred to a parcel determines development rights for a property within the CCNSP. New development is permitted under the CCNSP if trips are created through the demolition of existing buildings, thereby creating replacement trips.

CCNSP replacement trips may be utilized at one or more sites in the plan area through the transfer procedures set forth in the CCNSP. The potential use of these trips is very limited. They must be used within the CCNSP area, and cannot be used in other jurisdictions or in other parts of Los Angeles. The proposed Project would have 6,711 excess replacement trips. Any development utilizing these trips

would, like the Project, be subject to the City of Los Angeles environmental review procedures, and appropriately analyzed and addressed under CEQA.

Comment 14.17

17. The discussion of internal trips and the assumptions made needs proof. Was a survey taken? Are we expected to believe that currently 282 trips (1/2 of the trips) are made in the AM peak hour to the high turnover restaurants (Jamba Juice, Vista Coffee, Bread Winner, Java City, etc) that ARE NOT trips going to the office building? In other words that 282 people will drive to the plaza, pay \$3 per 10 minutes to park to go to Jamba Juice or where ever, (when they could go to one on Pico Blvd. for free?) and then drive somewhere else? That is over 4 trips per minute! Even more ridiculous in the PM peak - 454 Inbound trips (1/2 of total) of people driving to the plaza from somewhere else, paying to park, getting a coffee or whatever, then driving someplace else? I suspect that the number of internal trips may be more like 90+%. The number of current trips is important because it is those, when removed, that lead to the conclusion of a reduction in traffic.

Response 14.17

Refer to Topical Response Nos.1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts), for a summary of the traffic analysis, including the internal trip adjustments. A survey of Project trip generation was conducted using four different methodologies, three of which are typically used in the Century City area (the Century City North Specific Plan (CCNSP), West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), and LADOT Traffic Study Polices and Procedures manual (Standard LADOT Methodology)) and a more conservative analysis required by LADOT (Revised LADOT Methodology). The fourth analysis (Revised LADOT Methodology) was unprecedented and higher than any other internal trip percentage reductions ever approved by LADOT; this reduced the number of existing trips substantially.

The vehicle trips using the Revised LADOT Methodology were calculated by taking the trips calculated using the Standard LADOT Methodology and reducing the number of trips by 50% to consider the effect of "internal capture" of trips made between uses on the site.

It should also be noted that in addition to the subterranean garage, there is a parking lot off of Century Park East that is for short-term parking that allows up to ten minutes of free parking. Visitors can use this short-term parking to patronize the restaurant and retail uses on-site. Some of the site uses also validate parking in the garage.

Comment 14.18

18. If you look at the number of trips by type and likely time of day, I think a more accurate picture would emerge. Office trips (generally in the AM and PM peaks) go up by **6,051**. (An increase of 402 in the AM peak inbound and 305 in the PM peak outbound) Cinema, theatre, and quality restaurant trips (generally on the weekends and evenings) go down. These categories are what attract traffic from outside Century City. The high turnover restaurant, small retail (printers, store, nails), and health club trips (which are largely, if not entirely, internal trips) go down. New analysis is needed.

Response 14.18

The office trips would not increase by 6,051 trips as suggested by the commentor. Comparing Table V.M-12 (p. 230) to Table V.M-7 (p. 226) in the DEIR, the proposed office use (719,924 square feet) would generate 2,983 more trips per day than the existing office use (287,701 square feet). The commentor is correct that the proposed office use would increase the AM peak- hour inbound trips by 402 and the PM peak-hour outbound trips by 305, compared to the existing office use. No new analysis is required. The other comments are noted for the record.

Comment 14.19

19. The increase in office trips is stated as 6,051. But the increase at the peaks is stated as 402 in the AM peak inbound and 305 in the PM peak outbound. These numbers seem low for the peak hours - barely 10 % of the total. I find this very unlikely for office trips and would like supporting documentation.

Response 14.19

Refer to Response 14.18 above, which states that office trips would increase by a net 2,983 trips per day, not 6,051 trips per day. Refer also to Section V.M, Transportation/Traffic of the Draft EIR. Daily trips are comprised equally of inbound and outbound trips, which in this case amounts to 1,492 inbound and 1,492 outbound daily trips (rounded up to nearest 1). The net 402 inbound AM peak-hour and 305 outbound PM peak-hour trips for the office use constitute 27 percent of the inbound and 20 percent of the outbound daily trips, respectively. These percentages would be reduced by half when compared to the total net 2,983 daily trips. All of these percentages are consistent with the trip generation characteristics of office buildings documented by ITE in the Trip Generation (6th Edition) manual.

Comment 14.20

20. The traffic analysis shows existing numbers fairly equal for inbound and outbound trips in the PM peak. Do the numbers from the garage and valet services bear this out?

Response 14.20

Refer to Topical Responses Nos. 1 (Traffic Study Methodology) and 2 (Project Trip Generation) for the standard generation methodology utilized for this Project, which was approved by LADOT. It is coincidental that the existing net inbound and outbound PM peak-hour trips are fairly equal, i.e., 1,009 inbound and 1,051 outbound trips. A review of the individual existing uses in Table V.M-7 of the DEIR shows that some of them have higher trip generations inbound than outbound (e.g., restaurants, movie theater and health club), while other uses have more outbound than inbound trips (e.g., office and retail). One use, the Shubert Theatre, has almost the same number of inbound and outbound trips. Combining the PM peak-hour trips of these individual uses, and taking into account 50 percent internal trip adjustments for the restaurant, retail and health club uses, the arithmetic result just happens to be fairly equal between the inbound and outbound trips. If the mix and size of the existing uses were different, it is possible that there would be a larger difference between the inbound and outbound trips.

Comment 14.21

21. The levels of service for local intersections should be recalculated with a more reasonable number for trips...the increase in office trips!!! Not the decrease in total.

Response 14.21

No new analysis is necessary. Refer to Responses 14.18, 14.19 and 14.20. As previously noted, the methodology for the traffic study was approved by LADOT.

Comment 14.22

22. Similarly for the Air Quality and Noise analyses. "Because the project results in fewer vehicle trips.... lower traffic volumes at all intersections." (pg. 14 Air Quality Appendix.) is a unsupported statement. Your own numbers show an increase in AM peak numbers of 101 (even allowing the internal trip numbers to stand as is). How will there be less impact with 400 more peak trips? New analysis is needed.

Response 14.22

The operation of the Project would not result in any significant air quality impacts. The primary source of regional emissions generated by the proposed Project will be from motor vehicles. The existing office space, retail uses, theater, cinema and health club would continue to generate emissions on the site without the Project. The net changes in pollutants generated by the Project are determined by subtracting the emissions that would be generated with the existing land uses in future years from the modeled Project emissions. The Project results in a net reduction in emissions. Air pollutant emissions would be less with the proposed Project than with continuation of the current uses. Emissions would be reduced with the Project. As net emissions would be less than zero, the Project would be well below SCAQMD thresholds, and the operation of the Project would not result in any significant air quality impacts. Analysis as described in the Draft EIR does not set forth 400 more peak trips as suggested by the commentor.

The net increase of 101 AM peak-hour trips referenced in the comment applies to the inbound direction. See Table V.M-12, p. 230, of the Draft EIR. When the net outbound AM peak-hour generation of -181 trips is taken into account, the overall AM peak-hour generation becomes -80 trips. Overall, the proposed Project generates less traffic than the existing uses currently on the Project site. Therefore, the Project will result in a slight decrease in traffic noise levels on roadways in the vicinity of the Project when compared to future without Project levels.

There are no on-site activities proposed that would be expected to generate significant levels of noise. The nearest noise sensitive uses are located across major roadways. The Century Plaza Hotel is located across Avenue of the Stars and the Park Place Condominiums and Century Park East Condominiums are located across Olympic Boulevard. Noise levels generated by typical activities on a project of this type are not expected to be significantly greater than the noise generated by the roadways. In any case, noise generated by any activity on the Project site would need to comply with the City's Noise Ordinance (Municipal Code Chapter XI). By complying with the Noise Ordinance, Project operations would not result in a significant noise impact due to on-site activities.

Comment 14.23

23. Please provide a better map or definition of where traffic is coming from. I can't make the arrows add up or see what surface streets are used from the I-10. For example, the Pico and Overland shows 11% - not the 17% as stated coming from the I-10 plus some part of the surface street percentage.

Response 14.23

A new map is not necessary. The regional and surface street project trip distributions and assignments were independently reviewed and approved by LADOT. The directional percentages noted by the commentor reflect the regional distribution for the project. It is estimated that initially 40 percent of the Project trips would be on the San Diego and Santa Monica Freeways, from which they would all exit onto surface streets. Also, as the Project trips exit from the freeways, their orientations are expected to change as they proceed on surface streets to the site. For example, Project trips traveling southbound on the San Diego Freeway and exiting at Santa Monica Boulevard and at Olympic Boulevard/Pico Boulevard would then be oriented eastbound toward the site.

Thirteen (13) percent of the 23 percent on the San Diego Freeway is expected to arrive from the north, with 7 percent exiting at Santa Monica Boulevard and 6 percent at Olympic Boulevard/Pico Boulevard. Ten (10) percent is expected to use the San Diego Freeway from the south, with 5 percent exiting at National Boulevard, 2 percent transitioning to the eastbound Santa Monica Freeway and exiting at Overland Avenue, and 3 percent continuing northbound to Santa Monica Boulevard.

Ten (10) percent of the 17 percent on the Santa Monica Freeway is estimated to come from the east, with 9

percent exiting at National Boulevard and 1 percent exiting at Overland Avenue. Of the 7 percent from the west on the Santa Monica Freeway, 2 percent is expected to transition to the northbound San Diego Freeway and exit at Santa Monica Boulevard, and 5 percent is expected to continue eastbound to Overland Avenue.

As noted, it is estimated that 8 percent (i.e., 1 percent from the east and 7 percent from the west) of Project traffic would exit the Santa Monica Freeway at Overland Avenue. This 8 percent then proceeds northbound on Overland Avenue. It is estimated that 3 percent of Project traffic would be on Overland Avenue south of the Santa Monica Freeway and would continue northbound. Combined with the 8 percent from the freeway, total becomes the 11 percent on Overland Avenue approaching Pico Boulevard.

Comment 14.24

24. Traffic is already very congested most of the day and the analysis shows the intersection of Pico and Overland to be at LOS D or F (existing) and E or F (future). There was not even an analysis of the Overland/I-10 intersection. There have been many accidents as well as “near misses” at the Overland/Ashby intersection by the elementary school. Even one more trip would be an adverse significant impact in this area.

Response 14.24

Refer to Topical Response No.1 (Traffic Study Methodology) for a description of the methodology used to study intersections. The intersection of Pico and Overland is currently at a LOS D during AM peak hour (CMA 0.894) and LOS F during PM peak hour (CMA 1.234). In the Future, without the Project, the intersection of Pico and Overland will have a LOS E during the AM peak hour (CMA 0.944) and a LOS F during the PM peak hour (CMA 1.371). In the future, with the Project, the intersection of Pico and Overland would have a LOS E during the AM peak hour (CMA 0.942) and a LOS F (CMA 1.347) during the PM peak hour. This analysis demonstrates that although the levels of service are the same, the CMA values for the with Project scenario for both AM and PM peak hours at the intersection of Pico and Overland are lower than the future without project scenario. This means that the Project would decrease the number of trips generated at the intersection of Pico and Overland.

Because no significant Project impact was determined at Pico and Overland, it would be reasonable to expect that no such impact would occur at locations farther from the site, such as Overland and Ashby, and Overland and the I-10 Freeway.

The Santa Monica (I-10) Freeway east of Overland Avenue was evaluated in the DEIR and traffic study. See Section V.M, Transportation and Traffic and Appendix 18 of the Draft EIR. Due to its proximity to the Project, this monitoring location would best reflect traffic volumes for freeway segments not as close to the Project. The estimated Project trips on this segment is as follows:

- Santa Monica (I-10) Freeway east of Overland Avenue: 10 vehicles westbound and -18 vehicles eastbound in the AM peak hour; -68 vehicles westbound and -22 vehicles eastbound in the PM peak hour.

Accidents or near-miss accidents involving pedestrians on public streets are beyond the ability of the Project or Applicant to control. Such accidents are addressed by traffic laws that are enforced by the Police Department. Ensuring that the physical conditions at public street intersections and roadways are safe is the responsibility of LADOT and other City departments, such as Engineering, Street Lighting, Street Maintenance and other departments.

The comment that one more trip would be an adverse significant impact in this area around Overland

Avenue is the commentor's opinion, which has not been substantiated nor has such been determined from the traffic analysis.

Comment 14.25

25. Are you encouraging roadway congestion by providing parking? Bike lanes will do more to reduce auto trips than notice boards of car-pool opportunities. How many electric vehicle spaces are you providing?

How about promoting other alternative forms of transportation? How effective is the current ridesharing, vanpool matching, etc. Does it reach 5% of the 943 peak hour am trips? (47). Is there proof?

Response 14.25

The Project is required to comply with all parking requirements pursuant to the Los Angeles Municipal Code. It should be noted that there is no evidence suggesting that providing parking encourages congestion. In fact, providing not enough parking may lead to congestion by forcing visitors and monthly parkers to find alternative parking spaces. Refer to Topical Response No. 6 (Transportation Demand Management Program). The Project TDM program achievement of a 5 percent reduction in peak-hour trips is a realistic and reasonable goal. For example, the large office development in Howard Hughes Center in the Westchester area has consistently achieved a 5 percent or more peak-hour trip reduction for several years. It should also be noted that the measures available to achieve such trip reductions are not limited to carpooling, vanpooling, transit and bicycle measures. Trip reductions can also be accomplished through flex-time, telecommuting and other work adjustment measures as well. Together, the variety of measures is expected to achieve the desired trip reductions and possibly more. The existing uses do not currently have a TDM program.

Comment 14.26

26. Once new analysis is provided, a new DEIR is needed, as well as revised mitigation measures. If the project goes forward, I favor the Reduced Density Alternative which is also the Environmentally Sensitive alternative. This is the responsible course for the city to take. I would also like bike lanes or segregated paths from the community into Century City (along Pico, Olympic, Santa Monica, etc.) added to the mitigation measures of the project (and paid for by the developer).

I look forward to your responses to these comments, a revised analysis, and notices of all future public input opportunities on this project.

Response 14.26

Refer to responses above. The suggested analysis and mitigation measures are not warranted. The commentor's name and address will be placed on a mailing for future public hearings on the Project. The decision-makers will evaluate the proposed Project as well as the alternatives evaluated in the Draft EIR.

LETTER NO. 15

September 12, 2002

Judith & Barton Wolin
2160 Century Park East, #111
Los Angeles, CA 90067

Comment 15.1

As Century City residents who live adjacent to the proposed 2000 Avenue of the Stars project, we are looking forward to the new energy and excitement that this project promises to bring back to the area. The developer has in effect planned a major public park within a highly urban area. There are to be new eateries and retailers and space for a separate cultural facility as well.

We were uneasy about the impact on existing traffic the new project would cause. The Draft EIR concluded there would be no new traffic impact after mitigation. Also of concern were those of construction impacts. The Draft EIR confirmed construction and demolition activities would result in short-term noise impacts; however, mitigation measures will restrict the hours and days of construction so that our evening hours and sleep times will not be adversely affected.

The Draft EIR concludes that there would be little or no environmental impact on our neighborhood with the replacement of the outdated and under-utilized existing facilities. We support and applaud Trammell Crow's efforts to revitalize the site and took forward to enjoying its amenities before too long.

Response 15.1

These comments are noted for the record.

LETTER NO. 16

September 19, 2002

Mathew and Esther Rubin
1415 Peg Place, #307
Los Angeles, CA 90035

Comment 16.1

SUBJECT: 2000 Avenue of the Stars
EIR Case Number: ENV-2001-4027-EIR

Although we were never personally concerned about increased traffic, we were happy to note that the Draft Environmental Impact Report finds that traffic trips will actually be less with the replacement project than what exists currently.

The report also concludes that the design of the proposed project will enhance the character of Century City, a fact with which we both agree.

We wholly support the 2000 Avenue of the Stars project, believing that the ABC Entertainment Center is old and outdated. We also look forward to a new cultural facility and hope that all forms of the cultural arts will be investigated for the site, including live theater.

Response 16.1

These comments are noted for the record.

LETTER NO. 17

September 17, 2002

Terri Tippit
President
West of Westwood Homeowners Association
PO Box 64496
Los Angeles, CA 90084

Comment 17.1

Re: Comments on 2000 Ave. of the Stars, DEIR

I am writing on behalf of the Board of Directors of the West of Westwood Homeowner Association, representing approximately 1000 homes in Rancho Park. Our boundaries are in two sections. Pico (north) National (south), Kelton (east), Sepulveda (west) and Overland (west), Patricia (east), Pico (north), and Ashby (south). We border both sides of Westwood Garden Civic Association.

We have reviewed the comments they are submitting to you.

We agreed with the issues they have raised and the negative impact they will have on this community.

We want the file to reflect that we share the same concerns they do regarding the above proposed project.

Thank you for you time and consideration in this matter.

Response 17.1

Please refer to Responses 14.1 to 14.26, which respond to the Westwood Garden Civic Association's comments.

LETTER NO. 18

September 18 2002

Marta Feigenbaum
2160 Century Park east
Los Angeles, CA 90067

Comment 18.1

**EIR No: ENV-2001-4027-EIR
2000 Avenue of the Stars**

Dear Ms. Zaitsevsky:

As a near neighbor of the proposed 2000 Avenue of the Stars project, I am very interested in the Draft Environmental Impact Report.

The traffic issue has been thoroughly studied in this EIR according to several different methodologies. Under all methodologies, the EIR shows that traffic trips generated by the proposed project will not increase over the project it replaces, but that they will actually decrease.

This new project will help to revitalize Century City. The landscaped plaza and cultural facility will be exciting additions to our Century City environment.

Response 18.1

These comments are noted for the record.

LETTER NO. 19

John Janulaw
2013 Parnell Avenue
Los Angeles, CA 90025

Comment 19.1

**2000 Avenue of the Stars
EIR Case Number: ENV-2001-4027-EIR**

The Draft Environmental Report clearly demonstrates that with mitigations, the 2000 Avenue of the Stars project can be built with no significant negative impacts to the community. Rather, the community will benefit with less trip generation, additional City revenue and a new Class A, office complex with landscaped park/plaza.

I hope the City will move this project through the approvals process without delay.

Response 19.1

These comments are noted for the record.

LETTER NO. 20

September 22, 2002

John Gerard
Architect
2302 Pelham Avenue
Los Angeles, CA 90064

Comment 20.1

**RE: 2000 Avenue of the Stars
EIR Case # ENV-2001-4027-EIR
Reference # SCH # 2002011024**

I have lived in Rancho Park at three different locations since 1974. During that time my practice has renovated thirty houses within walking distance of my home office. I plan to stay in this location and continue this work.

The continuing improvement and functional growth of Century City is very important to me and my neighbors. I am particularly please [*sic*] with the architectural form of this project. It is not one of the current "Deconstructive" trainwrecks we see going up all over Los Angeles. It expresses an elegant simplicity.

"Improvement" is the keyword. I feel that all aspects of this project are expressed by it.

Thank You

Response 20.1

These comments are noted for the record.

LETTER NO. 21

September 23, 2002

Martin Balcher
2753 Glendon Avenue
Los Angeles, CA 90046

Comment 21.1

**Re: 2000 Avenue of the Stars
EIR Case No. ENV-2001-4027-EIR
Reference Number: SCH # 2002011024**

I am writing to express my support for the above referenced project. My concerns about the consequences of this project to nearby residents have been fully addressed by the Draft Environmental Impact Report. As a result, I am confident that the Project will ultimately benefit our City and enhance our property values with no negative impact to the quality of our neighborhoods.

I am reassured of the positive benefit of this redevelopment effort by the Draft EIR's findings that traffic may be reduced as a result of having fewer retail establishments among the new tenants. Also, the Project's Neighborhood Traffic Management Plan offers additional reassurance to residents in this regard.

I fully support the 2000 Avenue of the Stars Project and look forward to its completion and the enhanced value it brings to our community.

Response 21.1

These comments are noted for the record.

LETTER NO. 22

September 23, 2002

Wilbur Cohn, Esq.
1925 South Beverly Glen Blvd., #28,
Los Angeles, CA 90025

Comment 22.1

Reference: 2000 Avenue of the Stars
Case Number: ENV-2001-4027 EIR

I am writing to express my support of the above referenced matter. This redevelopment project, as proposed by The Trammell Crow Company and as scrutinized in the Draft Environmental Impact Report, suggests a very positive outcome for Century City and its residents.

A refurbished mid-rise office building that incorporates technologically superior design and improved function and utility will be a welcome replacement for the current deteriorating structure.

I support the 2000 Avenue of the Stars project.

Response 22.1

These comments are noted for the record.

LETTER NO. 23

September 23, 2002

Fred Fein
2122 Century Park Lane, #215
Los Angeles, CA 90067

Comment 23.1

As the owner of two condominiums in the area directly adjacent to the above referenced location, I would like to express my opinion of the proposed 2000 Avenue of the Stars redevelopment project.

This project has my full support. After reviewing the Executive Summary of the Draft Environmental Impact Report, I am convinced that this redevelopment effort will result in increased property values as well as the opportunity to provide better space utilization for the facility. The proposed energy efficient building, as corroborated by the DEIR, will not only reduce the general utility burden to the City but provide more inviting and useful public space as well.

As its name implies, Century City will demonstrate forward thinking values with the approval and completion of this project.

Response 23.1

These comments are noted for the record.

LETTER NO. 24

September 24, 2002

Val Cole
Chairman of the Board
California Country Club Homes Association

Comment 24.1

**Re: Case No. ENV-2001-4027-CU
2000 Avenue of the Stars, TRAMMEL [sic] CROW/ABC Entertainment Center**

CALIFORNIA COUNTRY CLUB HOMES ASSOCIATION ("CCCHA") (a Corporation) is located in Cheviot Hills directly south of the proposed Century City Trammel Crow development project identified above. Our community of approximately 2000 residents will be the most directly and adversely affected by the proposed Trammel Crow development due to the proximity of our neighborhood to such a massive project and the undeniably significant impact of the increase of traffic and contamination of our environment.

Our long established residential community is adjacent to the I-10 freeway (Santa Monica Freeway) on and off ramps at National Boulevard, in addition to the major convergence of National Boulevard, Manning Avenue, Motor Avenue, Palms Boulevard, Exposition Boulevard and Hughes Avenue to the South. We are also directly impacted by Castle Heights Boulevard and Robertson Boulevard to the East, Overland Avenue and Santa Monica Freeway to the West, and Pico Boulevard, Motor Avenue and Avenue of the Stars to the North.

Response 24.1

This comment is an introduction to specific comments regarding Project impacts, which are presented in detail later in this comment letter. Responses to specific comments are found after each corresponding comment below.

Comment 24.2

In view of the recent major high rise developments in Century City and their resulting increase in car trips daily on a twenty-four hour seven day basis, an additional escalation of car trips generated by the Trammel Crow project would overwhelm our residential community and permanently deteriorate our quality of living, property values and environment.

Response 24.2

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) for a review and analysis of potential traffic impacts associated with the Project. The Project would have a less than significant traffic impact after mitigation. The traffic analysis takes into consideration a total of 43 related projects, including the recent developments in Century City. As discussed on page 246 of Section V.M, Transportation/Traffic of the Draft EIR, the Project would not significantly impact any residential streets. Nevertheless, the Project applicant has voluntarily agreed to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic.

Comment 24.3

The inevitable contamination of our environment, the pollution of breathable air, the significant noise decibel level effect upon our elderly, children and health impaired, is a critical safety hazard. The DEIR

does not adequately identify the significance of the direct and indirect health impacts of the Project for either the short or the long term. The DEIR does not anticipate the physical changes and the environmental specifics of any health and safety problems or alterations to the ecological systems.

Response 24.3

The Draft EIR analyzes the potential environmental impacts of the Project. Refer to Section V. Environmental Impacts Analysis of the Draft EIR for an analysis of the direct and indirect impacts of the Project for the short and long term. Within each subsection of Section V, the Draft EIR provides an analysis of the existing conditions, states the thresholds of significance and then discusses all potential impacts, including air quality, hazardous materials and noise impacts, the Project could have on the existing environment. If applicable, each subsection discusses demolition/construction or short-term impacts, and operational or long-term impacts. Each section then provides mitigation measures to reduce, if feasible, any impacts to a less than significant level. Based upon the analysis in Section V. Environmental Impact Analysis, with implementation of mitigation measures, the Project will not result in a significant environmental effect with regard to the issues analyzed except for potentially significant cumulative construction air quality impacts and construction noise impacts.

Comment 24.4

The DEIR does not address the probable result in population distribution, concentration and relocation from the current time to an inevitable future increase in land usage due to the proposed project, including all aspects of the resource base, not limited to water supply, sewer disposal, infrastructure, public services, etc.

Response 24.4

Refer to Section V.J, Population and Housing. The Project will have a less than significant population impact. Refer also to Section VIII. Growth Inducing Impacts on page 304 of the Draft EIR. The Project is not expected to generate growth in the area beyond the proposed Project site. The construction of the proposed development will result in an increase in short-term construction and long-term employment opportunities. While the Project would create new job opportunities, the City of Los Angeles and surrounding areas include a large employment base. The jobs created are professional level jobs that require an educated work force, commensurate with the West Los Angeles/ Beverly Hills location. Therefore, employees could be found in nearby areas. Further, the site is very accessible from area roadways and by mass transit (buses). It is not expected that any significant number of employees will move to the area because of the Project. No significant growth inducing impact would occur. Short-term construction jobs are not anticipated to induce new population growth, because of the short-term nature of the construction process.

Refer to Section V.N., Utilities of the Draft EIR. The proposed Project will be adequately serviced by existing extensions of the electrical, water, sewer and natural gas utility systems existing on or near the Project site. No additional infrastructure of this nature would be constructed that would generate population growth in Century City.

Additionally, after mitigation, the Project would not significantly affect public services, including fire, police and school services. Refer to Section V.K, Public Services of the Draft EIR. The proposed Project is a redevelopment project. The proposed use of the site is consistent with uses in the surrounding area and will not introduce new land uses that could induce significant changes to the surrounding area.

Comment 24.5

The DEIR does not analyze how the Trammell Crow project would not undermine and defeat the purpose of the original Century City Specific Plan, which was to safeguard and assure that all land

development in Century City would be strategically designed and balanced, with self containment and mitigation of adverse environmental, traffic and parking impacts to protect the adjacent communities.

Response 24.5

Refer to Section V.H, Land Use of the Draft EIR, which analyzes the proposed Project's consistency with the Century City North Specific Plan (CCNSP). The discussion that begins on page 165 identifies relevant sections of the CCNSP and assesses the proposed Project's conformance with the requirements set forth in each section. The analysis concludes that the proposed Project is consistent with the goals and policies of the CCNSP. The Draft EIR also analyzes all other environmental impacts of the Project including traffic and parking impacts. Refer to Section V.M, Transportation/Traffic of the Draft EIR.

Comment 24.6

The DEIR does not identify or focus on the critical problems that will be triggered by the expansion of and construction on Santa Monica Boulevard during the same time frame as the proposed Trammell Crow project. Undoubtedly, traffic will be diverted away from Santa Monica Boulevard southward through our community for a period of years. What mitigations are being proposed to prevent the intolerable burden of these traffic impacts on our neighborhoods?

Response 24.6

The Draft EIR on page 118 acknowledges that the construction schedule for the Santa Monica Boulevard Transit Parkway Project (SMBTP) could coincide with the proposed Project and analyzes the SMBTP as a related project for cumulative impact purposes.

The SMBTP project is discussed in the traffic study, pages 47-48 in Appendix 18 of the Draft EIR. According to the Environmental Assessment/DEIR (March 1999) prepared for the SMBTP project, a construction mitigation plan will be implemented. This plan will maintain three through lanes in each direction on Santa Monica Boulevard at all times during construction, which is essentially the same number of lanes that exist today. By providing this number of lanes throughout the construction period, motorists will be able to use Santa Monica Boulevard as they do currently and not have to divert to other routes because of less lanes on Santa Monica Boulevard. The SMBTP Environmental Assessment/DEIR concludes that the SMBTP project is not expected to have significant traffic impacts during its construction.

As discussed in the DEIR, page 227, construction truck traffic for the Project will not be using Santa Monica Boulevard to access the site. Instead, it is planned that routes such as Overland Boulevard, Pico Boulevard, Avenue of the Stars, Constellation Boulevard and Century Park East will be used. Therefore, Project construction traffic is not expected to impact Santa Monica Boulevard while it is undergoing the Transit Parkway improvement.

During the construction phase of the proposed Project, all trips generated by the existing uses at the Project site would be replaced by fewer trips comprised of commuting construction personnel and construction trucks. Additionally, the proposed haul route, which is detailed on page 227 of the Draft EIR, is not intended to divert construction vehicles through residential communities.

Although the Draft EIR concludes that the Project will not result in any significant impacts upon residential streets in the area, the Project applicant is committed to minimizing intrusion by non-residential traffic by funding a Neighborhood Traffic Management Plan (NTMP). The Los Angeles Department of Transportation (LADOT) will be responsible for administering the funds and developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. Measures may include, but are not limited to, traffic control devices including turn prohibitions, traffic diverters, street closures, stop signs, partial cul-de-sacs, speed humps,

retiming of traffic signals, right-turn-on-red restrictions, sound walls or other measures to discourage traffic intrusion.

Refer to Topical Response No. 9 (Construction Impacts) regarding the additional construction restrictions agreed to by the Project Applicant.

Comment 24.7

The DEIR has failed to evaluate the relevance of other projects in the surrounding area or assessed the cumulative impact on traffic from projects such as expansion of the Westside Pavilion, Culver City, and the Westwood and UCLA development plans, etc. The DEIR does not reflect that a reasonable effort has been made to discover, disclose and discuss related past, present and future projects, even if under review by other agencies.

Response 24.7

In order to assess cumulative impacts as they relate to the 2000 Avenue of the Stars Project, a list of past, present and probable future projects was developed. This list is located in the Environmental Setting section of the Draft EIR on page 68. All potentially significant related projects that were officially known at the time the NOP was issued and within an approximate two-mile radius of the Project site were analyzed. This included UCLA and Westwood development projects. The development/expansion of the Westside Pavilion was not known at the time of the NOP and as of September 30, 2002, no formal application regarding the Westside Pavilion had been made to the City. As the City of Culver City is more than two miles from the site, projects within that jurisdiction were not specifically analyzed. However, a traffic growth factor of 1.5 percent per year was applied to the existing traffic counts, which accounts for increase in traffic resulting from cumulative projects and traffic growth from outside the study area.

There is an analysis contained in each environmental issue section of Section V. Environmental Impact Analysis section of the EIR, including traffic, utilizing the list of Related Projects, which takes into consideration any related projects that might cause cumulative impacts.

Comment 24.8

CEQA has mandated that avoidable significant environmental damage be substantially decreased or avoided where feasible. The DEIR does not indicate serious concern with the collateral damage to the health, welfare and safety of the community, which this project would generate.

Response 24.8

The Draft EIR analyzes the potential environmental impacts of the Project in compliance with CEQA. The Project will have a less than significant impact in all environmental areas after mitigation except for temporary cumulative construction air quality and construction noise impacts. These comments are noted for the record.

Comment 24.9

CCCHA hereby requests that we receive notice regarding all hearings scheduled for the Trammell Crow development project including hearings by the Los Angeles Planning Commission, and the Deputy Advisory Agency. We also request specific information regarding the amount of funds to be allocated by Trammell Crow for mitigations, and where, how, and when such allocations will take place.

Response 24.9

The commentor's name and address will be placed on a mailing list for future Los Angeles Planning Commission and Deputy Advisory Agency hearings on the Project.

Even though the Project has a less than significant traffic impact, after mitigation, the Project applicant is committed to minimizing intrusion by non-residential traffic by funding a Neighborhood Traffic Management Plan (NTMP). The amount of funds for the NTMP will be determined prior to the approval of the Project. LADOT will be responsible for administering the funds and developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office.

Comment 24.10

Please be advised that we have retained the professional services of Ryan Snyder Associates on behalf of CCCHA and hereby enclose the Transportation Study and Analysis of the DEIR, which we incorporate by reference herein.

Response 24.10

This comment refers to an attachment enclosed with this comment letter, which is responded to below.

Comment 24.11

CCCHA hereby incorporates in our response all of the “deficiencies” in the DEIR identified in the submissions by any and all other parties, including other homeowners’ associations, etc. CCCHA also wishes to incorporate by reference all the submissions by all other parties in support of our position.

Response 24.11

These comments are noted for the record.

Comment 24.12

Only by comprehensive analysis of the project may “decision makers” balance the development’s benefit against the environmental cost, consider mitigation measures, assess the advantages and compare other alternatives. An accurate, comprehensive and specific project description is essential for a credible DEIR. We look forward to your response to these issues.

Response 24.12

The Draft EIR is a comprehensive analysis of the environmental impacts of the Project including a specific project description, mitigation measures and alternatives.

Comment 24.13.

RYAN SNYDER ASSOCIATES
TRANSPORTATION PLANNING AND POLICY ANALYSIS
431 South Burnside Avenue #10C
Los Angeles, California 90036-6349

September 19, 2002

RE: Comments to the 2000 Avenue of the Stars Development Project DEIR

On behalf of the California Country Club Homeowners Association I have reviewed the Draft Environmental Impact Report (DEIR) for the 2000 Avenue of the Stars Development Project and have prepared the following remarks. My comments solely relate to traffic impacts of the Project. They are divided into two sections. The first concerns the methodology used to calculate trip generation. The second addresses the traffic mitigation plan.

Trip Generation Methodology

Highly accurate methods of estimating the number of trips that new development Projects will generate don't exist. Many uncertainties ranging from tenant mix to local transportation improvements complicate such estimation. The Project at hand used the best method that is commonly used locally, and the method required by the Los Angeles Department of Transportation. However, potential inaccuracies are especially pertinent to this Project, since a large portion of the trips generated by the existing building are particularly difficult to assess with commonly used methods. The result yields a significant decrease in the Projected number of trips by the new Project, with a large margin of error. This margin of error presents justification for local residents to call for a strong trip mitigation program.

Projections show a daily reduction in travel ranging from 35% to 65%, and a PM-peak-hour-reduction ranging from 43% to 58% with the new Project, depending on which of three methodologies is used. A quick look at the Project raises the question of how a building that is 100,000 square feet larger would generate so much less traffic. The answer lies with the change in land use. The mix of the present building has much less office space and much more retail, restaurant and entertainment than the proposed project. Using trip generation models, over half of the trips assigned to the existing development are with restaurant uses. Since the new Project has much less restaurant space, the models show many fewer trips both daily and in the peak.

Trips to restaurants are much less predictable than those to office uses. Employees from nearby offices often visit the present restaurants in Century City at lunchtime. These people don't generate trips. In fact, the restaurants reduce some travel because they make it possible to walk to lunch. The Revised Los Angeles Department of Transportation trip generation model takes this into account with an "Internal Trip Adjustment" of 50%. The 50% reduction is applied equally to retail and restaurants. It is also a standard reduction used in other sites. With lack of better data this may be fair adjustment, but the margin of error with this number is large. To provide a more accurate estimate of trips generated by the existing development, thereby allowing a better assessment of trip gain or trip loss from the new Project, the particulars of this site must be taken into account. How many of those visiting the restaurants walk vis-à-vis those who drive? Moreover, the 50% trip reduction is applied equally during the day and in the PM peak hour. What portion of those visiting the restaurants are the lunchtime office people, versus those who drive to these Century City restaurants during the peak hour? How many dinner patrons come from an adjacent office? How many of them arrive later than the PM peak? These questions can only be answered with more detailed analysis of this particular location.

A more predictable outcome is that the larger office space will generate peak-period-travel. It is possible, but less predictable, that having less restaurant space will cause more Century City employees to drive to eat. In general, mixed land use allows for more opportunities for people to carry out daily functions without driving, than in places with a less balanced mix. The new Project is less balanced than the existing building, and combined with other offices adjacent to the site, creates a less favorable land-use mix.

The point of this is not to imply that the Project will generate more traffic than the DEIR states. Rather, it is to note the large margin of error (in either direction) of the trip generation models used. This provides justification for the neighboring residential community to request ambitious traffic mitigation.

Response 24.13

The traffic study in the Draft EIR is a comprehensive and conservative analysis of the Project's potential traffic impacts prepared in accordance with CEQA and approved by the Los Angeles Department of Transportation (LADOT). Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). It is agreed, as acknowledged by the

commentor, that the Project's traffic analysis "used the best method that is commonly used locally, and the method required by the Los Angeles Department of Transportation."

It is also agreed that precise determination of the trips generated by mixed-use projects is complex. Accurately accounting for and assigning internal trip adjustments can be difficult. The 50 percent internal trips adjustment that was applied to the trip generation analysis is not a standard or typical reduction used in the analysis of mixed-use projects of this type in the City of Los Angeles. Instead, smaller and variable trip adjustment factors have typically been applied and those have been on a case-by-case basis. Therefore, the Project trip generation is based on assumptions that result in a more conservative analysis compared to similar projects in the City of Los Angeles. This trip adjustment was unprecedented for LADOT.

In the commentor's opinion, the proposed Project is less balanced than the existing project in terms of mixed-use. However, it should be noted that the proposed Project will be integrated within the broader context of Century City, which has balance. Refer also to Section V.H of the Draft EIR regarding the Project's land use impacts.

Due to the internal trip reductions in the traffic study, any margin of error that would result would be toward a more conservative analysis. Also, the applicant plans to implement a strong TDM program that will likely achieve more than a 5 percent reduction in peak-hour trips. However, for purposes of a conservative analysis, a 5 percent TDM trip reduction was assumed for Project mitigation. Refer to Appendix 18 of the Draft EIR.

Even though the traffic impact for the Project is less than significant after mitigation, the Applicant has agreed to fund a Neighborhood Traffic Management Plan (NTMP). Refer to Final EIR Section III, Corrections and Additions to the Draft EIR, which incorporates a mitigation measure regarding the NTMP to the Mitigation Monitoring Plan to further reduce the less than significant impact. The measure states:

"T-7 Project applicant shall provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic."

Comment 24.14

Analysis of the Trip Mitigation Program

Overall, the components of the trip mitigation program presented in the DEIR are reasonably comprehensive. The Transportation Demand Management (TDM) program has a good balance of carpooling, vanpooling, bicycling, walking and alternative work-hour elements. The program provides both physical site improvements and on-going management. The details need to be filled in and enhanced. The following suggestions would provide more assurance that the program will be effective:

1. Raise the TDM Goal

The TDM goal is a reduction of only 5% of peak-hour trips. This is very modest and is much lower than that achieved at other sites. The goal should be raised to 15%. Setting a low goal in the beginning could lead to a casual approach later on. Ongoing effort will be necessary to sustain a good TDM program.

Response 24.14

Refer to Topical Response No.6 (Transportation Demand Management Program). As noted by the commentor, the proposed TDM program is comprehensive and has a good balance of different measures.

The 5% TDM goal is required to reduce the potential traffic impacts to a less than significant level. There is no nexus for a goal higher than 5%. A 15% goal is not warranted. Moreover, raising the TDM goal to a 15 percent reduction in peak-hour trips does not ensure that it will be attained. The applicant does plan to implement a strong on-going TDM program that will likely achieve more than a 5 percent reduction in peak-hour trips. See Appendix 18 of the Draft EIR. However, for purposes of a conservative analysis, a 5 percent TDM trip reduction was assumed for Project mitigation. As noted in the Draft EIR, the final TDM program will be refined in consultation with LADOT and will comply with all applicable TDM/trip reduction ordinances of the City of Los Angeles.

Comment 24.15

2. Full-time Employee Transportation Coordinator

The TDM program calls for an On-Site Employee Transportation Coordinator (ETC). This is good and will be necessary for an effective program. The ETC must maintain a high-level of activity to be successful. This site will likely host approximately 3,000 employees. In order to effectively manage the TDM program the ETC will have to work full time. The TDM program submitted doesn't specify how much time the ETC will commit to the program. The TDM plan should be amended to read "Full-Time On-Site Employee Transportation Coordinator."

Response 24.15

It is agreed that having an on-site Transportation Coordinator is critical to the success of the Project's TDM program. The Transportation Coordinator will be a salaried employee at the site. This requirement will be enforced as part of the TDM program. Should it be determined that the needs and demands of the program require a full-time on-site Transportation Coordinator, then accordingly the position will be made to one of full-time.

Comment 24.16

3. Implement Parking Cash-Out Law

California's Parking Cash-Out law (Health and Safety Code 43845) requires employers to offer employees who would otherwise receive free parking, the option to instead receive the cash equivalent of the parking that they can apply to ridesharing, transit, bicycling or walking. This law only applies to employers who are tenants in buildings where the cost of parking is separated from the lease of the office, and where the tenant has flexibility to change the number of parking spaces they lease. Research shows that the option to cash out parking has been highly successful in reducing the number of people who drive to work alone. This Project should separate the cost of parking from the lease, and allow flexibility in the number of parking spaces that tenants lease. This Project should also clearly inform tenants and employees about the parking cash-out law.

Response 24.16

The proposed TDM program will effectively mitigate the traffic impacts of the Project to a less than significant level. The suggested mitigation is, therefore, not warranted. Additionally, the Applicant does not know or control which tenants pay for employee parking. The City assumes that employers at the site will comply, to the extent applicable, with the law referenced by the commentor. The Transportation Coordinator required by the TDM program will make such information available to tenants, to the extent applicable. These comments are noted for the record.

Comment 24.17

3. Signs and Notices to the ETC

Employees working at the new Project will need to be aware of the TDM program and how to contact the

ETC. Signs should be posted in the lobby to alert people to the program and instruct them on how to contact the ETC.

Response 24.17

The TDM program will provide for the widespread posting of signs and notices on-site to inform employees about the TDM program and how to contact the Transportation Coordinator.

Comment 24.18

4. **Increase the Number of Permanently Marked Preferential Parking Spaces**

The present plan calls for two preferential parking spaces to be permanently marked. Employees will need to know that they can get a preferred space if they carpool to work and will need to know that such parking spaces exist. Permanently marking at least 2% of the required parking spaces will be more effective.

Response 24.18

Refer to Response 24.16 regarding the adequacy of the proposed TDM program. The Project will comply with the requirements of the City's TDM Ordinance. The two preferential parking spaces are the initial starting point and more such spaces can be installed if the demand dictates. There will be an appropriate zone designated in the parking structure to accommodate preferred/carpool spaces. Also, parking management will provide and stripe stalls as carpool demand dictates.

Comment 24.19

5. **Ensure TDM Program Monitoring**

In order to guarantee that the TDM program is carried out year-after-year, a reliable monitoring system needs to be set up. Historically, monitoring of developer TDM programs has fallen through the cracks in Los Angeles. Two measures are suggested to ensure effective monitoring. First, a filing fee sufficient to cover several hours of staff review time should accompany annual monitoring reports. Second, neighboring residential groups and the local Neighborhood Council should receive notices annually as to when the monitoring reports are sent in, along with instructions to obtain a copy.

Response 24.19

Refer to Topical Response No.16 (Transportation Demand Management Program) regarding the effective monitoring measures for the TDM program. As stated in Section III. Corrections and Additions, the following monitoring measures will be added to the TDM program. As a part of this program, the applicant agrees to both a reasonable fee payment to cover the cost of staff review of the annual traffic monitoring reports, and the noticing to neighborhood groups and the Council Office regarding the submission and availability of the monitoring reports.

Comment 24.20

6. **Ensure an Effective Neighborhood Protection Program**

The Project developers have voluntarily agreed to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP). The Los Angeles Department of Transportation will develop and implement the NTMP. In order to provide some assurance of an effective program, a portion of the funding should go to the residential neighborhoods to develop plans of their own.

The California Country Club Homeowners Association represents one of the residential areas that the project would potentially impact. The neighborhood is bounded primarily by:

- Queensbury Drive
- Forrester Drive
- Club Drive
- Manning Avenue

These streets are of particular importance when considering the impact of traffic on the neighborhood. Some of the key streets within the neighborhood are:

- Barbydell Drive
- Dannyhill Drive
- Danalda Drive
- Woodbine Street
- Earlmarr Drive
- Cavendish Drive
- Cheviot Drive

These streets could potentially be impacted by cut-through traffic on the way to the Interstate 10 Freeway and its access ramps.

The California Country Club neighborhood is residential. Many people walk in the neighborhood and would like to be able to continue to do so safely and comfortably. Additional traffic would increase the likelihood of cut-through traffic on these residential streets, as well as increased pollution. Especially vulnerable are the senior citizens, children and pets. The residents of the neighborhood would like to maintain its quiet, clean, safe and comfortable ambiance.

A well-conceived Neighborhood Traffic Management Plan will ensure that the neighborhood will maintain its character. Such a program might include such features as:

- Traffic diverters
- Speed humps
- Curb extensions
- Signage
- Turn restrictions, or
- Other traffic calming devices

Response 24.20

Refer to Topical Response Nos. 4 (Traffic Impacts) and 5 (Recommended Traffic Mitigation Measures) regarding the less than significant traffic impacts on residential neighborhoods and the applicant's commitment regardless to fund a Neighborhood Traffic Management Plan (NTMP). The applicant has committed to provide funding, for the design and implementation of an NTMP. Potential NTMP measures may include those measures listed by the commentor, as well as other measures, such as the retiming of traffic signals, the narrowing of roadways and architectural/neighborhood identification "gates". Refer to Section V.B.1 of the Draft EIR regarding the Project's less than significant operational air quality impact.

Comment 24.21

7. Optional - Allow Reduction in New Parking Spaces

If effective, the TDM program will reduce the demand for parking in the new Project. The City of Los

Angeles should consider allowing, and the Project developer should consider constructing fewer parking spaces than is presently planned for. Once built, the building owner will have incentive to fill the parking spaces in order to generate revenue: This incentive runs counter to the need to reduce travel to the site. Having fewer parking spaces to fill will encourage the building owner to maintain an active TDM program.

If implemented, these measures will provide some assurance of an effective traffic mitigation program.

Response 24.21

Refer to Topical Response No. 17 (Parking Supply), regarding the parking requirements of the Project. Constructing fewer parking spaces would render the Project uncompetitive in the local marketplace, would create an economic hardship and could lead to traffic congestion by forcing vehicles to find alternative parking. Fewer parking spaces would also affect visitors and patrons, as well as employees. The TDM program is strong enough that it does not depend on reduced parking to achieve its goals.

The Project includes a reduction of on-site parking spaces pursuant to Los Angeles Municipal Code Section 12.24-Y due to its proximity to the transit facility located at the Constellation Place project at 10290 Constellation Boulevard and Section 12.21-A4(c) because bicycle spaces will be provided on-site.

Comment 24.22

Pedestrian-Friendly Design

Pedestrian-friendly design of buildings encourages walking. It also encourages transit use because transit trips usually start and end on foot. The design of the 2000 Avenue of the Stars Development Project falls well short of what planners look for in designing for pedestrian access. First, it only has a few pedestrian entrances from the street. Second, the entrances are designed to be far from the sidewalk. Third, there's nothing of interest for a pedestrian walking by to enjoy. From the pedestrian point of view the building will stand as a long blank wall, more like a barrier than a destination. A more pedestrian-friendly design would locate storefronts on the ground floor facing Avenue of the Stars, Constellation Boulevard and the access road inside of Olympic Boulevard. The storefronts would offer numerous entrances and would be located on the sidewalk. Although this is presently out of character with the existing Century City, it is critical that the second generation of growth in Century City begins with pedestrians in mind. This will encourage people to walk to the site and to use transit, thereby reducing traffic impacts.

Response 24.22

Refer to Sections V.A and V.H of the Draft EIR regarding the aesthetic and land use impacts of the Project. Pedestrian access to the Project and the plaza would be enhanced and available from numerous locations along Avenue of the Stars, Constellation Boulevard and Century Park East. Pedestrian access into the new office building would be available from Avenue of the Stars on the west side, as well as from the plaza on the eastern side. In compliance with the Century City North Specific Plan, a grade-separated pedestrian crossing is being provided below Avenue of the Stars to allow pedestrians to easily walk between the Century Plaza Hotel and the retail, restaurants and amenities in the landscaped plaza in the 2000 Avenue of the Stars project. Refer to Topical Response No. 8 (Pedestrian Corridor).

The Project proposes sidewalk and streetscape pedestrian improvements, landscaping, street trees, indoor and outdoor dining facilities and landscaped plaza area with a lawn area. A number of design features would enhance pedestrian access from the corner of Avenue of the Stars and Constellation Boulevard to the landscaped plaza. In lieu of the existing above grade mechanical and storage areas for the building on the corner, a level, spacious plaza would encourage at-grade circulation from the corner into the site. The base of the building is set back approximately 90 feet from Avenue of the Stars, and the northern

corner of the building base is set back approximately 40 feet from Constellation Boulevard. Further, the architecture of the building on the north corner will incorporate floor to ceiling glass. The north corner is intended to be an open office or retail use, to further allow maximum visibility through the space into the plaza. Pedestrian access to the plaza will be further facilitated by wide stairs along Constellation Boulevard, as the street drops in elevation east of the corner. The paving from the sidewalk at the corner, around the base of the building, and into the plaza will be architectural concrete and attractive stone materials. Lighting will further indicate that the corner is the main public entrance into the site. The iconic image of the Century Plaza Towers designed by the distinguished architect Minoru Yamasaki, will be visible from the corner of Avenue of the Stars and Constellation Boulevard. Further, trees and activities in the plaza will be visible from various locations at and near the corner.

Regarding transit, it should be noted that the Project is accessible by public transit including the transit facility at the new Constellation Place project. Most of the bus routes that access Century City allow for stops at a minimum of one of three Project site-adjacent intersections: 1) Constellation Boulevard and Avenue of the Stars, 2) Constellation Boulevard and Century Park East, and/or 3) Olympic Boulevard and Century Park East. The bus routes render the Project accessible from the surrounding areas of Santa Monica, Brentwood, Westwood, Beverly Hills, Rancho Park, Culver City, Palms, Fox Hills, Downtown Los Angeles, Encino, Santa Clarita, Lancaster and Palmdale. When transfer opportunities are considered, much of the Los Angeles Metropolitan area is connected to the Project via public transit. Bus routes serving Century City and the Project vicinity are summarized in Appendix 18 of the Draft EIR. This comment is noted for the record.

LETTER NO. 25

September 25, 2002

K.P.March
WilliamT.Coleman
BradfordC.Auerbach,
Steering Committee Manning Area Protection Association
2618 Manning Avenue Los Angeles, CA 90064

Comment 25.1

The MANNING AREA PROTECTION ASSOCIATION is an association of homeowners who own houses on Manning Avenue south of Pico Boulevard, and on the streets near Manning Avenue. Our area is already severely adversely impacted by commuter cut-through traffic that comes off the 10 freeway and uses Manning Avenue (a residential street) and the additional residential streets that are near Manning Avenue to "cut-through" between the 10 Freeway and Century City. The MANNING AREA PROTECTION ASSOCIATION writes to tell you that The MANNING AREA PROTECTION ASSOCIATION opposes the project proposed for 2000 Avenue of the Stars, Century City, Council District 5 in any form.

Response 25.1

These comments are noted for the record.

Comment 25.2

That project as proposed will TRIPLE the amount of traffic cutting through Manning Avenue and other residential streets near Manning Avenue in both the morning and evening commuting hours. There is already a steady stream of out of the neighborhood commuter traffic cutting through Manning Avenue and other residential streets near Manning Avenue both during the morning and the evening commuter hours. Our residential streets simply cannot handle any more commuter cut-through traffic.

Response 25.2

Refer to Topical Response Nos.1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) for a review and analysis of potential traffic impacts associated with the project and set forth in the Draft EIR. The Project does not have a significant traffic impact after mitigation. The Project will not triple the amount of traffic cutting through Manning Avenue and other nearby streets as suggested by the commentor. Refer to Table V.M-13, pp. 242-244 of the Draft EIR, which provides an analysis of the Project impacts at specific intersections, including Manning Avenue and Motor Avenue and other nearby locations.

Refer to Response 6.10 and Topical Response No.5 (Recommended Traffic Mitigation Measures) for a discussion of the Neighborhood Traffic Management Plan to be implemented by the Project applicant.

Comment 25.3

This project should not be approved at all, due to the significant deleterious effects approval of this *project* would have on traffic congestion, transportation, the environment, including but not limited to air quality, aesthetics, noise, and public services on the surrounding residential neighborhoods, including the area served by the MANNING AREA PROTECTION ASSOCIATION.

Response 25.3

The Draft EIR provides a comprehensive analysis of the Project's potential impacts on the environment. See Section V. Refer to Response 25.2 regarding traffic impacts. Refer to Section V.B, Air Quality of the Draft EIR, which states that the Project would not result in a significant long-term air quality impact after mitigation. The Project could result in a potentially significant cumulative construction air quality impact. Refer also to Section V.A, Aesthetics of the Draft EIR, which states that the proposed Project would not result in a significant aesthetic impact after mitigation. Refer to Section V.I, Noise of the Draft EIR, which states that the proposed Project could result in a temporary potentially significant construction noise impacts, but would not result in a significant operational noise impact. Refer to Section V.K, Public Services of the Draft EIR, which states that the proposed Project would not result in a significant impact to public services after mitigation, including fire protection services, police protection services, schools and libraries.

Comment 25.4

But if it is approved, despite the opposition of our Association, and despite the opposition of other homeowners associations, the project/developer and City of Los Angeles should be required to provide a strict Neighborhood Protection Plan, as a condition in any Development Agreement that is approved, requiring that enhanced traffic mitigation be provided by the developer/project and City of Los Angeles to prevent additional cut-through commuter traffic from using Manning Avenue South of Pico Boulevard and North of Motor Avenue, and other residential streets near that portion of Manning Avenue to "cut-through" our residential neighborhoods to and from the 10 Freeway and Century City.

Please confirm receipt of this letter in writing, and please advise in writing as to what will be done to reject this proposed project and to protect our neighborhood. Thank you.

Response 25.4

Please refer to Topical Response Nos. 4 (Traffic Impacts) and 5 (Recommended Mitigation Measures), which include a discussion of the Neighborhood Traffic Management Plan to be funded by the Project Applicant that further reduces the less than significant impact after mitigation. The Department of City Planning does not provide written confirmation of comment letters to individuals and/or organizations. The CEQA review process is a tool for decision-makers to evaluate the environmental impacts of a proposed project. It is not used to approve or reject projects.

LETTER NO. 26

September 25, 2002

Bradford Auerbach
2624 Manning Avenue
Los Angeles, CA 90064

Comment 26.1

I have reviewed the Draft Environmental Impact Report (DEIR) in connection with the above-captioned proposed site. There exist significant deleterious effects on the environment including but not limited to air quality, aesthetics, noise, public services and transportation/traffic.

Response 26.1

The commentor notes existing environmental conditions not resulting from the Project. Refer to Response 25.3

Comment 26.2

As such, I demand a neighborhood protection plan to mitigate the commuter cut-through traffic will invariably spill through the neighborhood in which I live.

As you may know, the Manning Avenue Protection Association is very concerned about this issue.

Please advise on your next steps.

Response 26.2

Please refer to Topical Response Nos. 4 (Traffic Impacts) and 5 (Recommended Mitigation Measures). After the Final EIR is circulated a public hearing will be held by a Hearing Officer. The Hearing Officer will then prepare a Staff Recommendation Report, which will be presented to the City Planning Commission.

LETTER NO. 27

September 25, 2002

Marvin Lang
9718 Cresta Drive
Los Angeles, CA 90035

Comment 27.1

I support the 2000 Avenue of the Stars Project and am pleased by the results of the studies in the Draft Environmental Impact Report.

I believe that the scope of this project has the Potential to improve Property values in the surrounding area while preserving the architectural integrity of Century City. Concerns about potentially negative consequences, whether environmental or functional, have been addressed and dismissed, by the DEIR. In addition, the anticipated tax revenues that will accrue as a result represent another significant benefit,

Response 27.1

These comments are noted for the record.

LETTER NO. 28

September 26, 2002

James D. Lynch
President & CEO
Century City Chamber of Commerce

Comment 28.1

On behalf of the Board of Directors of the Century City Chamber of Commerce, who on February 6, 2002 voted to take a position in support of *2000 Avenue of the Stars*, I would like to express the Chamber's satisfaction with the Draft Environmental Impact Report.

The Chamber's mission is to promote, support and advocate the interests of the business community. The redevelopment of the outdated, Class B-C office complex is necessary in order to revitalize an aging Century City property. The proposed Class A building will help meet the demand for modern, premiere office space, for which Century City is well known, and thus be instrumental in attracting and retaining upscale business activity. The Chamber heartily agrees with the Draft EIR's assertion that the "architectural design of the Project is consistent with the existing aesthetic image and character of Century City..." (Draft EIR, pg. 8, Volume 1).

Because *2000 Avenue of the Stars* is a replacement project that will include a different mix of uses, we are pleased to see that the various traffic studies support our original understanding that, after mitigation, the project will result in a less than significant traffic impacts. Further, the developer's voluntary offer to provide funding for the implementation of a Neighborhood Traffic Management Plan will assist residential neighborhoods in minimizing current non-residential intrusion.

Revitalization is important to both our local business and residential communities, as it serves to keep our Century City economy vibrant. The economic benefits from the development and construction of this project, along with the future operational impacts, will significantly benefit not only Century City, but the City of Los Angeles as well.

Response 28.1

These comments are noted for the record.

LETTER NO. 29

September 26, 2002

R. W. Burns
President
International Union of Operating Engineers, Local Union No. 1

Comment 29.1

On behalf of the International Union of Operating Engineers, Local Union No. 12 for the jurisdiction of Southern California. I'm writing to express our support of the 2000 Avenue of the Stars project in Century City.

We have reviewed the Draft EIR and are very pleased with the positive findings contained in the report. The new project is going to update the outdated facilities that now exist on the site and bring new energy efficient buildings on line. The use of state-of-the-art technology will result in a significant decrease of electrical resources, which will contribute greatly to energy conservation.

This replacement project will revitalize the area, generate jobs and bring vitally needed tax revenues to the City.

Thank you for your consideration.

Response 29.1

These comments are noted for the record.

LETTER NO. 30

September 27, 2002

Richard Harmetz
Secretary
Tract No. 7260 Association, Inc.

Comment 30.1

The enclosed attachment contains the Tract No. 7260 response prepared by our traffic engineer, Tom Brohard, to the traffic element of the Draft EIR on the Trammell Crow project at 2000 Avenue of the Stars, Los Angeles.

Also, our organization would like to request that you send us an up-to-date complete copy of the allocation of Trips under the Century City North Specific Plan. We especially would like to know who currently owns each trip as well as who owns each unused Trip. Thank you for your help.

Response 30.1

This comment refers to an attachment with this comment letter, which is responded to below. Information regarding the Century City North Specific Plan and associated trips can be obtained by contacting Jeff Pool at the Los Angeles Department of City Planning.

Comment 30.2

CONFIDENTIAL

DRAFT FINAL REPORT

2000 AVENUE OF THE STARS PROJECT
IN THE CENTURY CITY
IN THE CITY OF LOS ANGELES

DRAFT EIR
AUGUST 2002

EVALUATION OF
TRAFFIC AND CIRCULATION ANALYSIS

PREPARED BY:

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SEPTEMBER 19, 2002
Executive Summary

Our review of the traffic portions of the Draft EIR for the 2000 Avenue of the Stars Project disclosed the following:

- 1) A failure to appropriately measure and quantify traffic generation from the existing ABC Entertainment Center proposed to be demolished.
 - a) The developer characterized these two buildings as being essentially vacant and dark at the project scoping meeting in January 2002.
 - b) Existing traffic counts taken at intersections during a time of high vacancy in the ABC Entertainment Center should not be used as a baseline to estimate the net traffic impacts of the proposed project.
 - c) In the theoretical evaluation used, trips at inflated rates with full occupancy of the ABC Entertainment Center were deducted from existing volumes.
 - d) This combination grossly overstates the reduction in trips associated with removal of the present uses.
 - e) It does not appropriately assess the traffic impacts of the proposed project as effectively a new generator of traffic.
 - f) Instead, localized trip rates for the entire block could have been easily determined and should have been used to properly evaluate the removal of existing uses and their associated trips.
- 2) Faulty methodology was employed in the traffic study, inflating trips for the existing uses and lowering the trips associated with the proposed project.
 - a) Unrealistically high trip estimates were used for the existing development, even after applying an arbitrary 50% reduction for internal walking trips to and from the restaurant and retail uses at the ABC Entertainment Center.
 - b) Inflated peak hour trip rates were used for the existing restaurants, most of which are closed during the AM and PM peak traffic hours.
 - c) High trip rates for suburban movie theaters were used to estimate the existing cinemas.
 - d) An unrealistic Transportation Demand Management Program involving carpools, vanpools, and bicycles reduces project trips by 5%.
 - e) Instead, a general office trip rate, consistent with the approved Draft EIR for Constellation Place, should be used for 2000 Avenue of the Stars.
 - f) To generate the same number of trips as the ABC Entertainment Center realistically generates, the proposed project would have to be reduced by 200,000 square feet to about 625,000 square feet in size.
- 3) Revision of the Draft EIR will clearly disclose significant traffic impacts.
 - a) All practical traffic mitigation measures including intersection widening and installation of signal systems will be constructed by approved projects.
 - b) Barring a huge infusion of funds for extensive improvements such as people movers and associated parking structures, it does not appear that the proposed project's traffic impacts can be mitigated with typical traffic engineering solutions.

Response 30.2

This comment provides a summary of the comment letter and is discussed in greater detail in the comment letter below. Responses to each comment are set forth below.

Comment 30.3

I. Overview of Approach and Major Findings

The purpose of this report is to evaluate the traffic and circulation analysis performed in relation to the 2000 Avenue of the Stars Project proposed by the Trammell Crow Company. The traffic portions of the August 2002 Draft Environmental Impact Report submitted to the Los Angeles Department of City Planning by Envicom Corporation as well as the June 2002 traffic impact study prepared by Crain & Associates were reviewed in detail. A field review of the intersections studied as well as observations of the existing pedestrian interaction at the project site with the Century Plaza Towers were also conducted. Additionally, various reports and documents relating to projects in Century City including Constellation Place, the expansion of Fox Studios, and the Santa Monica Boulevard Transit Parkway, as well as the Century City North Specific Plan and the West Los Angeles Transportation and Mitigation Specific Plan, were also reviewed.

As listed below, the Draft EIR and the supporting traffic study contains numerous flaws and many errors, and there are also a number of omissions of critically important issues. As a result, the Draft EIR fails to properly and adequately identify the traffic impacts of the 2000 Avenue of the Stars Project. The following summarizes the significant findings of our review of the Draft EIR for the 2000 Avenue of the Stars Project proposed in Century City in the City of Los Angeles.

Response 30.3

This comment provides an introduction to the letter and states that the purpose of this report is to evaluate the traffic and circulation analysis performed for the Project. The traffic study in the Draft EIR is a comprehensive and conservative analysis of the Project's potential traffic impacts prepared in accordance with CEQA and approved by the Los Angeles Department of Transportation (LADOT). The minor corrections and additions identified by this commentor have been incorporated into the Final EIR. They do not change, however, the conclusions of the traffic analysis that the potential impacts are less than significant after mitigation.

Comment 30.4

II. Omissions from the Draft EIR Traffic Analysis

Significant omissions in the Draft EIR and the traffic study for the 2000 Avenue of the Stars Project include failures to appropriately measure and quantify traffic generation from the existing ABC Entertainment Center as well as the Century Plaza Towers and to thoroughly analyze and describe the impacts from alternative developments. Additional omissions include failures to properly evaluate and mitigate impacts associated with the loss of parking spaces during construction as well as vehicle queuing during the AM peak hour at the driveways serving the parking structure beneath the entire block upon completion of the proposed project.

Response 30.4

See Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). As described in the topical responses and in responses below, the Draft EIR appropriately measured and quantified traffic generation from the existing uses on-site in accordance with standard LADOT methodology and with a more conservative revised methodology that severely reduced the number of existing trips by assuming internal capture of trips (Revised LADOT Methodology). The Draft EIR also adequately analyzes potential parking and driveway impacts during construction and operation of the proposed Project. This comment summarizes detailed comments that are discussed and responded to in greater detail below.

Comment 30.5

- A. Trip Generation from Existing ABC Entertainment Center Not Measured – Many letters submitted in response to the Notice of Preparation of the Draft EIR for the proposed project, contained in Appendix 20 of the document, requested the gathering of actual trip count data from the existing ABC Entertainment Center. Additional comments received during the January 14, 2002 Scoping Meeting as transcribed in Appendix 21 of the Draft EIR reiterated this request following the developer's comments about high vacancy rates at 2020 and 2040 Avenue of the Stars. As indicated on Page 14 of Appendix 21, the developer characterized these two buildings as being essentially vacant.

In 1991, the Institute of Transportation Engineers (ITE), an international educational and scientific association of transportation and traffic engineers and other professionals who are responsible for meeting mobility and safety needs, published Traffic Access and Impact Studies for Site Development, A Recommended Practice. As shown in Attachment 1 to this report, pages 24 and 30 of this publication indicate the following:

“Most studies for new or expanding developments are concerned with assessing impacts of *additional* traffic and providing proper accommodations for *total* site traffic. As a result, the study should include the subtraction of existing site traffic if the current land use is to be replaced.... When traffic generated by an existing development is to be subtracted, estimate or count trip generation of the development to be removed....”

“Traffic estimates for any site with current traffic activity should reflect not only the addition of traffic associated with new development, but also the subtraction of traffic currently generated by the existing development that will be removed because of the site's redevelopment.”

It is always preferable to use actual traffic counts and to develop localized trip rates to properly evaluate the removal of existing uses and their associated trips. To establish the actual trip generation rates for this square footage, at a single uniform rate as recommended later in this report, traffic counts should have been made as part of the traffic study for the Draft EIR. This could have been done simply by counting all vehicles over 24 hours that entered and exited the carriage area and the combined parking structure under the ABC Entertainment Center and the Century Plaza Towers. With the actual traffic counts and by knowing how much floor area is in use, it is a very simple matter to calculate the actual trip generation rates for this block. This merely involves dividing the number of trips over 24 hours and during both peak hours by the occupied square footage in the Century Plaza Towers and the ABC Entertainment Center.

While the traffic study indicates that most of the existing traffic counts were taken in 2001 “at a time the site was fully occupied,” this statement contradicts representations made by the developer during the Scoping Meeting. Clearly, traffic counts taken at intersections during a time of high vacancy in the ABC Entertainment Center should not be used to estimate the net traffic impacts of the proposed project.

In the theoretical evaluation conducted in the traffic study, trips at inflated rates and at the assumed full occupancy of the ABC Entertainment Center were deducted from the existing volumes. With the developer's comments regarding vacancy rates, this combination grossly overstates the reduction in trips associated with removal of the present uses and does not appropriately assess the traffic impacts of the proposed project as effectively a new generator of traffic.

Instead of gathering specific trip information at the site proposed to be redeveloped as recommended by ITE and as described in this report, both the existing development and the proposed project were evaluated using estimated trip generation factors. An arbitrary 50% reduction was also applied to estimate the number of internal trips to and from the restaurant and retail uses at the ABC Entertainment Center within the block.

The approach taken in the traffic study is contrary to good traffic engineering practice and does not provide an accurate baseline from which to establish the true traffic impacts of the proposed project or the alternatives. This is absolutely critical, irrespective of the entitlement process and the applicable City codes and ordinances regarding traffic in Century City and West Los Angeles.

Response 30.5

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). The traffic study was prepared in accordance with CEQA, sound traffic engineering practice and all applicable City requirements and policies, and approved by LADOT.

At the time of the scoping meeting in January 2002, there were some vacancies in the 2020 and 2040 Avenue of the Stars buildings. These vacancies were partly due to tenants vacating the premises in anticipation of the site being redeveloped and the applicant not renewing tenant leases for the same reason. This was a transitory condition and not reflective of the full occupancy condition that existed in 2001 when most of the traffic counts were conducted, and in the previous years.

The assumptions, requirements and databases used in the traffic study were independently reviewed and approved by LADOT and sound traffic engineering practices were used. It was agreed that for consistency with other traffic studies that have been prepared for projects within the City of Los Angeles, this traffic study should follow the same standard LADOT procedures. The Project traffic analysis followed the guidelines and criteria set forth in both the LADOT Traffic Study Policies and Procedures manual and the West Los Angeles Transportation Improvement and Mitigation (WLA TIMP) Specific Plan. The LADOT Traffic Study manual states that for an existing use to receive trip credit, it must have been in place for at least six months within the past two years. The WLA TIMP states that the existing use must have been in place and operating for at least one year continuously during the four years immediately preceding the building permit application. As indicated above, the existing uses being removed and credited comply with those requirements.

The calculation of the trips credited to the existing uses also followed standard LADOT policy, which relies on ITE trip generation rates as much as possible or Specific Plan trip rates if applicable. In some cases, LADOT allows the use of other reputable trip generation information sources, such as [San Diego Traffic Generators](#). Accordingly, as described in the traffic study and DEIR, the various Project trip generation analyses used the appropriate and applicable trip generation rates and an accurate baseline. Also, since the Century Plaza Towers will remain as is, no trip generation calculations were necessary for them. The actual traffic counts and localized trip rates suggested by the commentor are not consistent with standard LADOT policy.

For purposes of a more conservative analysis, LADOT further required a 50 percent internal trips adjustment to the trips being credited to the existing and future retail, restaurant, and health club trips being credited. The internal trip adjustments used were not arbitrarily chosen. While LADOT has allowed some internal trip adjustments on a project-by-project basis, the 50 percent adjustment for each of these uses is unprecedented in the City of Los Angeles and resulted in fewer existing trips and a higher net project trip generation. This higher net generation was used to determine Project traffic impacts. Refer to Topical Response No. 3 (Internal Capture), for a summary of internal trip adjustments used in the City of Los Angeles, other jurisdictions and ITE.

Comment 30.6

- B. Analysis of Impacts of Alternative Developments Omitted - The Draft EIR identifies four alternatives and possible combinations of land uses on the site covered by the document. In addition to the no project alternative, an all office alternative of 1,276,000 square feet, a hotel/retail/entertainment alternative of 927,000 square feet, and a reduced density office alternative of 500,000 square feet are briefly described on Page 276 of the Draft EIR. The Draft EIR generally compares traffic volumes of the proposed project to the alternatives and indicates peak hour traffic volumes for three of the alternatives would be higher than the proposed project. The traffic study does not include this information regarding the number of peak hour trips that could be generated by the alternatives.

The Draft EIR fails to adequately compare and relate the alternatives to the proposed project as it offers no specific information regarding the distribution of the trips, analysis of traffic conditions and impacts in 2005, and necessary mitigation measures. Such analysis of alternatives is required in the Draft EIR for a proposed project and these evaluations must be completed and added to this Draft EIR.

Response 30.6

The identification and analysis of alternatives is a fundamental concept under CEQA. The role of alternatives in an EIR is clearly set forth within the CEQA Statutes, California Public Resources Code, Section 21000 et seq. Specifically, Public Resources Code, Section 21002.1 (a) states that:

“The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.”

The California Code of Regulations, Title 14, Chapter 13 (CEQA Guidelines) provide that the degree of analysis required need not be exhaustive, but rather should be at a level of detail that is reasonably feasible. Under the standards for adequacy, the EIR must contain “a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” The analysis of environmental effects of project alternatives need not be as thorough or detailed as the analysis of the project itself. Rather, the CEQA Guidelines state that the EIR shall include “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”

The analysis of alternatives in Section VI and Appendix 16 of the Draft EIR is consistent with CEQA. The peak hour trip generation of the alternatives is set forth in Appendix 16 of the Draft EIR. Refer to pages 283, 290, 295 and 301 of the Draft EIR for a quantified comparative analysis between the alternatives and the proposed Project peak hour trip generation. CEQA Guidelines Section 15126.6 provides that “the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project, as proposed. Consistent with CEQA, the Project alternatives are discussed and analyzed in the EIR, but are not required to be as detailed or rigorous as for the proposed Project. Comparing the peak hour trip generations of each alternative to those of the proposed Project provides sufficient information to allow a reasonable assessment to be made of each alternative’s relative traffic impacts. The additional information suggested by the commentator is not necessary for this assessment of alternatives. Therefore, the all office and the hotel/retail/entertainment alternatives would be expected to have more severe traffic impacts than the proposed Project, while the reduced office and no project alternative would be expected to have fewer impacts.

Comment 30.7

- C. Additional Omissions - The following additional omissions were also noted in our review of the

Draft EIR and the traffic study:

1. Impacts On Parking During Construction Omitted – In their January 17, 2002 letter in Appendix 18, International Parking Design indicates there are 3,548 parking spaces under the existing Century Plaza Towers and that 4,205 parking spaces are required for the Towers. The use of 1,878 parking spaces under the ABC Entertainment Center will be lost during the construction of the redevelopment of the site. During the construction period, there will be a shortage of 657 parking spaces that are needed to support the Century Plaza Towers. The traffic study and the Draft EIR need to evaluate this parking shortage and develop measures to mitigate this significant impact.

Response 30.7

Refer to Topical Response No. 17 (Parking Supply). The existing parking supply for the overall site is 5,922 spaces. This is comprised of 5,471 spaces in the subterranean garage underneath the site and 451 off-site spaces located at 2030 Century Park West. Currently, code required parking is 4,205 spaces for the Century Plaza Towers and 1,717 parking spaces for the 2020 and 2040 Avenue of the Stars.

There will be 4,205 parking spaces available for the Century Plaza Towers during Project construction. Refer to Section III Project Description of the Draft EIR, which explains that at the Project site, there are 1,717 parking spaces allocated to the existing ABC Entertainment Center buildings. During the construction phase, these spaces will be available for construction employee vehicle parking and construction activities. Project construction will involve a maximum of approximately 200 construction worker vehicles on site at any given time. The Project applicant will also be encouraging a ride share program for construction employees to decrease the number of construction vehicles accessing the site. Construction will be phased so that only limited portions of the parking areas will be unavailable for vehicle parking. Out of the available 1,717 parking spaces, it is anticipated that approximately 300 parking spaces will be unavailable at any given time due to the construction work. In addition, there are excess parking spaces available in nearby, off-site parking facilities in Century City for rental, if necessary. Further, mitigation measure T-3 prohibits construction workers from using public street parking spaces during the construction period. Therefore, there will not be a shortage of parking spaces for the Century Plaza Towers during construction.

Comment 30.8

2. AM Peak Hour Vehicle Queuing Not Addressed – When the traffic study is revised to properly assess the traffic impacts of the proposed project, a significantly higher number of vehicle trips will arrive at the driveways during the morning peak hours. Without additional study and necessary mitigation, vehicles entering the parking structure can be expected to queue back into the adjacent streets around the perimeter, blocking through travel lanes on these important roadways. Vehicle queuing during the morning peak hours needs to be assessed and appropriate mitigation measures incorporated into the Draft EIR.

Response 30.8

The traffic study was prepared in accordance with CEQA, sound traffic engineering practice and all applicable City requirements and policies, and independently reviewed and approved by LADOT. Therefore, the traffic analysis does not need to be revised as suggested by the commentor. The main site driveways on Constellation Boulevard, Olympic Boulevard and Century Park East have multiple entry lanes leading to the parking control gates in the subterranean garage. The control gates are recessed well within the garage, thereby providing ample on-site storage for incoming vehicles. The operation of these gates has been upgraded and vehicles are able to enter at a high rate of flow. In addition, the valet drop-off/pick-up area off of Avenue of the Stars has been designed to provide increased storage capacity to accommodate vehicles at peak times. Therefore, the largest inbound generation, 101 net inbound trips

during the AM peak hour, will be adequately accommodated by the site access driveways and internal lanes without causing disruptive queuing on the adjacent streets.

Comment 30.9

III. Faulty Methodology

The Draft EIR and traffic study employ faulty methodology by using inflated and unrealistically high peak hour trip generation rates for the existing land uses in the ABC Entertainment Center rather than using general office building trip rates. These general office rates must also be used to evaluate the proposed project at 2000 Avenue of the Stars for consistency with the approved Draft EIR and traffic study for Constellation Place. Erroneous trip distribution and assignment to the adjacent roadways as well as unrealistic Transportation Demand Management (TDM) Program reductions are also included in the traffic study and the Draft EIR for the proposed project.

- A. Unrealistically High Trip Generation Rates Used for the ABC Entertainment Center Were Used – The traffic study for the Draft EIR evaluated the existing ABC Entertainment Center by using estimated trip generation factors rather than actual counts. An arbitrary 50% reduction was then applied to estimate the number of internal walking trips to and from the restaurant and retail uses at the ABC Entertainment Center. The approach taken in the traffic study is contrary to good traffic engineering practice and does not provide an accurate baseline from which to evaluate the traffic impacts of the proposed project or the alternatives.

The traffic study used the average peak hour rates from the information in ITE's Trip Generation, 6th Edition to estimate trips generated by the 117,000 square feet of high turnover restaurant space in the ABC Entertainment Center. Information contained in the ITE publication covering this land use is shown in Attachment 2, with an average rate of 9.27 trips per thousand square feet of gross floor area and a range of rates from 0.53 to 25.60 trips per thousand square feet of gross floor area reported during the morning peak hour. During the afternoon peak hour, an average rate of 10.86 trips per thousand square feet of gross floor area and a range of rates from 2.80 to 62.00 trips per thousand square feet of gross floor area were reported. The introduction to this land use indicates:

- "Vehicle occupancy ranged from 1.39 to 1.69 persons per automobile on an average weekday."
- "Users should exercise caution when applying statistics during the AM peak period as the sites contained in the data base for this land use may or may not be open for breakfast."

Using the ITE average rates and reducing these values by 50% for internal walking trips, the traffic study calculated that the high turnover restaurants in the ABC Entertainment Center generate 543 net AM peak hour trips (282 in and 261 out) and 757 net PM trips (454 in and 303 out) for the 117,000 square feet of this land use. The resulting number of net peak hour trips used in the traffic study is significantly higher than those that are actually occurring for several reasons including:

- All of the remaining 11 high turnover restaurants in the ABC Entertainment Center are open for lunch. However, only three of them are open for breakfast and only four are open for dinner.
- Parking rates at the ABC Entertainment Center are high, discouraging motorists from parking for brief periods to patronize the high turnover restaurants.

- There is no signing visible from the adjacent streets to attract passing motorists to these high turnover restaurants.
- There is significant pedestrian activity between the ABC Entertainment Center and the Century Plaza Towers. Between Noon and 12:30 PM on September 11, 2002, 450 employees walked from the Century Plaza Towers across the plaza to the ABC Entertainment Center. During the same 30 minute observation, 155 returned to the Towers, with 75 of them bringing food back to their offices for themselves and others.

The traffic study and the Draft EIR use similar unrealistic traffic projections for the high quality restaurant, retail, and health club uses in the ABC Entertainment Center. These facilities support and depend upon the Century Plaza Towers, not passing motorists on the adjacent streets.

In lieu of the preferred approach of gathering actual counts and developing trip generation rates for the block, an evaluation as suggested in the following sections of this report would have yielded specific and reliable trip generation data rather than the grossly inflated trip generation estimates that were used for the restaurant, retail, and health club in the ABC Entertainment Center in the traffic study and the Draft EIR.

Response 30.9

Please refer to Topical Response Nos. 2 (Project Trip Generation) and 3 (Internal Capture Rates) and Response 30.5 above for a summary of the trip generation methodology and rates.

This comment reflects the commentor's opinion regarding the traffic analysis but does not provide substantial evidence to support it. LADOT used its professional experience, judgment and determination in reviewing and approving the traffic study, which included standard methodologies and resources that have been tested and validated for development projects in the City of Los Angeles, as well as many other jurisdictions.

The existing use square footage in the Draft EIR was obtained from the Floor Area Analysis approved by the Department of City Planning on August 21, 2001 in a memorandum from Franklin Eberhard, Deputy Director, Department of City Planning. The number of high-turnover restaurants at the time of full occupancy was 14 not 11 as stated by the commentor. The existing uses that currently remain and their hours of operation are not an appropriate indicator of the existing uses and their activity in previous years. It should also be noted that in addition to the subterranean garage, there is a parking lot off of Century Park East that is for short-term parking that allows up to ten minutes of free parking. Visitors can use this short-term parking to patronize the restaurant and retail uses on-site. Some of the site uses also validate parking in the garage.

The WLA TIMP requires the use of the trip generation rates contained in that document. The West LA TIMP only provides rates for the PM peak hour. Per standard LADOT traffic study procedures, trip rates for the AM peak-hour and daily periods are obtained from the current edition of the ITE Trip Generation manual or other reputable sources. The trip rates applied to the high-turnover restaurant uses are from the WLA TIMP (PM peak hour) and ITE's 6th Edition of Trip Generation (AM peak hour and daily), and were approved by LADOT for this study.

The fact that the restaurant, retail and other non-office uses within the ABC Entertainment Center do not have visible street signage does not mean that motorists would not drive to patronize or visit these uses. Some of these uses advertise in the Yellow Pages, newspapers, "throw away" papers and leaflets, which do draw new customers and visitors. This is in addition to repeat customers who drive to these uses. It is also likely that since this part of the site is referred to as an Entertainment Center, some customers and

visitors drive to it expecting to find restaurant, retail, cinema and other entertainment related uses, regardless of advertising or visible signage.

The amount of pedestrian traffic cited by the commentor as occurring between 12:00-12:30 PM on September 11, 2002, is not necessarily indicative of the amount of internal capture that may be occurring during the AM and PM peak hours, the critical periods being analyzed. It is speculative to infer from this one-half hour midday pedestrian count that relatively the same amount of pedestrian traffic occurs during the AM and PM peak hours when trip purposes are generally different.

Regardless of the amount of on-site pedestrian traffic, that does not preclude the fact that people do drive to the site to eat at the restaurants, patronize the retail and cinema uses, and visit the health club. They may also drive to the site to meet at the restaurants or other uses, including with people who may work on-site or nearby. LADOT recognized that the non-office uses on-site do attract and generate outside vehicle trips, including during peak hours, and that not all of the customer/patronage trips are due to internal trip-making. In addition, in order to provide a more conservative analysis, LADOT also adjusted the non-office use trips downward by 50 percent to further account for internal trips, with the remaining 50 percent being treated as vehicle trips.

Comment 30.10

- B. General Office Building Rates Should Be Used For the Restaurant, Retail, and Health Club In the ABC Entertainment Center – As indicated above, there is considerable existing pedestrian activity between the ABC Entertainment Center and the Century Plaza Towers. Very few vehicle trips to the restaurant, retail, and health club uses occur. While all are open for lunch, few of these high turnover restaurants are open for breakfast or dinner, acting as a food court does in a shopping mall. Trips associated with the high turnover restaurants at the ABC Entertainment Center should be treated as they would be in other types of development such as a shopping mall, at the same trip rate as the other project uses.

The traffic study should have used the trip generation rates for a general office building from ITE's Trip Generation, 6th Edition to estimate trips generated by the office, high turnover restaurant, quality restaurant, retail, and health club uses in the ABC Entertainment Center. As shown in Attachment 3, a general office building houses multiple tenants and typically includes various support services such as banks, restaurants and service retail facilities. Additionally:

“When the buildings are interrelated (defined by shared parking facilities or the ability to easily walk between buildings) or house one tenant, it is suggested that the total area or employment of all the buildings be used for calculating trip generation.”

The Trip Generation Handbook, An ITE Recommended Practice published in March 2001 also indicates that the development in this block should be treated as a general office building. Attachment 4 states:

“Office buildings with support retail or restaurant facilities contained inside the building should be treated as general office buildings (Land Use Code 710) because the trip generation rates and equations already reflect such uses.”

Using the ITE rates for general office buildings applied to the total of 595,000 square feet for office, restaurant, retail, and health club uses in the ABC Entertainment Center, about 5,200 daily trips would be generated including about 750 trips in the AM peak hour and about 750 trips in the PM peak hour. The following table contrasts the trip generation included in Table 6 of the

traffic study for these uses with the proper approach of considering them at the general office building rates for trips generated by the ABC Entertainment Center:

<u>Methodology</u>	<u>Daily</u>	<u>AM Peak</u>		<u>PM Peak</u>	
		<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>
Traffic Study	14,700	750	340	830	920
General Office	5,200	660	90	130	620
Trips Overestimated	9,500	90	250	700	300

Response 30.10

Refer to Response 30.9 regarding the validity of the trip rates and methodologies utilized in the Project traffic analysis. The methodology suggested by the commentor is inconsistent with LADOT’s standard practice. When the amount of square footage for the ancillary uses is relatively small, incorporating the square footage of ancillary or support uses into the square footage of the much larger office use and then calculating the trip generation based on an office use with the overall square footage is appropriate. However, as is the case with this Project, the existing non-office uses comprise more than a relatively small percentage, and those uses have a greater propensity to exhibit “stand alone” trip generating characteristics.

ITE does not have any definitive criteria as to how much of the total building area qualifies as ancillary use area. However, a guideline for that can be derived from the parking requirements in the Los Angeles Municipal Code. The code states if an office building has at least 50,000 gross square feet, and if the retail space in the building does not exceed 5 percent of the total gross floor area, or 15,000 gross square feet, whichever is the smaller amount, then any retail space in the building shall have its parking requirement computed according to the office parking ratio. Otherwise, parking for the retail space is to be calculated at the code parking ratio for retail uses, thus inferring that the retail space is no longer considered solely an ancillary use.

The approximate 201,706 square feet of existing retail and restaurant uses comprise nearly 37 percent of the approximate 530,341 square feet of existing office, retail, restaurant and health club uses. Assuming the above 5 percent factor as a guideline for determining ancillary office uses, the existing retail and restaurant uses exceed this guideline and should be considered “stand alone” traffic generators. Therefore, LADOT has a reasonable basis for not requiring office trip generation rates to be applied to the non-office uses.

In addition, it is the general practice of LADOT to require that the initial trip generation of mixed-use projects be based on the combined “stand alone” trip generations of the individual uses in order to provide a conservative analysis, as was applied to this Project. Appropriate trip adjustments can then be made to reduce the initial trip generation, as was done in this case. For purposes of consistency, LADOT applies this same procedure to existing mixed-use projects being removed, as was also done in this case. Refer to Topical Response No. 3 (Internal Capture Rate) for a summary of internal capture rates assumed by projects in the City of Los Angeles, other jurisdictions and ITE.

Comment 30.11

- C. Cinema Trip Generation Rates in the PM Peak Hour Are Too High – The traffic study used PM peak hour trip generation rates that overstate the number of PM peak hour trips from this use. While 50% reduction factors were used for the trips associated with the restaurant, retail, and health club uses, no such reductions were applied to the cinema. Based upon the significant pedestrian interaction with the Century Plaza Towers and nearby portions of Century City, similar PM peak hour reductions should have been applied to the four movie screens.

While the traffic study used the City of San Diego’s Trip Generation Manual to estimate daily and AM peak hour trips for the existing cinema at the ABC Entertainment Center, the traffic study used rates per seat associated with movie theaters in suburban areas rather than similar urban surroundings. A portion of the City of San Diego’s manual provides trip generation data for the Centre City area, their urbanized core area. Trip rates for movie theaters in this setting generate 7 trips/thousand square feet. Based on 39,700 square feet, the cinemas in the ABC Entertainment Center would generate 280 daily trips, with 10 in and 10 out during the PM peak hour. These values are considerably less than those used in the traffic study as compared in the following table:

<u>Methodology</u>	<u>Daily</u>	<u>AM Peak</u>		<u>PM Peak</u>	
		<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>
Traffic Study	3,150	20	0	160	110
<u>City of San Diego</u>	<u>280</u>	<u>0</u>	<u>0</u>	<u>10</u>	<u>10</u>
Trips Overestimated	2,870	20	0	150	100

Response 30.11

Refer to Response 30.9 regarding the validity of the trip rates and methodologies utilized in the Project traffic analysis. The existing cinema was considered a “drive to” destination and estimated to have negligible internal capture affecting its trip generation. LADOT concurred with this assessment and, therefore, no internal trip adjustments were made to the cinema use.

The commentor states that special San Diego movie theater trips rates based on San Diego’s “urbanized core area”, the City Centre area, should have been used in the analysis instead of the average San Diego movie theater trip rates. The average movie theater trip rates used in the traffic study have been determined by LADOT to be appropriate for the site and has also been used in other studies in the City of Los Angeles, including those with movie theaters mixed with other uses. Furthermore, the PM peak hour movie theater trip rate used in the analysis is required by the West LA TIMP.

Comment 30.12

- D. General Office Building Rates Should Be Used For All Floor Area In the Proposed Project – According to Table 6 in the traffic study, the proposed project would include about 826,000 square feet of office, restaurant, retail, and cultural uses. Applying the same approach by using the general office building trip rates, the proposed project would be expected to generate about 6,700 daily trips with about 1,000 trips in the AM peak hour and about 1,000 trips in the PM peak hour. The following table contrasts the trip generation included in Table 6 of the traffic study for these uses with the proper approach of considering them at the general office building rates for trips generated by the proposed project:

<u>Methodology</u>	<u>Daily</u>	<u>AM Peak</u>		<u>PM Peak</u>	
		<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>
Traffic Study	9,100	890	160	330	840
<u>General Office</u>	<u>6,700</u>	<u>880</u>	<u>120</u>	<u>170</u>	<u>830</u>
Trips Overestimated	2,400	10	40	160	10

Response 30.12

Refer to Responses 30.9 and 30.10 above. The same rationale and methodology applicable to the calculation of the trip generation for the existing site uses were also applied to the proposed Project uses. The proposed restaurant, retail and cultural uses total approximately 61,900 square feet, which is 7.5

percent of the total project square footage. Based on the 5 percent factor discussed in Response 30.10 above, and considering the fact that much of the non-office area would be outside the office floor plate, the 61,900 square feet would not be considered to be ancillary office space. Therefore, for purposes of consistency with the analysis of the existing uses, it was appropriate to calculate “stand alone” trip generations for the Project uses.

Comment 30.13

- E. The Proposed Project Should Be Reduced In Size To Generate the Same Number of Peak Hour Trips As the ABC Entertainment Center - Using the ITE rates for general office buildings applied to the total of 595,000 square feet for office, restaurant, retail, and health club uses in the ABC Entertainment Center, about 750 trips would be generated in each peak hour. Applying the same approach, the proposed project would generate about 1,000 trips in each peak hour. To compare the existing uses and the proposed project, trips shown above for an urban cinema and from Table 6 of the traffic study for the Shubert have been added to the 595,000 square feet of general office space in the following table:

Facility	Morning Peak Hour			Afternoon Peak Hour		
	In	Out	Total	In	Out	Total
ABC (595,000 SF)	660	90	750	130	620	750
Cinema (downtown)	0	0	0	10	10	20
Shubert	20	0	20	20	20	40
Subtotal Existing	680	90	770	160	650	810
Existing ABC	680	90	770	160	650	810
Proposed Project	880	120	1,000	170	830	1,000
Trip Difference	+200	+30	+230	+10	+180	+190

In order to generate the same number of peak hour trips as the ABC Entertainment Center realistically generates, the proposed project should be reduced by about 200,000 square feet, with the resulting general office project to be about 625,000 square feet in size.

Response 30.13

Refer to Responses 30.9 – 30.12 regarding the appropriate trip rates for the existing uses and proposed Project uses. The commentor’s alternative trip generation analysis, which concludes that the proposed Project needs to be reduced in size in order to be equivalent to the existing site uses’ trip generation, does not follow standard LADOT policies and procedures as discussed in the previous responses. The trip generation analysis presented in the DEIR and traffic study is in accordance with LADOT standards. This analysis, which was carefully reviewed and approved by LADOT, does not indicate the need to reduce the size of the proposed Project. However, a reduced-size Project alternative was analyzed as part of the Draft EIR.

Comment 30.14

- F. General Office Rates Were Used to Evaluate the Constellation Place Project – The Draft EIR and traffic study prepared for the Constellation Place Project used the general office rates (ITE land use code 710) to evaluate the traffic impacts of this project. The documents for this project were approved and construction of the building south of Constellation Boulevard west of Avenue of the Stars is now underway. According to the Draft EIR, this project will contain 791,000 square feet including 770,000 square feet of office space and 21,000 square feet of supporting retail uses such as food service and dry cleaning. The trips forecast for this project were developed using the general office building rates for the entire 791,000 square feet of office and retail use as follows:

<u>Constellation Place</u>	<u>Daily</u>	<u>AM Peak</u>		<u>PM Peak</u>	
		<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>
General Office Rates	7,900	990	120	170	830

The same approach must be taken in the traffic analysis of the existing uses at the ABC Entertainment Center as well as the 2000 Avenue of the Stars Project.

Response 30.14

Refer to Responses 30.9 and 30.10 regarding the appropriate trip rates. The 21,000 square feet of ancillary retail use in the Constellation Place project is less than 3 percent of the total building area. Therefore, it was appropriate in that case to combine the retail area with the office area and estimate the trip generation for that project using office trip rates entirely. As discussed previously, the suggested approach is not appropriate for the proposed Project.

Comment 30.15

G. Overall Trip Distribution Is Flawed – The traffic study assigns 25% of the project trips to the North, 20% to the South, 37% to the East, and 18% to the West. Additionally, the traffic study indicates that 60% of the trips will use surface streets and 40% will use freeways, with 23% assigned to the San Diego Freeway to the West and 17% assigned to the Santa Monica Freeway to the South. Flaws apparent in the trip distribution include:

- All traffic must use surface streets to reach the adjacent freeways approximately two miles to the West and to the South.
- Close examination of Figures 4(a) and 4(b) in the traffic study discloses 18% of the trips assigned to the San Diego Freeway, not the 23% shown in the text.

Response 30.15

The regional and surface street project trip distributions and assignments including figures 4(a) and 4(b) were independently reviewed and approved by LADOT. The directional percentages noted by the commentor reflect the regional distribution for the project. It is estimated that initially 40 percent of the Project trips would be on the San Diego and Santa Monica Freeways, from which they would all exit onto surface streets. Also, as the Project trips exit from the freeways, their orientations are expected to change as they proceed on surface streets to the site. For example, Project trips traveling southbound on the San Diego Freeway and exiting at Santa Monica Boulevard and at Olympic Boulevard/Pico Boulevard would then be oriented eastbound toward the site.

Figures 4(a) and 4(b) in Appendix 18 of the Draft EIR depict the estimated inbound and outbound Project trip assignment percentages, whereas the 23 percent, discussed on page 32 of Appendix 18, referenced by the commentor, refers to the traffic distribution pattern for the Project. Trip assignment percentages differ from trip distribution percentages. See pp. 31-32 of Appendix 18 of the Draft EIR. Thirteen (13) percent of the 23 percent on the San Diego Freeway is expected to arrive from the north, with 7 percent exiting at Santa Monica Boulevard and 6 percent at Olympic Boulevard/Pico Boulevard. Ten (10) percent is expected to use the San Diego Freeway from the south, with 5 percent exiting at National Boulevard, 2 percent transitioning to the eastbound Santa Monica Freeway and exiting at Overland Avenue, and 3 percent continuing northbound to Santa Monica Boulevard.

Ten (10) percent of the 17 percent on the Santa Monica Freeway is estimated to come from the east, with 9 percent exiting at National Boulevard and 1 percent exiting at Overland Avenue. Of the 7 percent from the west on the Santa Monica Freeway, 2 percent is expected to transition to the northbound San Diego Freeway and exit at Santa Monica Boulevard, and 5 percent is expected to continue eastbound to Overland Avenue.

Comment 30.16

- H. Unrealistic Transportation Demand Management (TDM) Program Reductions Are Used - The project description indicates the proposed project will contain "Class A" office space with a variety of amenities. Given this, it seems unlikely that employees of this upscale facility will be prone to use carpools, vanpools, public transportation, and bicycles to commute to and from their offices. The Transportation Demand Management (TDM) Program drafted for this project does not appear to be reasonable and it is very unlikely to reduce peak hour trips by 5%.

To provide a more realistic estimate of project traffic impacts, no reduction in peak hour trips should be credited for the proposed TDM Program. This approach is also consistent with the approach recommended by Caltrans for traffic studies. The recommended TDM monitoring period of three years suggested in the traffic study is inconsistent with the Draft EIR and other documents including the West Los Angeles Transportation Improvement and Mitigation Specific Plan.

Response 30.16

The project TDM program is not unrealistic and the achievement of a 5 percent reduction in peak-hour trips is not unreasonable. For example, the largely office development in Howard Hughes Center in the Westchester area has consistently achieved a 5 percent or more peak-hour trip reduction for several years. It should also be noted that the measures available to achieve such trip reductions are not limited to carpooling, vanpooling, transit and bicycling measures. Trip reductions can also be accomplished through flex-time, telecommuting and other work adjustment measures as well. Together, the variety of measures is expected to achieve the desired trip reductions and possibly more.

In terms of the TDM monitoring period, the traffic study (page 59) recommends a five-year period, not the three years indicated by the commentor. The recommended TDM program in the traffic study is consistent with the Draft EIR and other documents including the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The final TDM program, including penalties for not meeting the 5 percent reduction and monitoring requirements, will be refined in consultation with LADOT.

Regarding the comment about Caltrans' approach to traffic studies and TDM programs, please see the following response.

Comment 30.17

IV. Insufficient Analysis

The study does not include sufficient analysis and detail in several areas including a failure to follow the Caltrans Traffic Study Guidelines, potential traffic intrusion into the adjacent residential areas, and appropriate analysis of actual intersection operations and pedestrian impacts at the intersections.

- A. Caltrans Traffic Study Guidelines Not Followed – The text of the traffic study as prepared assigns 23% of the project trips to the San Diego Freeway and 17% to the Santa Monica Freeway. As pointed out above, only 18% of the project trips have actually been distributed to the San Diego Freeway ramps. When this is corrected, there will be different traffic volumes on these two freeways, not identical numbers as shown in the Congestion Management Program (CMP) analysis. When the trip distribution in the traffic study is revised, significantly more peak hour trips will occur on both the San Diego Freeway and the Santa Monica Freeway.

The Draft EIR does not acknowledge the role of Caltrans early on in consultation. Moreover, the City must ensure that Caltrans has the opportunity to review the transportation and circulation portion of the document as well as the mitigation measures. The traffic study as prepared has not

followed Caltrans' Guide for the Preparation of Traffic Impact Studies published in January 2001 (Attachment 5.)

The traffic study lacks proper analysis of the project traffic impacts on the nearby freeway interchanges. The traffic study does not include detailed analysis of these ramps and ramp junctions. It also does not provide operational analysis of impacted freeway sections and weaving areas that are typically required by the State when their facilities are approaching capacity. Appropriate mitigation measures, including fair share financial participation by the developer, have not been included in the Draft EIR.

Response 30.17

As the Los Angeles Department of City Planning is the lead agency, not Caltrans, the City's established policies and procedures for traffic studies were followed, as has been discussed in previous responses. Because Caltrans is not the lead agency for this Project, its Guide for the Preparation of Traffic Impact Studies is not applicable. Nonetheless, see the response below regarding Caltrans.

Regarding the comment on the Project trip assignment to the freeways, refer to Response 30.15.

Regarding the comment on Caltrans' opportunity to provide input, review the traffic study and any mitigation measures, and the need to use Caltrans' traffic study guidelines, Caltrans provided a written communication during the NOP period regarding the preparation of the traffic study. Appropriate items requested for analysis by Caltrans were included in the traffic study. Caltrans did not request that this Project analysis utilize its Guide for the Preparation of Traffic Impact Studies or note in any way that this Caltrans Guide was applicable to the Project. Caltrans was sent a copy of the Draft EIR and traffic report and they provided a comment letter. It can be concluded from Caltrans' NOP letter and the comment letter on the DEIR (See Letter No. 3 of this document) that Caltrans found the traffic analysis to be acceptable, and that no additional mitigation measures were required.

Regarding the comment that the traffic study lacked proper analysis of freeway interchanges and did not analyze operational impacts on freeway sections, the traffic study adequately addressed the items requested in Caltrans' NOP letter. Caltrans was concerned about Project impacts to the San Diego Freeway and its ramps, and to Santa Monica Boulevard, Route 2. No operational impact analysis was requested or indicated by Caltrans. The San Diego Freeway ramps expected to be the most heavily used were analyzed at their intersections with the surface streets. No Project mitigation measures for these ramps or their intersections, or for the freeway itself were determined to be necessary. Several other intersections on Santa Monica Boulevard to the east were also analyzed, with the intersection of Santa Monica Boulevard (N.) and Avenue of the Stars being significantly impacted by the Project. This impact would be mitigated by the Project TDM program.

Comment 30.18

- B. Residential Streets May Be Impacted – When the trip generation for the proposed project is corrected, there may be traffic impacts to residential streets in the area. These impacts need to be determined and mitigation measures must be developed to address any of the associated impacts.

Response 30.18

Refer to Response 24.13. As discussed in the previous responses, the Project trip generation was analyzed in accordance with standard LADOT procedures and no revisions are required. The impact of these trips on residential streets was also analyzed according to the standard criteria established by LADOT. Residential street traffic impacts are evaluated on a daily traffic basis. As the net daily trip generation for the Project is negative, no residential street impact attributable to the Project is forecast and no mitigation

measures are required.

Comment 30.19

- C. Further Analysis of Actual Intersection Operations Is Needed – While the Draft EIR and traffic study evaluate traffic impacts at a number of intersections in the area, the existing lane configurations are not fully functional at a number of these locations. Short storage areas exist for turning traffic at many intersections, with peak hour traffic volumes frequently exceeding the available areas for queuing and subsequently backing into and blocking through traffic lanes. Specific intersections and concerns that require further evaluation and correction in the traffic study and the Draft EIR include the following:

Response 30.19

The Critical Movement Analysis (CMA) planning methodology used in the traffic analysis is the standard methodology that has been used for many years in the City of Los Angeles. It utilizes basic assumptions, factors and values, and does not rely on highly detailed input information. The City has found that it provides reasonably accurate results from which traffic impact and mitigation determinations can be made.

Below are responses to the comments regarding individual study locations.

Comment 30.20

1. Sunset/Beverly Glen – The southbound optional left/right turning lane does not function efficiently with the right turn green arrow overlap as it is frequently blocked by a left turning motorist.

Response 30.20

The analysis of this intersection is consistent with the commentor's observation regarding the temporary blockage of the southbound optional left/right-turn lane. The CMA methodology accounted for southbound right-turning vehicles assigned to the optional left/right-turn lane that may be temporarily blocked by left-turning vehicles in front. Therefore, this intersection was appropriately analyzed.

Comment 30.21

2. Santa Monica (N)/Wilshire – Lead-lag left turn phasing is being used for Wilshire Boulevard traffic, not split phasing. With this, the southbound optional left/through lane does not function efficiently as it is frequently blocked by a through motorist.

Response 30.21

The CMA signal phasing for this intersection has been revised per the commentor's comment. The analysis of this intersection is consistent with the commentor's observation regarding the temporary blockage of the southbound optional left-turn through lane. The CMA methodology conservatively assigned only the southbound left-turn volume to the optional left-turn/through lane, resulting in a higher southbound critical movement volume than would be the case if some of the through volume were added to that lane. Therefore, this intersection has been appropriately analyzed. It should also be noted that the CMA methodology used does not distinguish between "lead-lead" and "lead-lag" left-turn phasing. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M.-13.)

Comment 30.22

3. Santa Monica (S)/Wilshire – Northbound and southbound Wilshire Boulevard traffic proceeds on separate, split phases rather than concurrently as was analyzed in the traffic study.

Response 30.22

The CMA signal phasing for this intersection has been revised per the commentor's comment. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M.-13.)

Comment 30.23

4. Constellation/Century Park East – The intersection currently operates with eastbound and westbound traffic moving on separate phases, with pedestrian crossings occurring with westbound traffic.

Response 30.23

The CMA signal phasing for this intersection has been revised per the commentor's comment. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M.-13.)

Comment 30.24

5. Olympic/Overland – 2005 geometry is shown as the same as existing conditions but the Constellation Place project is required to add an eastbound right turn lane.

Response 30.24

An additional right-turn lane is a condition of approval for Constellation Place. LADOT has determined that there is inadequate right-of-way to construct the proposed measure and obtaining additional right of way would require a taking from the property of the immediately adjacent residential homes. Because an alternative is available which mitigates the impacts of Constellation Place in this location, LADOT is recommending such an alternative in accordance with the project conditions. In order to take a conservative approach to the traffic impacts of the Project, LADOT has advised that the Project traffic analysis assume existing lane configurations.

It should be noted that the addition of this improvement would not significantly change the impact conclusion in the Project analysis. Any change resulting from this improvement would most likely be beneficial for the Project's traffic analysis.

Comment 30.25

6. Olympic/Century Park East – A third northbound through lane exists on Century Park East at this time.

Response 30.25

The CMA lane configuration for this intersection has been revised per the commentor's comment. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M-13.)

Comment 30.26

7. Pico/Overland – Southbound left turn storage is shorter than peak hour turning demand, with the left turn lane queue frequently blocking southbound through traffic.

Response 30.26

Project trips would not be using the southbound left-turn lane on Overland Avenue, as shown in figures 4(a) and 4(b) in Appendix 18 of the Draft EIR, and that southbound through traffic on Overland Avenue can maneuver around vehicles queuing out of the left-turn lane.

Comment 30.27

8. Pico/Patricia – Eastbound traffic in the PM peak has only two through lanes to utilize, not three as shown in the traffic study.

Response 30.27

The CMA lane configuration for this intersection has been revised per the commentator's comment. The revised CMA results for this intersection shows no significant change in Project impacts. (See revised Table V.M-13)

Comment 30.28

9. Pico/Beverly Glen – Westbound traffic in the AM peak has only two through lanes to utilize, not three as shown in the traffic study.

Response 30.28

The CMA lane configuration for this intersection has been revised per the commentator's comment. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M-13)

Comment 30.29

10. Pico/Century Park East – There is a third eastbound through lane available during both peak hours.

Response 30.29

The CMA lane configuration for this intersection has been revised per the commentator's comment. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M-13.)

Comment 30.30

11. Manning/Motor – Westbound traffic has a dedicated left turn lane and a through/right turn lane, not a single westbound lane.

Response 30.30

The CMA lane configuration for this intersection has been revised per the commentator's comment. The revised CMA results for this intersection show no significant change in Project impacts. (See revised Table V.M-13)

Comment 30.31

12. Santa Monica/405 Freeway Ramps – The dual left turn lanes under the freeway extend for only half of the width of the freeway, with traffic frequently queuing out into the through lanes. Adjacent ramp metering of the 405 Freeway on ramps frequently queues traffic back into the intersections with Santa Monica Boulevard on both sides of the freeway. On September 11, 2002, eastbound AM traffic on Santa Monica Boulevard was queued back to Federal Avenue six blocks to the West. The proposed Santa Monica Transit Parkway Project does not include interchange improvements to remedy these conditions.

Response 30.31

The comment that the dual left-turn lanes in each direction on Santa Monica Boulevard extend for only half of the width of the San Diego Freeway above is misleading. It should be noted that there is

additional left-turn storage capacity provided by “advance” left-turn lanes on Santa Monica Boulevard east and west of the freeway’s diamond ramp interchange. Vehicles needing to make left turns to get on the on-ramps can separate from the main traffic stream and enter the advance left-turn lanes before proceeding to the dual left-turn lanes underneath the freeway. Thus, more left-turn storage capacity than just that attributable to the dual left-turn lanes is provided on Santa Monica Boulevard at the San Diego Freeway.

According to the Environmental Assessment/DEIR for the Santa Monica Boulevard Transit Parkway project, as part of that project there will be improvements to add a third lane on the San Diego Freeway on-ramps at this location. The added on-ramp lanes will be High-Occupancy Vehicle lanes. The southbound on-ramp will also be lengthened to approximately twice its existing length to reduce queuing. Ramp meters and ramp/surface street intersection signals will be retimed to better accommodate traffic flows. A right-turn lane on westbound Santa Monica Boulevard at Cotner Avenue/northbound on-ramp will be constructed. Therefore, the queuing mentioned by the commentor is expected to be substantially reduced.

Comment 30.32

13. 405 SB Off Ramp/Tennessee – Off ramp traffic proceeds on a separate phase from eastbound traffic on Tennessee.

Response 30.32

The CMA signal phasing for this intersection has been revised per the commentor’s correction. The revised CMA results show no significant change in Project impacts. (See revised Table V.M-13)

Comment 30.33

14. Bus Priority System on Santa Monica Boulevard – The transit parkway project includes bus priority at traffic signals which will reduce the assumed benefits of the ATSAC and ATCS systems.

Response 30.33

According to LADOT’s Advanced Transportation Management System Division, the bus priority preemption signalization along the Santa Monica Boulevard Transit Parkway will not affect intersection capacity and will not reduce the benefits of ATSAC/ATCS. The amount of green time borrowed from the cross street’s portion of the signal cycle for bus priority preemption will be very little and will not affect signal cycle lengths. LADOT has conducted tests of bus priority preemption signal systems and found that less than one second of additional delay per affected signal cycle occurs. Over the course of an hour, the effect of bus priority preemption is miniscule and well within the capacity improvement allowance attributable to ATSAC/ATCS.

Comment 30.34

15. Other Intersections – The traffic study should evaluate impacts at existing four way stops including Overland at Missouri, at La Grange, and at Mississippi (adult crossing guard for the Westwood Charter School) as well as Motor/Dunleer. Impacts on Beverly Glen intersections where sight distance is limited also need mitigation.

Response 30.34

Major or key intersections at which there are capacity constraints and involve the streets most likely to be used by Project traffic were the locations selected for analysis in consultation with LADOT. The intersections of Missouri Avenue, La Grange Avenue and Mississippi Avenue at Overland Avenue are

not expected to be used by Project traffic, as reflected in Figures 4(a) and 4(b) of the traffic study report, and were determined to not warrant further analysis.

Although the intersection of Dunleer Drive/Motor Avenue was not selected as a study intersection, based on the less than significant impacts at the nearest study intersection to the north, Pico Boulevard/Motor Avenue, and to the south, Manning Avenue/Motor Avenue, it can be reasonably estimated that there would not be a significant impact at Dunleer Avenue/Motor Avenue as well.

Beverly Glen Boulevard is a Major Highway and carries substantial traffic volumes. To ensure that it is safe for the driving public, the City has installed appropriate traffic control devices, including speed limit and curve warning signs along Beverly Glen Boulevard. Any sight distance limitation along this street is an existing condition not attributable to the Project. As no significant Project traffic impacts were identified for the seven study intersections involving Beverly Glen Boulevard in the study area, it can be reasonably estimated that there would also be no such impacts at other Beverly Glen intersections.

Comment 30.35

- D. Increased Pedestrian Crossings Not Evaluated – There is considerable pedestrian activity between the ABC Entertainment Center and the Century Plaza Towers. The proposed project will reduce the area devoted to high turnover restaurant uses by 100,000 square feet, creating significant additional pedestrian crossings of the streets in the area, particularly during lunch. The impacts of these additional pedestrian crossings on intersection capacity must be evaluated and mitigated.

Response 30.35

The analysis evaluated traffic conditions during the standard peak hour periods of 7:00-9:00 AM and 4:00-6:00 PM when overall traffic volumes are the highest and Project impacts would be the greatest. Pedestrian traffic was accounted for in those analyses. As traffic volumes in Century City are substantially lower during the off-peak hours, the inclusion of high pedestrian volumes such as during the noon hour would not result in traffic volumes greater than during the standard peak hours. Therefore, analysis of other time periods is not warranted.

Comment 30.36

- V. Practical Mitigation Measures May Not Be Possible

When the trip generation and assignments for the proposed project are revised, there will be significant traffic impacts on the arterial street segments and intersections as well as on the adjacent freeways. All of the practical traffic mitigation measures including localized intersection widening and installation of the ATSA and ATCS systems will be constructed as conditions of projects already approved. Barring a huge infusion of funds for extensive improvements such as people movers and associated parking structures, it does not appear that the proposed project's traffic impacts can be mitigated with typical traffic engineering solutions. However, should such mitigation be possible, then fair share cost estimates together with an implementation schedule are needed.

Response 30.36

Refer to Responses 30.5, 30.9 – 30.15. The revisions suggested by the commentor are not warranted. The proposed TDM program effectively mitigates the Project's potential impacts to a less than significant level. No additional measures have been determined necessary for the Project, and cost estimates and an implementation schedule for such measures are not warranted.

Comment 30.37

- A. Fair Share Cost Estimates Are Required – Correcting the traffic study to properly account for development of the 2000 Avenue of the Stars Project and revising the trip generation rates and trip distribution assignments will significantly increase projected traffic volumes. As a result, traffic at the various intersections will be more congested than forecast in the traffic study and the project share of future peak hour traffic volumes will greatly increase. Revision of the present inaccuracy of the traffic forecast and trip assignments will impact the level of service at various other locations, requiring extensive traffic improvements. Cost estimates of these measures as well as the “fair share” of costs for this project must be prepared as part of the Draft EIR.

Response 30.37

Refer to Response 30.36 above. Refer also to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation) and 4 (Project Impacts). The Project traffic study has accurately analyzed trip generation and distribution and has been approved by DOT. There has been one potentially significant impact identified, which does not require any physical mitigation measures. Only those physical improvements that have been suitably guaranteed to be implemented by other Projects have been included in the traffic analysis.

Comment 30.38

- B. Timely Implementation Is Needed – With revisions to the traffic study and the Draft EIR, an implementation schedule for mitigation must be developed. Given the City’s many high priority projects already scheduled for implementation, funding limitations, and other unforeseen uncertainties, improvements may not occur for many years. The DEIR should realistically assess the likely timing of the improvements and it should also develop realistic mitigation measures that could be implemented in a timely manner.

Response 30.38

Refer to Response 30.36 above. No physical mitigation measures have been determined to be necessary for the proposed Project. Other projects, which have been required to implement physical mitigation measures in the study area, have been incorporated into the traffic analysis as required by LADOT, as these other improvements have been suitably guaranteed for their construction and implementation.

Comment 30.39

VI. Conclusion

In conclusion, the Draft EIR by Envicom Corporation and the supporting traffic study by Crain & Associates do not adequately or properly address the traffic impacts that will result from the 2000 Avenue of the Stars Project. As indicated above, these documents contain many errors and omissions. Significant additional work is needed to evaluate current conditions, to properly forecast the traffic volumes, to assess the traffic impacts of the project, and to develop appropriate and adequate mitigation of the traffic on the impacted streets and freeways in the vicinity of Century City in the City of Los Angeles.

Attachments:

- 1 – Traffic Access and Impact Studies for Site Development, A Recommended Practice, Institute of Transportation Engineers, 1991.
- 2 – Trip Generation, 6th Edition, ITE, 1997, Land Use Code 832 – High Turnover (Sit Down) Restaurant
- 3 – Trip Generation, 6th Edition, ITE, 1997, Land Use Code 710 – General Office Building
- 4 - Trip Generation Handbook, An ITE Recommended Practice, ITE, March 2001

5 - Guide for the Preparation of Traffic Impact Studies, Caltrans, January 2001

Response 30.39

Refer to Responses 30.1 – 30.39. These comments are noted for the record.

LETTER NO. 31

September 25, 2002

Sean G. Hyatt
2133 S. Beverly Glen Blvd.
Los Angeles, CA

Comment 31.1

**RE: 2000 Avenue of the Stars
EIR Case Number ENV 2001 4027 EIR**

I am writing in support of the above referenced redevelopment project. I strongly believe that the ABC Entertainment Center can be replaced by a more technologically and environmentally efficient facility without severer or lasting impacts to the adjacent neighborhoods. Furthermore, the underutilization of the existing buildings practically demands redevelopment when viewed in conjunction with the rest of Century City, greater West Los Angeles, and through the lens growth management best practices.

At a time when energy conservation and space utilization are integral to the health and productivity of our cities, this project seems well-laced and well-timed to benefit Century City and its residents. I am in full support of its approval.

Thank you for your attention to my position.

Response 31.1

These comments are noted for the record.

LETTER NO. 32

September 30, 2002

Barbara Broide,
Secretary of the Board
Westwood South of Santa Monica Blvd. Homeowners Association
Post Office Box 64213
Los Angeles, California 90064

Comment 32.1

**Re: Draft EIR No. 2001-4027
2000 Avenue of the Stars**

Westwood South of Santa Monica Boulevard Homeowners Association, a non-profit organization representing 3,500 households, is located due west of the above-proposed Century City Trammell Crow project. Our homeowners live between Santa Monica and Pico Boulevards on the north and south, and between Beverly Glen and Sepulveda Boulevards on the east and west. As such, our residents will be directly and adversely impacted by the proposal to increase office space by 432,223 square feet (sf) at the project site – from the current 287,701 sf to 719,924 sf. In our review of the draft EIR document, we have found that numerous issues raised in the January Scoping Meeting as well as in written correspondence do not appear to have been answered sufficiently. From our point of view, one of the project's objectives as detailed on pages 7 and 8 of the Executive Summary should be to protect the residential neighborhoods in the vicinity of the property. After all, one of the reasons that office space in Century City is as desirable as it is because of the character of the surrounding community. Any development on this property can and should be compatible with its neighbors and neighboring communities (and businesses) around the Westside. The economic benefits of this project (and any other proposal) cannot sacrifice the quality of life in the area. It is interesting to note that although the Draft EIR authors claim that the project "will not significantly impact any residential streets," they do nonetheless agree "to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic" (page 37). The suggestion of such an action is, we believe, an acknowledgement of the fact that there will indeed be impacts on our neighborhoods.

Response 32.1

Refer to Section V.H, Land Use, which analyzes the compatibility of the proposed Project with adjacent uses. The proposed commercial uses would be consistent with hotel, office, restaurant and hospital land uses located to the north, east and west of the subject property. Residential units may be considered incompatible if located directly adjacent to the commercial uses proposed. However, the residential uses in this instance are separated from the Project by Olympic Boulevard, which is six lanes wide in the area of the subject property. Noise generated by traffic on Olympic Boulevard would attenuate noise generated by uses of the subject property. In addition, the proposed Project would contain approximately 39,000 sf less retail than the existing use of the site.

Refer to Section V.M, Transportation/Traffic and Appendix 18 of the Draft EIR, which discuss the potential traffic impacts on residential neighborhoods and concludes that the Project does not result in a significant impact to residential streets and neighborhoods. The Project applicant has agreed to implement a Neighborhood Transportation Management Plan, to further reduce any potential traffic impacts, although such program is not necessary to reduce a significant impact.

Comment 32.2

Transportation/Traffic: It is particularly alarming to read that the developers continue to state that the new structure, that will see office space grow from 42% of the current property to 92% of the proposed development, will result in a net decrease of 6,711 daily commuter trips. We question the figures used to describe current property trips and conclude that this traffic "analysis" is deeply flawed. It is unfortunate that due to current occupancy levels, it is impossible to do an applicable count of employees, daily trips and in particular, peak travel trips. We are convinced that such counts, if made when the buildings were full, would demonstrate the erroneous nature of assumptions made. A number of these were noted in correspondence included in Appendix 20 of the report. We are in concurrence with comments made by Tract 7260 and the Cheviot Hills Homeowners Association. We would recommend that an independent traffic consultant be hired to develop figures that more accurately describe the number of new jobs created and the resultant increase in peak travel. Within the Draft EIR there is a contradiction. There are numerous mentions of the 500 new office positions to result from the added space. And yet, applying the formula described on page 190 that applies the rate of 200 sf / person, one must conclude that there will be 2,161 new office workers generating daily peak travel trips. Nowhere is there a discussion in the EIR to address the impact of 2,161 new peak hour office workers.

Response 32.2

Refer to Response 30.5 for a discussion of the adequacy of the Project traffic analysis. No further analysis is warranted.

When the Draft EIR discusses "net new jobs" it is referring to the number of new jobs that will be created by the increase of square footage of the new Project in the context of an analysis of population and housing impacts, not the number of office jobs that would occur at the entire site. The commentor reaches the conclusion that the Project would generate 2,161 new employees by applying the formula identified on page 190 of the DEIR, to only the net increase in office uses on-site. This assumes that only the 287,701 square feet of existing office creates employment opportunities. This disregards the remaining 391,121 square feet of existing development and its associated employees. Because this is a redevelopment project, the proposed building is replacing the floor area of the existing buildings. Thus, the impact of the Project can be calculated by determining the net increase in employees over those generated by all of the existing uses. However, the City's Draft CEQA Guide does not provide employee generation rates for the land uses onsite beyond office and retail uses. Therefore, the DEIR calculated the net increase in employees by applying a generation rate to the net increase in floor area between the existing and proposed buildings. The generation rate applied was 5 employees for every 1,000 square feet of development. This rate is more conservative than the rates provided in the City's Draft CEQA Guide, which identifies 4 employees per 1,000 sf for office uses and 3 employees per 1,000 sf for retail uses. The difference between the Project floor area (778,947) and the existing site floor area (678,822) is 100,125 sf. Applying the formula of 200 sf / person, there will be 501 new people occupying the Project building. The traffic analysis utilizes a different methodology required by LADOT and provides an analysis of daily and peak hour traffic impacts. Refer to Topical Response No. 1 (Traffic Study Methodology).

Comment 32.3

Most importantly, the current health club, fast food restaurants and retail establishments all rely on nearby office dwellers for the majority of their business. To assign 45 and 35 /1000sf FAR's to these establishments is completely erroneous and serves to make a mockery of any attempt to establish daily trip levels for this project. Even at a 50% reduction level, the numbers are not accurate, are inflated and do not reflect reality. In short, the application of the formulas and rates is erroneous as submitted and based upon faulty assumptions. The current Shubert Theatre generates the bulk of its trips after working hours and is often dark between bookings. The movie theaters are rarely busy during daytime (or evening) hours; our residents who frequent them can attest to that! And, finally, as has been noted in a

number of Appendix letters, the fast food restaurants located in the Entertainment Center complex serve employees and visitors to the existing buildings. They have no street visibility, no street signage, no drive-through windows, no easily accessible (or affordable) parking. Need we re-state the comment made pertaining to the likelihood of a McDonald's patron paying \$16 to park for an hour in order to have their daily ration of McWhatevers? Those customers will happily drive to the McDonalds on Santa Monica Boulevard (just west of Beverly Glen) or to Pico Blvd. West of Prosser to obtain their daily fix. And, when the fast food restaurants are gone, there likely will be numerous office workers from nearby buildings leaving the buildings in their cars to obtain less costly lunchtime alternatives in the community—thus contributing to mid-day traffic.

Response 32.3

Refer to Topical Response Nos. 2 (Project Trip Generation) and 3 (Internal Capture Rates), and Responses 30.5 and 30.9 for a summary of the traffic analysis, including the internal trip adjustments. The trip rates that were independently reviewed and approved by LADOT take into account the differing trip characteristics of uses such as office, retail, restaurant and theater uses. A survey of Project trip generation was conducted using four different methodologies, three of which are typically used in the Century City area (the Century City North Specific Plan (CCNSP), West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), and LADOT Traffic Study Polices and Procedures manual (Standard LADOT Methodology)) and a more conservative analysis required by LADOT (Revised LADOT Methodology). The fourth analysis was unprecedented and reduced the number of existing trips substantially.

The vehicle trips using the Revised LADOT Methodology were calculated by taking the trips calculated using the Standard LADOT Methodology and reducing the number of trips by 50% to consider the effect of "internal capture" of trips made between uses on the site.

As indicated in the trip generation analysis of the proposed Project, it is estimated that one half of the new restaurant uses would be high turnover restaurants, which are not expensive. Because the Project will provide a variety of restaurants, including inexpensive restaurants, it is not anticipated that many employees of nearby office buildings would drive to off-site restaurants for lunch. Notwithstanding, any midday traffic impact would be less than the peak-hour impacts identified by the traffic analysis in the Draft EIR.

Comment 32.4

The Draft EIR identifies six roadways that comprise the Century City North street network and five additional major thoroughfares. Of these 11 streets, 6 either border or are contained in the area represented by the Westwood South of Santa Monica Boulevard Homeowners Association. With every new development in Century City, we are able to observe added traffic, new delays and the resultant impacts. Our local streets and major thoroughfares serve as direct (and indirect) routes to the major freeways serving the area—the San Diego Freeway (I-405) and the Santa Monica Freeway (I-10). We are painfully aware of current traffic problems and of the impact any additional office space will generate. We have reviewed the summary of the Traffic Impact Study prepared by Crain and Associates and have the following comments:

Response 32.4

This comment introduces the specific comments regarding potential traffic impacts of the Project, which is discussed in greater detail later in the letter. Refer to Section V.M Traffic/Transportation of the Draft EIR. The proposed Project would not have a significant traffic impact after mitigation.

Comment 32.5

A number of residential streets between the major east-west arteries become inundated with traffic whenever the more familiar streets (such as Overland, Westwood, Sepulveda) become backed up. The same is true for residential streets running north-south when the major east-west arteries are clogged. This is not an infrequent situation. We have commuter cut-through traffic whenever traffic jams, when there are long waits at signals for turns, when there are long waits at signals to cross major intersections, etc. Streets en route to the freeway on and off-ramps are particularly hard hit.

Response 32.5

Refer to Topical Response No.1 (Traffic Study Methodology). Major or key intersections at which there are capacity constraints and involving the streets most likely to be used by Project traffic were the locations selected for analysis in consultation with LADOT.

Comment 32.6

There are a number of streets and intersections that carry significant traffic and should be included as part of any traffic planning. These were not specifically referenced in the draft EIR as “expected to be involved with Project access” and include:

STREETS:

Sepulveda Blvd. (Sepulveda carries significant traffic to I-405 on ramps between Venice Blvd. And Getty Center Drive in our area and is used as an alternate route to the I-405 when the freeway is heavily congested (which is very often the case).

Veteran Avenue (Because Veteran has signals at Wilshire, Santa Monica, Olympic and Pico it is becoming more and more a choice of commuter cut-through drivers.

Prosser Avenue (With signals at Olympic and Pico Boulevards, Century City commuters use it with increasing frequency to avoid Overland congestion.)

Response 32.6

Refer to Response 32.5. Refer to Response 32.7 below regarding Sepulveda Boulevard. Both Veteran Avenue and Prosser Avenue were estimated to experience minimal Project traffic, given the low amount of net Project trips estimated to be traveling in those areas. Refer to Figures T-4 (p. 232) and T-5 (p. 233) of the Draft EIR. It was therefore determined that further analysis involving these two streets was not warranted.

It is expected that some Project trips would use Sepulveda Boulevard between Getty Center Drive and Venice Boulevard. However, there would be no net new trips generated by the Project on Sepulveda Boulevard between Getty Center Drive and Venice Boulevard during the AM and PM peak hours. Refer to Table V.M-13 in the Draft EIR. Therefore, the Project would not be expected to have a significant impact along this street and further analysis is not warranted.

Comment 32.7

INTERSECTIONS:

Westwood and Santa Monica Boulevards
 Sepulveda and Santa Monica Boulevard
 Sepulveda and Olympic Boulevards
 Sepulveda and Pico Boulevards
 Westwood and Pico Boulevards
 Wilshire and Comstock

Response 32.7

Refer to Response 32.5. Based on the less than significant impacts at the adjacent study intersections of Santa Monica Boulevard/Overland Avenue to the east and Santa Monica Boulevard/San Diego Freeway Northbound Off-Ramp-Cotner Avenue, it can be reasonably estimated that there would not be a significant impact at the intersections of Westwood Boulevard/Santa Monica Boulevard and Sepulveda Boulevard/Santa Monica Boulevard (or at Santa Monica Boulevard/Veteran Avenue). Refer to Table V.M-13 (pp. 242-244) of the Draft EIR.

Similarly, as no significant Project impacts were identified at the study intersections of Olympic Boulevard/Overland Avenue, Pico Boulevard/Overland Avenue, San Diego Freeway Northbound On-Ramp-Tennessee Avenue/Cotner Avenue and San Diego Freeway Southbound Off-Ramp-Tennessee Avenue/Sawtelle Boulevard, it can be reasonably estimated that there would not be a significant impact at the intersections of Sepulveda Boulevard/Olympic Boulevard, Sepulveda Boulevard/Pico Boulevard and Westwood Boulevard/Pico Boulevard. Refer to Table V.M-13 (pp. 242-244) of the Draft EIR.

The Project trip assignment percentages, which were approved by LADOT and are depicted in figures 4(a) and 4(b) of the traffic study report, did not forecast any Project traffic going through the intersection of Wilshire Boulevard and Comstock Avenue. Therefore, this intersection would not be significantly impacted by the Project and further analysis is not warranted.

Comment 32.8

While the intersection of Beverly Glen and Wilshire Blvds. is noted, the nearby intersection of Comstock and Wilshire is not. Commuters going to north and west (particularly to Beverly Glen Boulevard to come to and from the San Fernando Valley, often use Club View and Comstock to access Beverly Glen north of Wilshire near Holmby Park. (Please note: On page 214 it appears that the intersection markers for #6 and #7 have been placed incorrectly. They should appear one block east at Beverly Glen.)

Response 32.8

Refer to Response 32.7. Refer to Section III, Corrections and Additions of the Final EIR. Figure T-1 in the DEIR has been corrected to show the correct placement of numerical indicators for the intersections of Santa Monica Boulevard (N.)/Beverly Glen Boulevard and Santa Monica Boulevard (S.)/Beverly Glen Boulevard. This correction does not modify the impact analysis as set forth in Table V.M-13 (pp. 242-244) and Section V.M, Transportation/Traffic of the Draft EIR.

Comment 32.9

The Draft EIR describes Beverly Glen Blvd. As “a north-south major highway extending from the San Fernando Valley, across the Santa Monica Mountains, and terminates at Pico Blvd. It provides two lanes in each direction and left-turn channelization.” Anyone who has driven Beverly Glen Blvd. to the San Fernando Valley from West Los Angeles (or visa versa) would tell you that Beverly Glen, for most of its length between Sunset Blvd. and the San Fernando Valley consists of ONE lane in each direction (with the exception of one small area near Nicada south of Mulholland and another approaching Mulholland from the south). While the volume carried may lend it the characteristic of a major roadway, it is essentially a mountain canyon road that curves as it winds its way over the local mountains that separate the city from the San Fernando Valley. The Draft EIR should be corrected. This kind of error is but another example of sloppy or intentionally misleading work.

Response 32.9

The description of Beverly Glen Boulevard on page 215 of the DEIR has been corrected as follows:

“ It provides two lanes in each direction and left-turn channelization in the West Los Angeles area.”

This correction does not modify the impact analysis as set forth in Section V.M, Transportation/Traffic of the Draft EIR.

Comment 32.10

In reviewing Table V.M-3, it should be noted that while there appear to be intersections included in the study area that perform at A level during both morning and evening peak hours, this is entirely misleading. The intersections with A/A LOS ratings are the intersections of those streets that are not complete four-way intersections. They are either 3-way intersections or are comprised of streets that end shortly after the intersection. With those intersections removed, the overall condition of nearby targeted intersections is dismal. If one believes that the project in question is likely to increase peak travel, as we do, it becomes quite clear that there is no street capacity to absorb such an increase.

Response 32.10

The study intersections were analyzed according to standard methodology approved by LADOT, which takes into account the number and type of lanes approaching the intersection and the associated volumes of these approached lanes. The fact that an intersection may be 3-legged does not mean it is less important or does not experience significant traffic volumes as an intersection with four or more legs.

Comment 32.11

While we are pleased to note that the DOT has suggested a revision of the methodology used to analyze existing trip generation, the use of 50% seems arbitrary and subject to question. We cannot accept the remaining figure that would indicate, for example, that the high turnover restaurants generate 1,757 trips per day. Again, their location, lack of signage and street visibility and lack of parking affordability makes this a very unlikely scenario. Have customers to a sampling of these facilities been polled to determine how they come to frequent the various eating establishments? While adjustments would have to be made for employees no longer occupying the current buildings, the results of a survey of current customers could be quite helpful in determining what an appropriate adjustment should be.

Response 32.11

Please refer to Responses 30.5 and 30.9 and Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). The survey suggested by the commentor is not warranted.

Comment 32.12

PROJECT MITIGATION: Residents of our area are well aware of the shortcomings of recent mitigation efforts undertaken in conjunction with local building projects. While it may be possible to mitigate certain impacts, we cannot mitigate for transportation beyond what traffic corridors can absorb. Just because we have no higher (or perhaps lower is a better choice of words) congestion designation beyond an F, it does not mean that we can continue to overburden these intersections to FFFFF capacity. In order to have meaningful mitigation, there must be:

- Ongoing independent traffic monitoring
- Support of alternative transportation modes (TDM program)
- A comprehensive Neighborhood Protection Plan
- Adequate funding over years to implement above elements

We agree with Tract 7260's request that the impacts of the ATCS system paid for by Constellation Place not be allowed to reduce the traffic generation of the proposed project (Appendix 20 January 31, 2002 correspondence from R. Harmetz).

Funding levels to implement the specified mitigation efforts must be adequate to address all the potential impacts noted as well as unintended impacts that may be discovered followed completion of the project. Our area has all too often had experiences where mitigation dollars associated with projects were so inadequate that homeowner associations found themselves vying against one another in the attempt to access funds for much needed (and fairly inexpensive) mitigations. The funds were not adequate.

Response 32.12

Please refer to Section IX Mitigation Monitoring Program of the Draft EIR. A Mitigation Monitoring Plan (MMP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” The City of Los Angeles is the Lead Agency for the proposed Project. The Project Applicant will provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved.

Refer to Section V.M Transportation/Traffic of the Draft EIR for a discussion of traffic mitigation measures. Mitigation for the Project includes a Transportation Demand Management (TDM) program and is set forth as follows:

“The Project shall implement a Transportation Demand Management (TDM) program as set forth in Appendix 18 and in compliance with all TDM/trip reduction ordinances of the City of Los Angeles. The TDM program shall be designed and operated to encourage ridesharing, transit usage and bicycle usage among Project employees, with the goal of achieving Project vehicular trip generations of 996 trips or less during the AM peak hour and 1,119 trips less during the PM peak hour. Among the services and amenities expected to be included in the TDM program are designated carpool and vanpool parking spaces; bicycle parking, clothes lockers and related facilities; centralized ridesharing and public transit information; on-site sale of transit passes; and participation in the Century City Transportation Management Organization that is to be developed by the Constellation Place project. The Program includes financial penalties for non-compliance and the ability to implement additional or other measures as necessary should it be determined that the Project has not attained the above trip generation targets. See Appendix 18 and LADOT Letter dated July 11, 2002 in Appendix 13. The final TDM program, including a monitoring procedure, will be refined in consultation with LADOT.”

Although the Project will not result in any significant impacts to any residential streets, the Project applicant has voluntarily agreed to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic. In addition to administering the funds, LADOT will be responsible for developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. Measures may include, but are not limited to, traffic control devices including turn prohibitions, traffic diverters, street closures, stop signs, partial cul-de-sacs, speed humps, retiming of traffic signals, right-turn-on-red restrictions, sound walls or other measures to discourage traffic intrusion.

The mitigation measures suggested by the commentator are not necessary or required for the Project. The ATCS system paid for by the Constellation Place project would improve the overall efficiency of signalized intersections where it has been installed, but it would not reduce Project trips. As advised by LADOT and consistent with the request on the referenced Tract 7260 letter, the ATCS system was assumed in the analysis of future conditions without and with the Project.

Comment 32.13

MONITORING PROGRAM: Mitigation monitoring must be done during all phases of development and until the project is fully occupied (office, retail, restaurant and cultural spaces). Without accurate and ongoing monitoring we cannot be assured of the effectiveness of mitigation efforts. Monitoring should be performed by an independent source or by the City and paid for by the developer. The dates of at least half the traffic counts must be done without prior notice to building management and/or tenants. Until the project completes its five annual consecutive reports for compliance, traffic should be analyzed on a semi-annual basis (twice a year). A one-year grace period is too excessive. New counts should be taken six months after initial non-compliance and penalties levied after the second six-month reporting period. There should be no grace period to comply as local residents are not given a grace period from project impacts! The feasibility of installing automated monitoring equipment with the capability of counting traffic on a daily basis should be explored. Access to monthly parking permit sales, usage and billing records might also accomplish some data gathering requirements and should be explored. The LA DOT should have the option of auditing any traffic data at the expense of building owner. Penalties for exceeding counts after the initial six month period and the following six month period when corrections were to have been made are currently defined in the Draft EIR as being the cost of the annual fee for a bus pass with 2 zones of travel (currently set at \$ 864 each). This is not sufficient and does not even reflect the total cost of parking fees collected by the building for the autos in question that exceeded the count! We would recommend that the penalty be equal to the amount of the annual reserved parking fee in the building plus 15%. To complete the monitoring process, the building is being asked to make five annual consecutive reports no sooner than when the building reaches 80% of occupancy and no later than when it reaches 90%. We agree with this reporting requirement, however if reports are done at these levels, then the figures arrived at should be statistically adjusted to reflect full 100% building occupancy so that full impacts can be assessed.

Response 32.13

Refer to Response 32.12. Refer to Appendix 18 of the Draft EIR, page 59. As part of the Transportation Demand Management (TDM) program, the applicant will be required to monitor the project parking and access driveways and measure vehicular usage. The monitoring will be accurate and effective. It is recommended that the monitoring be conducted on an annual basis and implemented no sooner than when the Project first has a minimum of 80 percent floor area occupancy, and that the monitoring measurements cover the peak periods of 7:00-9:00 AM and 4:00-6:00 PM, Monday through Friday (excluding holidays), over a one- to two-week period as agreed with LADOT. From this information, the average number of vehicles using those driveways during the highest 60 minutes in each peak-hour period and attributable to the Project will be determined. As the Project is on the same block and uses the same parking garage as the existing Century Plaza Towers, appropriate procedures will be established with LADOT to ensure that the trips generated by the Project are properly identified and evaluated.

The TDM program requires the Applicant to submit a minimum of five annual reports on the Project TDM program and documents its effectiveness to LADOT. If an annual report documents that either the AM or PM peak-hour trips have exceeded a total set forth in Table 10 of Appendix 18 of the Draft EIR, then the Applicant has one year to achieve compliance. This one-year period is not excessive. If the annual report subsequent to the noncompliance annual report shows that the Project is still not in compliance, then LADOT may require additional operating improvements and/or modifications to the TDM measures. It should be noted that TDM programs that allow reasonable flexibility in selecting and implementing measures and incentives better ensure achievement of the TDM goals.

When the last five annual reports demonstrate continuous compliance with the peak-hour trip thresholds, the Project shall be deemed to have satisfied the TDM mitigation measure requirement and no further action by the Applicant regarding this requirement will be necessary.

The TDM penalties listed in the Draft EIR would be sufficient. The preliminary TDM program has been independently reviewed and approved by LADOT. The final TDM program will also be reviewed and approved by LADOT.

It is not standard practice in the City of Los Angeles or in other jurisdictions to require daily continual monitoring as suggested by the commentor. The frequency of the monitoring will be contained in the final TDM program approved by LADOT.

Comment 32.14

TRANSPORTATION DEMAND MANAGEMENT PROGRAM: Because the traffic count figures for this project remain in question, it is premature to establish specific goals for trip reduction at this time. We would recommend that the TDMP incorporate creative incentive programs to encourage employees to try other forms of transportation to their place of work. Participation in a Century City-wide transportation group is supported.

Response 32.14

The traffic count figures were reviewed and approved by LADOT. Refer to Appendix 18 of the Draft EIR for a Preliminary Project Transportation Demand Management (TDM) Program. This plan includes incentive programs to encourage employees to try other forms of transportation to their place of work. This includes a tenant TDM provision in which the building owner will issue a TDM provision with each office lease, which formally introduces tenants to the Project TDM Program and requests that tenants participate in incentive programs. Such programs include Rideshare Rewards and Club Metro, which are available to employees whose employer is located within Los Angeles County and has fewer than 250 employees. Rideshare Rewards encourages employees to try alternative modes of transportation by offering \$2 per day in gift certificates for Ralphs, Unocal or Target during their first three months of trial. Club Metro encourages employees to continue ridesharing beyond the trial period by offering a Club Metro rewards discount book to restaurants and other entertainment venues.

The Tenant TDM Provision will also encourage tenants to consider alternative work hour schedules.

The proposed TDM program includes participation in the Century City Transportation Management Organization that is to be developed by the Constellation Place project.

Comment 32.15

NEIGHBORHOOD PROTECTION PLAN: We look forward to working with Trammell Crow, the City and our neighboring associations and businesses in the development of a comprehensive Neighborhood Protection Plan. Such a plan must be a part of the project budget, funded and approved by all concerned before construction begins.

Response 32.15

Although there would be no significant traffic impact after mitigation, the Project applicant has voluntarily agreed to provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic. In addition to administering the funds, LADOT will be responsible for developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. The money will be deposited with LADOT upon approval of the proposed Project and prior to construction.

Comment 32.16

CULTURAL FACILITY: It is difficult to comment on the proposed cultural facility as details are not

adequate to determine whether such a facility will be of benefit to the local community. Hours of operation would be of concern as well as use for special events, outdoor activities, liquor permit status, etc. Since parking is expensive in the project area and arts/cultural organizations are usually operated as non-profit institutions, one would wonder whether the developer is willing to make a commitment to the cultural institution and the community to assist in subsidizing the rent for the facility as well as the parking. If not, one could likely expect the facility to have a short life expectancy—thus leaving the space for possible conversion to a far less desirable use from the point of view of the community. We might note, too, that the percentage of square feet dedicated to this facility is relatively small—10,178 sf of a 778,947 project. To refer to this project as a “mixed use” project seems disingenuous with less than 10% of the space (59, 023 sf) dedicated to uses other than office space. This project is truly an office space project. In the “re-development” the residential and workplace communities are losing access to high quality movie theaters, live theater, tennis and health club facilities and inexpensive eateries.

Response 32.16

The cultural facility would be constructed adjacent to the central plaza, specifically for a cultural use. It is intended to house exhibition areas for one or more major cultural institutions, and may house an art gallery, or branch of a notable museum. Together with the three-acre landscaped plaza area, this building would create an amenity for both tenants of surrounding offices as well as nearby residents and visitors. The facility would be secure and accessible to the public. In the past, visitors could park at the site for certain special events at a substantially reduced rate (i.e., event parking). It is anticipated that this will be continued.

Refer to Section V.L, Recreation and Parks. The existing uses on-site are commercial in nature, consisting of office, restaurant, theaters, retail and health club. The Project would replace the existing uses with office, restaurant, retail, a cultural facility, and a landscaped outdoor plaza. The cultural and improved plaza uses would provide recreational value at the site. The proposed Project does not include any residential uses, which would require the construction of new recreational facilities. As the Project would not increase the resident population, no adverse impacts are anticipated.

The removal of the eight privately-owned tennis courts would result in some members and/or private lessees seeking court reservations elsewhere. The two nearest public tennis court facilities, located at Cheviot Hills and the Westwood Recreational Center, provide 22 tennis courts. Given the underutilization of the existing tennis courts, and number of nearby tennis courts, and/or recreational opportunities, Project implementation would not result in a substantial deterioration of another existing recreational facility due to increased usage from displaced tennis players.

While the City of Los Angeles’ Draft CEQA Thresholds Guide does not specifically mention theaters and cinemas as passive recreational facilities, they do provide opportunities for passive recreation. The Shubert Theatre is one of many theater venues in Los Angeles. The site is in close proximity to Hollywood and other theater venues in the Los Angeles area. Other large theaters in the area include the Pantages Theater, Kodak Theater, Dorothy Chandler Pavilion, and the Ahmanson Theater. The Shubert Theatre is currently closed. Due to the status of the theater and the number of similar venues in the area, removal of the theater would not result in an adverse impact on recreational facilities.

The Loews Theatres Century Plaza Cinemas are one of the many cinema venues on the west-side of Los Angeles. They have experienced direct competition with the AMC Century 14 facility located in the Century City shopping mall to the west. Additionally, three other movie facilities are located within 1.3 miles of the subject property. The loss of cinemas is not anticipated to generate an adverse impact to recreational facilities due to the number of movie screens available in the vicinity.

The Project includes new retail amenities and restaurants that would provide patrons new dining opportunities for lunch and dinner service at a range of price levels, including inexpensive eateries.

Comment 32.17

PARKING AND ACCESS: The 451 off-site parking spaces at 2030 Century Park West should not be included in parking space figures given that correspondence from Century City Garage Partner's attorney in Appendix 20 indicates that the covenant is valid only so long as the existing buildings are in place. Therefore the parking projections in the draft EIR do not meet the minimum requirements. To include them in any calculations brings into question the honesty of those preparing the document and brings to question the credibility of the entire document. It was our understanding that CEQA requires an EIR to include a good faith effort at full disclosure. How are we to reconcile the inclusion of parking spaces that are no longer available?

We wish to know what kinds of measures can be taken "after the fact" if, in fact demand for parking outstrips supply based upon faulty or overly optimistic projections on the part of the planners. When visitors to a building are met with "parking lot full" signs, they are then forced to circle in the area thus contributing to traffic congestion, air pollution, etc. Clients from the existing buildings already seek to avoid the high cost of parking at the project location by using the Century City Shopping Center (now Westfield Shoppingtown) lot. As local users of the shopping center, we have concerns that the incursion of office users in the mall lot will result in the establishment of paid parking there—with a negative impact on locals as well as all shoppers who contribute to the L.A. City tax base.

Response 32.17

Refer to Topical Response No.7 (Parking Supply) for a discussion of the Project parking requirements and off-site parking spaces. The existing parking supply for the overall site is 5,922 spaces. This is comprised of 5,471 spaces in the subterranean garage underneath the site and 451 off-site spaces located at 2030 Century Park West. Currently, code required parking is 4,205 spaces for the Century Plaza Towers and 1,717 parking spaces for the 2020 and 2040 Avenue of the Stars. The covenants for the off-site parking spaces are valid and in effect and will continue to be effective with the proposed Project.

The total code required parking for the proposed Project is 1,860 spaces, which includes parking space reductions pursuant to Los Angeles Municipal Code Section 12.21-A4(c) and Section 12.24-Y. Before the parking reductions, the total code required parking for the Project is 2,109. The parking requirement is reduced by 43 spaces due to a credit for bicycle stalls provided pursuant to Los Angeles Municipal Code Section 12.21-A4(c). Additionally, a 206 space reduction is taken pursuant to Los Angeles Municipal Code Section 12.24-Y because the Project is located near a transit facility.

The Draft EIR provides two possible parking plans. The Project's preferred parking plan would provide 6,358 parking spaces on-site and would include tandem parking with parking attendants on all parking levels except level B. This would satisfy all code required parking and result in a surplus of 293 parking spaces. Alternatively, the Project would satisfy all code required parking by providing 5,867 parking spaces on-site and 451 spaces off-site, for a total of 6,318 spaces. This would result in an excess of 253 spaces over the code requirement. Therefore, both parking plans meet all code requirements.

Because the Project exceeds the number of code-required parking spaces, it is unlikely there would be a shortage of parking spaces. However, in the unlikely event the approximately 6,300 parking spaces are filled at one time, there are numerous parking lots in the Project vicinity, which are accessible to the Project site.

Additionally, currently the Westfield Shoppingtown Century City charges visitors a fee to park in the mall parking structure after three hours.

Comment 32.18

ENVIRONMENTAL IMPACTS: Since there are neighbors to the project both residential and commercial

who are more directly impacted by the physical configuration of the proposed project, we would yield to their comments pertaining to environmental impacts including aesthetics (visual qualities, lighting, shading). Although the footprint of the new structure may be smaller, it is still a larger project in total square footage and height. A smaller building with less square footage would better serve the community with its reduced impacts. We are concerned about local air quality in terms of pollution generated during construction, pollution generated as a result of increased traffic. Hauling routes for dirt and construction materials are also of concern. For construction-phase mitigation, we would request that the project establish a single telephone contact to whom problems could be reported by neighbors. A protocol for addressing problems and reporting back to the neighbors and the City should also be in place. Repeated problems should be met with financial repercussions and construction delays, so that the "shoulds" described on page 14 become "musts."

Response 32.18

Refer to Section V.A, Aesthetics. As stated in the Draft EIR, the architectural design of the Project is consistent with the existing aesthetic image and character of Century City, and would not have a negative aesthetic effect. Based on the visual analysis prepared for the Project, the increased height of the proposed building compared to the existing structures would increase the visibility of the Project site. However, due to the concentration of off-site view-blocking structures, increased visibility is predominantly limited to street corridors that are variously oriented and "channeled" toward the Project. Views of the proposed building may be intermittently available from elevated windows through visual gaps between the taller buildings that surround the site. In summary, completion of the proposed Project would contribute to the density of buildings visible in the Century City skyline when viewed from foreground to middle-distant viewing locations. The high- and mid-rise structures that surround the Project site serve to block many views of the existing and proposed buildings. The proposed Project would be of a height and bulk consistent with such views, and constructed of materials appropriate for the modern urban landscape of Century City. The future views of the Project site would be in keeping with the valued character of Century City, and no significant view impact would occur.

As discussed in the Lighting and Glare section of the Draft EIR, there is not a significant lighting or glare impact after mitigation. Illumination from the proposed Project is not likely to impact the Century City Hospital and the Century Park East condominiums due to distance and the presence of the 44-story Century Plaza Towers, which are located generally between the proposed building and these uses. Similarly, the Century Woods residential area is unlikely to be adversely affected by nighttime illumination due to distance and the intervening presence of both the St. Regis and Century Plaza Hotels. Portions of the Century Plaza Hotel, St. Regis Hotel and the Park Place condominium complex buildings, which front toward the Project site would be exposed to nighttime illumination from the Project area. The proposed uses, distance to the proposed structure, and incorporation of proposed design features, would serve to reduce illumination effects. In the short term, elimination of vegetation for construction access may increase the lighting that would be visible from the Park Place condominiums. Without mitigation, this impact would be potentially significant. In the long run, illumination from the site would increase resulting in adverse but not significant impacts. However, this determination assumes no unusual lighting conditions or features. Without the additional measures set forth in the Draft EIR assuring this, the Project could adversely affect adjacent light sensitive areas of the Century Plaza Hotel, St. Regis Hotel and Park Place condominium complex. Reflected sunlight from the proposed building can be a problem to motorists when the sun is close to the horizon, allowing reflected glare to interfere with a driver's vision. Consequently, glare impacts may occur during morning and early evening hours when the sun is near the horizon. Potentially affected road segments would include portions of Olympic and Constellation Boulevards and Avenue of the Stars. The Project's impact would vary by season and time of day and is of short duration, which without mitigation (such as use of non-mirrored glass) could result in a significant impact. However, with the implementation of mitigation measures AE-3 – AE-6, no significant impacts would occur.

Refer to Response 6.11 for a discussion of the Project's proposed haul route. Refer to Topical Response No. 9 (Construction Impacts) for additional construction restrictions agreed to by the Project Applicant. Also, refer to Response 14.10 for a discussion of potential construction impacts, including traffic, noise and air quality impacts. Refer to Section V.H, Land Use, which, which explains that the proposed Project would not result in significant land use compatibility or land use plan consistency impacts.

The following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact:

"AQ-9 The contractor shall provide a contact person and phone number to be available during the construction phase of the Project to address and report back on neighbor and community concerns."

The commentor states "[r]epeated problems should be met with financial repercussions and construction delays, so that the 'shoulds' described on page 14 become 'musts.'" It is unclear based on the text of the Draft EIR on page 14 what the commentor is referring to. However, if the Project is approved, the Conditions of Approval, which include mitigation measures, are written as "shalls."

Comment 32.19

BIOLOGICAL RESOURCES: The inventory of trees to be removed does not indicate which trees are on private property vs. those in the public right-of-way. For those in the public right-of-way, it is unacceptable to the community to remove a mature tree and replace it on a 1:1 basis with a 24-inch box tree. It takes many, many years for a 24 or 36-inch box tree to reach maturity. We therefore request a replacement of 2 – 3 new trees for each tree destroyed. (The exact number of replacement trees will relate to size of the lost trees). The replacement trees may be placed on the public areas adjacent to the project site, in other public areas of Century City or in the neighboring community to be impacted by the project. Decisions as to placement and selection of trees should be done in consultation with and under the direction the LA City Bureau of Public Works Street Tree Division.

We note that of the 113 trees to be removed during construction, 46 have trunk diameters of less than 12 inches. These trees may be candidates for relocation. We request that the project seek to relocate as many of the mature and movable trees as possible. Such an action would help to offset the loss of mature trees killed as a result of the project.

Response 32.19

Refer to Section V.C, Biological Resources of the Draft EIR. As stated on page 125, the potential impacts associated with implementation of the proposed Project would be the loss of mature trees and landscaping throughout the Project site. The loss of ornamental landscaping is potentially significant. However, implementation of mitigation measure BR-1, stated on page 125 of the Draft EIR would reduce this impact to a less than significant level. BR-1 states that prior to the issuance of a grading permit, a plot plan prepared by a reputable arborist, indicating location, size, type, and condition of all existing trees on the site shall be submitted for approval to the Department of City Planning and the Street Division of the Bureau of Street Services. All trees in the public right-of-way shall be subject to the current Street Tree Division Standards. The plan shall contain such measures recommended by the tree expert for the preservation of as many trees as possible. The mitigation measure of "replacement by a minimum of 24-inch box trees in the parkway and on the site on a 1:1 basis, shall be required for unavoidable loss of trees greater than 12" diameter at breast height on the site," is just one example of possible mitigation required, and such measures will be determined to the satisfaction of the Street Tree Division of the Bureau of Street Services and the decision-makers. The mitigation suggested by the commentor is not warranted.

Comment 32.20

HAZARDOUS MATERIALS: We wish to make certain that air monitoring for asbestos be done by an Environmental Consultant who is independent of the builder. The Draft EIR notes that the consultant carries out tests “on behalf of the owner.” Due to the dangers associated with the inhalation of friable ACMs, we need assurances that the individual(s) doing the monitoring area able to stop work whenever necessary without risk of losing his/her/their job(s).

Response 32.20

Refer to Section V.F, Hazards and Hazardous Materials of the Draft EIR for a summary of the protocol set forth for hazardous materials abatement. During the abatement process, air monitoring will be carried out by an environmental consultant independent of the Applicant, to verify that the building air, both within and outside the containment area and outside the containment in the environment, remains uncontaminated.

Section V.F also provides as mitigation that contractors and construction companies shall develop a Health and Safety Plan, which will comply with all applicable health and safety laws. This includes the continuous monitoring of hazardous gases and soils, in which a contingency response shall be established for each possible scenario.

Comment 32.21

LAND USE: Project impacts: Because we continue to question the conclusion reached that the project will not add to the Cumulative Automobile Trip Generation Potential (CATGP), we believe that this development should undergo “Project Permit” review under the Century City North Specific Plan (CCNSP). Again, it is a false assumption to believe that no additional CATGP trips have been allotted beyond those associated with the existing uses. To suggest that the phantom “unutilized” Replacement Trips might then be available to another project is unacceptable. Bartering with these assumed trips is completely unacceptable. We request a new and independent review of existing trips in the buildings to be demolished and in the neighboring twin towers so that actual counts can be established for comparison. Current customer surveys can help to determine off-site percentage of customers. In any case, NO “unutilized” Replacement Trips should be offered to other users until any new project is complete, with full occupancy so that actual trip numbers and employee numbers can be compared to the projections made that “created” these trips. Allowing another neighboring building/project to increase in size based upon these estimates only adds insult to injury to those of us who question the conclusions presented.

Response 32.21

Refer to Response 14.16. Refer also to Section V.M Transportation/Traffic of the Draft EIR for a summary of the trip generation methodology for the Century City North Specific Plan (CCNSP), which was approved by the Planning Department and LADOT. This analysis concludes that the Project would reduce the number of CATGP trips currently utilized by the existing uses at the Project site.

Because the Project is located within the boundaries of a Specific Plan area, it will undergo Project Permit Compliance Review to determine whether the Project complies with the applicable regulations of the Specific Plan. This review is a separate entitlement process and approval, and is not the same as a “Project Permit” approval under the Century City North Specific Plan (CCNSP). A “Project Permit” under the CCNSP is required if a development is defined as a “Project” under the Specific Plan. The CCNSP defines a “Project” as any building to be constructed in a lot within the Specific Plan area, excluding any construction or renovation activity, which does not add to the CATGP Trips. Because the proposed development does not generate additional CATGP Trips, it is not a “Project” under the CCNSP, and therefore, does not require a “Project Permit.”

The additional analysis suggested by the commentor is not warranted.

Comment 32.22

PUBLIC SERVICES: POLICE: We would like to request information from the LAPD as to what expected impact on daytime response time there might be from the addition of 432,223 sf of new office space. If current uses of the property are distributed over both day and nighttime hours, then it could be expected that a concentration of activity during daytime hours might adversely affect response-time throughout the community. What was the past experience when new office buildings were opened? Can local residents expect to see additional officers on patrol with the addition of the new Constellation Place building and the increased size of development at the Entertainment Center site? We ask this question because we have been told in the past by LAPD staff that they spend more and more time in Century City responding to calls. This means that they are not available for local patrol and traffic work. The LAPD response in the Draft EIR assumes that the traffic generation figures projected a decrease in traffic are correct. If they are not, the LAPD may need to reassess the impact of the project.

Response 32.22

Refer to Section V.K.2 and Appendix 12 (Letter from LAPD) of the Draft EIR for an analysis of the potential impacts on police services. Currently, the majority of calls placed to the LAPD regarding site incidents occur between 12:00 a.m. and 2:00 a.m. On average approximately two calls are placed per month. All other incidents are handled by on-site security. No significant adverse impacts to police services are anticipated to occur through the implementation of the proposed Project after mitigation. Development of the Project would not generate additional residents, or pedestrians, and would reduce vehicular traffic in the Project area. Therefore, it is unlikely that the Project would result in a substantial increase in demand for law enforcement and protection services provided by the LAPD.

Comment 32.23

SCHOOLS: Please note an error in Table V.K.3-1. It identifies Westwood Elementary School as being located at 615 Holmby Avenue. Westwood Elementary is on the 2000 block of Selby Avenue. Warner Elementary School is north of Wilshire. Residents who live in the project area who live north of Olympic Blvd. send their high school students to University High School in West L.A. Those living south of Olympic attend Hamilton, which is included in the chart.

There is an unmentioned impact on schools in the area as it pertains to traffic and accessibility. There are a number of private schools adjacent to Century City. On Pico Blvd. just west of the project are: the Lycee, St. Timothy's and Temple Isaiah.

Response 32.23

In response to this comment, Table V.K.3-1, specifically the address to Westwood Elementary School, has been corrected to 2050 Selby Avenue. This change is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR, herein.

Refer to Responses 6.1 through 6.12 and 14.7.

Refer to Section V.M, Transportation/Traffic of the Draft EIR, which states the Project, would not have a significant traffic impact after mitigation. The 38 study intersections are included in many of the travel routes accessing the public and private schools in the West Los Angeles area, including those on Pico Boulevard cited by the commentor. As there would be no significant Project traffic impacts at these intersections after mitigation, the Project, therefore, is not expected to significantly impact access to and from these schools. □

Comment 32.24

ENVIRONMENTAL SETTING: The Related Projects list (p. 68) does not include mention of an effort to add additional floors to the building formerly housing the Century City offices of the Auto Club of Southern California on Century Park East. This has been brought to our attention recently.

Response 32.24

In order to assess cumulative impacts as they relate to the 2000 Avenue of the Stars Project, a list of past, present and probable future projects was developed. This list is located in the Environmental Setting section of the Draft EIR on page 68. All potentially significant related projects that were officially known at the time the NOP was issued and within an approximate two-mile radius of the Project site were analyzed. The Department of City Planning's Zone Information and Map Access System (ZIMAS) for 1950 Century Park East (the former Auto Club Building) does not show any recently filed applications pertaining to the property. The most recent case activity is a 1996 zone variance (Case No. 1996-664) approving a change of use from office to health club.

Comment 32.25

UTILITIES AND SERVICE SYSTEMS: Solid Waste Mitigation Measures: We request that the project applicant be required to document their onsite recycling / conservation program to reduce solid waste. Just as documentation is to be provided to the City's Dept. of Public Works regarding recycling during demolition and construction, we would like to see a similar reporting mechanism (and review) for ongoing recycling.

Response 32.25

Refer to Section V.N.4, Utilities and Service Systems-Solid Waste of the Draft EIR, which concludes the Project would not result in significant adverse impacts to solid waste capacity. Existing uses currently do not have an on-site recycling program. Although the Project would not result in a significant solid waste impact, the Project, as discussed in mitigation measure U-23, will institute an on-site recycling/conservation program to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 50% reduction in the amount of waste going to landfills.

Comment 32.26

We are grateful to have the opportunity to have our comments considered and trust that another effort to measure the potential peak travel impacts of this project will be made before planning proceeds any further. We would encourage the developer to consider a more mixed-use project with less space dedicated to peak-travel time generating uses. We look forward to participating in the discussion of the issues involved.

Response 32.26

The Project would not result in a significant traffic impact after mitigation and no new analysis is required.

LETTER NO. 33

September 30, 2002

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Comment 33.1

This law firm represents Pivotal Century Plaza, LLC, owners of the Century Plaza Hotel ("Century Plaza") and the St. Regis Hotel ("St. Regis") in Century City. Both hotels are located directly across Avenue of the Stars from the proposed project at 2000 Avenue of the Stars (the "Project").

In general, our client supports the proposed Project. We believe that the Project has been sensitively-designed and will be a positive improvement to the Avenue of the Stars environment. However, the Century Plaza and the St. Regis are the closest and most impacted sensitive uses to the Project. In fact, the Century Plaza Hotel shares a 2,000 lineal foot property line with the proposed Project. As our clients' operations at both hotels will be directly impacted by the Project, we offer the following comments on the Draft Environmental Impact Report ("DEIR") prepared for the Project dated August 2002.

The Century Plaza and the St. Regis have been an important part of Century City and the City of Los Angeles for over 30 years. Both hotels generate substantial tax revenue for the City. In addition, every sitting President of the United States since Lyndon Johnson has stayed at the Century Plaza. The personnel associated with the Presidential visits stay at both the Century Plaza and the St. Regis. Numerous other dignitaries and White House personnel have stayed at both hotels. The hotels are a preferred location for Presidential visits, and for other dignitaries, not only because the hotels are a beautiful place to stay, but because the configuration of the hotels allows law enforcement to provide the protection necessary for these high-profile visits.

Response 33.1

These comments are noted for the record.

Comment 33.2

Our client is concerned that the DEIR does not adequately address the impacts the Project will have on hotel operations. Our client is especially concerned about the impacts the Project will have on its operations during the demolition and construction phase – having just suffered through a lengthy major construction project directly to the rear of both hotels. The Century Plaza, in particular, has recently incurred substantial damage to the exterior of the premises during construction of the new Constellation Place office building. Both hotels have also lost a significant amount of revenue due to complaints from clientele regarding noise generated by construction of the Constellation Place project.

It is imperative that the City ensures full mitigation of any potential negative impacts on the hotels caused by demolition, construction, design and operation of the Project. The nearest competitors for both hotels are in the City of Beverly Hills. Every night spent at a hotel in the City of Beverly Hills, rather than in the Century Plaza or the St. Regis, equals lost tax revenue for the City. The long-term viability of both hotel properties is essential to our client, to the City and to a vibrant Century City community.

Response 33.2

This comment states in general comments regarding potential demolition and construction impacts to

both hotels, which is discussed in greater detail later in the comment letter and responded to below.

Comment 33.3

I. DEMOLITION AND CONSTRUCTION IMPACTS.

A. Noise:

The DEIR identifies the Century Plaza as the nearest noise-sensitive use (p.180) and states that:

Construction noise represents a short-term impact on ambient noise levels. Noise generated by construction equipment, including trucks, graders, bulldozers, concrete mixers and portable generators can reach high levels. For the proposed Project, the highest noise generating activities would include demolition of the existing buildings (p.180).

Mitigation Measure N-1 provides that:

All exterior construction and demolition activities located within 500 feet of a residence or hotel shall occur between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday, pursuant to the City of Los Angeles Municipal Code Section 41.40 (p.186).

The proposed mitigation measure is inadequate and is not sufficient to mitigate the impact of the Project on the Century Plaza and the St. Regis. Construction of the Constellation Place Project began at 7:00 a.m. and continued into the night. The noise generated by that construction disrupted the guests at the Century Plaza and resulted in the Century Plaza refunding a substantial amount of revenue to disgruntled guests. It is anticipated that the same effect will occur with construction of the Project. As such, it is imperative that all phases of construction, including interior work, not begin until 8:00 a.m. and must end by 5:30 p.m. Monday through Friday and must be restricted to 9:00 a.m. to 5:30 p.m. on Saturday. No work, even interior work, should be permitted on Sunday. In addition, the applicant must provide a contact person who will be readily available to representatives of the St. Regis and the Century Plaza to address any issues may arise during demolition and construction.

Furthermore, when the Century Plaza and the St. Regis are preparing for and hosting a Presidential or other high-profile visit, mitigation measures must be imposed to allow for the halting of construction prior to and during the high-profile visit, in accordance with law enforcement requirements. In connection with the Constellation Place construction, substantial revenue was lost by both hotels when law enforcement would not permit White House officials to use the hotels because the Constellation Place contractor refused to halt construction for limited requested periods.

Response 33.3

Refer to Topical Response No. 9 (Construction Impacts) and Section V.I, Noise of the Draft EIR. The Los Angeles Municipal Code Section 41.40 referenced in this comment states that "all exterior construction and demolition activities located within 500 feet of a...hotel shall occur between 7:00 a.m. and 9:00 p.m. Monday through Friday..." The Planning Department has already further restricted construction to no later than 6:00 p.m. Monday through Friday and Saturday from 8:00 a.m. to 6:00 p.m. The additional restrictions suggested by the commentor are not warranted.

Also, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact:

"AQ-9 The contractor shall provide a contact person and phone number to be available during the construction phase of the Project to address and report back on neighbor and community concerns."

Comment 33.4**B. Truck Traffic:**

The DEIR states that the precise haul route to be used during demolition and construction of the site has not been approved, but will be approved through the City's haul route approval process (p.1227). However, the DEIR indicates that the general haul routes currently envisioned are as follows:

Inbound: Approaching from the north, south, east or west, vehicle would travel the 10 Freeway and exit at Overland Boulevard. Proceed north to Pico Boulevard, east on Pico Boulevard to Avenue of the Stars, and north to the Project site (p.1227).

During the five-month demolition phase, the DEIR estimates that 41 inbound truck trips per day will be made on Avenue of the Stars. The DEIR, however, does not provide any mitigation measures to mitigate the impacts associated with this high level of heavy truck traffic directly in front of the main entrances to the Century Plaza and the St. Regis. Instead, the DEIR merely states that a Traffic Control Plan for the construction phase of the project will be formulated at a later date. The vague measure impermissibly defers formulation of adequate mitigation, in violation of the California Environmental Quality Act ("CEQA"). In fact, the impacts created by this high volume of truck traffic traveling on Avenue of the Stars directly in front of the Century Plaza and the St. Regis cannot be adequately mitigated – and construction traffic on Avenue of the Stars must be prohibited.

Response 33.4

The commentor accurately states that the haul route has not yet been approved and is subject to the City's haul route approval process. This process includes a public hearing and opportunities for the public to comment on the proposed route.

Refer to Topical Response No. 9 (Construction Impacts) for a discussion regarding construction traffic impacts. During the construction phase of the Project, all trips generated by existing uses would be replaced by fewer trips and traffic would include crew vehicles and construction trucks. Because there will be a decrease in the number of vehicle trips during the demolition and construction phase, construction traffic impacts would be less than significant. Because the construction traffic impacts will be less than significant, no mitigation is necessary. In addition, mitigation measure N-2 in the Draft EIR states, "[c] onstruction operations shall be staged as far from sensitive uses as feasible."

The Draft EIR explains that the Traffic Control Plan includes the designated haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking to further reduce the less than significant traffic impact during construction. The proposed Traffic Control Plan in the Draft EIR is not an impermissible deferral of adequate mitigation. Agencies can reasonably conclude that impacts will be mitigated to less than significant levels despite the need to develop precise details after project approval. Refer to Topical Response 9 (Construction Impacts) regarding the additional construction restrictions agreed to by the Project Applicant.

The final plan, including the approved haul route will be subject to the approval of LADOT to ensure that any potential impacts will be appropriately mitigated.

Comment 33.5**B. Dust and Air Quality:**

The demolition and construction phase of the Project will have significant impacts on the physical environment surrounding the site that were not addressed in the DEIR. For example, dust and construction debris from the Project will impact the entire area. Therefore, the applicant should be required to:

- Clean the fountain between the Project site and the Century Plaza on each day in which demolition or construction occur on the Project site and ensure that the fountain is working at least from 11:00 a.m. to 11:00 p.m.
- Wash down both sides of the street along Avenue of the Stars at the end of each day in which demolition or construction at the site occurs.
- Pay for the cost of window washing once a week for all guestrooms, balconies and balcony furniture fronting the construction, lobby windows and awnings during the course of construction at both the Century Plaza and the St. Regis.
- Clean and maintain daily the entire Open Plaza level between the Project and the Century Plaza Hotel. After completion of the Project, the applicant shall re-surface the area to mitigate any impacts on the Open Plaza due to demolition and/or construction of the project.

Response 33.5

Refer to Topical Response No. 9 (Construction Impacts). The Draft EIR provides a comprehensive analysis of the Project's potential construction and demolition impacts. Although emissions from the construction of the Project are not considered significant, on page 117 of the Draft EIR, the Project implements mitigation measures to further reduce construction related impacts. These mitigation measures include methods to control dust caused by construction and hauling. The additional measures proposed by the commentor are not warranted.

Comment 33.6

II. PEDESTRIAN CIRCULATION.

The removal of the existing 50-foot wide pedestrian corridor underneath Avenue of the Stars will upset circulation patterns that have been established for over 30 years. The pedestrian corridor is important to pedestrian circulation in this area and is also a requirement set forth in the Century City North Specific Plan. The applicant is proposing to replace the existing expansive pedestrian corridor, which features restaurants and retail uses, with a narrow 16-foot wide corridor that has no restaurant or retail uses.

The DEIR describes the proposed replacement corridor (p.234), but fails to analyze whether the replacement will adequately mitigate the impacts of the loss of the existing, multi-functional corridor on pedestrian circulation in the area. The DEIR also fails to adequately describe or illustrate the design of the replacement corridor to ensure that the quality and function of the corridor is equal to the existing configuration. Nevertheless, the DEIR make the unsupported and conclusory assertion that pedestrian access to the Project is "enhanced." In fact, the proposed changes to the design of the existing pedestrian address required under the Specific Plan is inconsistent with the Specific Plan goals of pedestrian linkage.

In addition, we are concerned that, during the interim period when the retail uses have been closed but the wider corridor is still open to the public, the applicant must provide adequate security to keep this area safe.

Response 33.6

Refer to Topical Response No. 8 (Pedestrian Corridor) for a summary of the pedestrian corridor.

Refer to Section V.H, Land Use of the Draft EIR. The proposed pedestrian corridor that will connect the existing courtyard at the Century Plaza Hotel to the new plaza elevation of the proposed Project is consistent with the goals of the Specific Plan. As stated on page 167 of the Draft EIR, one goal of the Specific Plan is that "[s]ufficient provisions have been made, if necessary, to assure the installation of a continuous Pedestrian Corridor in accordance with the provisions of Section 10 of this Ordinance and as

shown on the Map.” The Pedestrian Corridor discussed in the EIR conforms to all requirements set forth in the Specific Plan.

The proposed corridor’s quality and function are similar to that of the existing corridor. Pedestrians will just as easily be able to walk between the Century Plaza Hotel and the retail, restaurant and other amenities provided at the Project site. The new corridor will be decorated with a series of murals, and have a tiled floor, plaster walls and a plaster ceiling with cove lighting, to provide a well-lit, ventilated and secure passageway underneath Avenue of the Stars for hotel guests. Artist renderings of the western entrance to the pedestrian corridor and the interior of the corridor are provided in Figure PD-13 of the DEIR.

Security for the site, including the pedestrian corridor, will be provided at all times. During the construction phase, the pedestrian corridor will be closed.

Comment 33.7

III. AESTHETICS.

The DEIR fails to analyze the aesthetic impact the Project will have on the Century Plaza and the St. Regis either during the demolition and construction phase or in the long-term.

The negative aesthetic impact created by Project construction can be mitigated by requiring an extensive landscape buffer on the Avenue of the Stars median that separates the Century Plaza and the St. Regis from the Project site during the demolition and construction phase and by requiring attractive, adequate and well-maintained construction barriers.

A negative aesthetic impact will result from the Project in that the Project design replaces a low scale building facing the Century Plaza Hotel with a 15-story office building, which will create a “corridor” effect on Avenue of the Stars in stark contrast to the current Open Plaza currently in place. The Project will also substantially reduce the existing pedestrian corridor underneath Avenue of the Stars, changing the aesthetics of the Open Plaza level between the Century Plaza and the Project. The DEIR does not discuss the negative aesthetic impact that this closure will have on the Century Plaza. Adequate mitigation should be imposed to ensure that a permanent, quality, attractive wall, integral to the Project design, be installed facing the Century Plaza in the area which currently contains the 50 foot wide pedestrian corridor.

We appreciate the opportunity to comment on the DEIR and look forward to continuing to participate in the public review process.

Response 33.7

The Project would not have a significant aesthetic construction impact. Refer to Section V.A of the Draft EIR for an analysis of the Project’s less than significant aesthetic impact, which takes into consideration a number of adjacent uses including the Century Plaza and St. Regis hotels. The additional measures suggested by the commentator are not warranted.

In addition, completion of the proposed Project would be of a height and bulk consistent with the modern urban landscape of Century City.

LETTER NO. 34

September 30, 2002

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Comment 34.1

Re: 2000 Avenue of the Stars Draft EIR
Environmental Clearing House No. 2002011024
Case No. ENV-2001-4027-EIR

This letter is submitted on behalf of our client, the Cheviot Hills Homeowners Association ("CHHA"), for the purpose of providing comments on the Draft Environmental Impact Report ("DEIR") for the above-referenced 2000 Avenue of the Stars project (the "Project"). While CHHA is gratified that the City recognized the necessity of an Environmental Impact Report ("EIR") for the Project, rather than the originally envisioned Mitigated Negative Declaration, CHHA finds that the DEIR that was prepared is wholly inadequate in its disclosure and evaluation of the proposed project's environmental impacts, mitigations, and alternatives.

As detailed below, the DEIR is legally inadequate and must be substantially revised and recirculated. In addition, given the size and, scope of the Project, and the substantial public controversy surrounding the Project, public hearings should be held to solicit additional comments regarding the DEIR and to review the revised recirculated DEIR and Final Environmental Impact Report ("FEIR") which may result.

Submitted along with this report is an additional professional study, conducted on behalf of CHHA by Arthur L. Kassan, P.E., Consulting Traffic Engineer, dated September 26, 2002, which constitutes separate and additional comments and criticisms of the DEIR. As required by the State CEQA Guidelines, *California Code of Regulations*, Title 14, §§ 15000 *et seq.*, this report must be separately reviewed, analyzed and responded to before any action may be taken with regard to the DEIR.

Response 34.1

This comment is an introduction. The Draft EIR is a comprehensive analysis of all potential impacts and provides mitigation measures and alternatives.

A Public Scoping Meeting was held on January 14, 2002 at which time public testimony was taken regarding the scope of the Draft EIR. Thirty-nine comment letters were received by the Department of City Planning and are responded to as part of the Final EIR. No further environmental review is required.

The report referenced by the commentor is set forth and responded to below as letter number 35.

Comment 34.2

I.
INTRODUCTION.

CHHA is an incorporated association of property owners and residents in the Cheviot Hills area, and in

particular along the Motor Avenue corridor directly south of the proposed Project. Motor Avenue, once a quiet and highly sought after residential address, has become one of the Los Angeles area's most significant traffic nightmares. The traffic congestion, noise, pollution and other impacts on this area have been exacerbated by the high concentration of commercial development that has occurred in the Century City North Specific Plan area. While the City has claimed that the traffic impacts of other recent projects (most notably the Fox Studios expansion) on the Cheviot Hills area would be mitigated, the truth is that years after that project was complete, the area is just as badly impacted as before. Despite the erroneous conclusions of the DEIR, this new Project will add additional traffic trips each day to this already heavily congested area. This is a cause for alarm for CHHA and for all who travel the Motor Avenue corridor.

CHHA wrote to the City on February 4, 2002, in response to the then pending Notice of Preparation for the DEIR. In that correspondence, CHHA set forth a number of specific areas of concern to be included for analysis in the DEIR, The DEIR now in circulation fails to include any analysis of the many issues raised in the February 4, 2002 correspondence, and in particular with regard to the analysis of traffic, circulation, and parking impacts, including actual trip counts and queuing data from the affected area, the analysis of air quality impacts, the analysis of cumulative impacts, and the analysis of impacts on existing and planned land uses.

Furthermore, the separate report filed with this correspondence clearly shows that the traffic and parking impacts of the Project have been inadequately addressed and that the public and the Lead Agency have not been fully informed by the CEQA process. As addressed in considerable detail in Mr. Kassan's report, and further addressed herein, the traffic impacts of the project, and consequently the traffic-related impacts including air quality, are improperly understated (inaccurate trip generation, overstating trip credits from existing uses, etc.). Consequently, the alternatives which are flawed in themselves do not provide a fair comparison to the true impacts of the project. The DEIR warrants recirculation as it fails to provide a meaningful analysis to the decision maker.

Following a brief summary of argument, this letter will set forth in detail CHHA's comments on the DEIR. The letter first sets forth the legal inadequacies of the DEIR. The letter then provides a paragraph by paragraph discussion of the substantive issues raised in the DEIR. It should be noted that the arguments and evidence presented herein are in addition to the arguments and evidence presented in the separate report filed with this correspondence, and any other arguments or evidence which the City may receive from individual members of our client association.

Response 34.2

This comment introduces concerns regarding the project impacts as described in the Draft EIR and the adequacy of the Draft EIR, which are presented in detail later in this comment letter. Responses to specific concerns are found after each corresponding number below. CEQA does not require improvement of existing conditions, just mitigation of potentially significant impacts, if feasible.

The traffic analysis conducted for the Project is accurate and comprehensive and concludes that the Project would not result in a significant traffic impact after mitigation. The letter submitted to the City on February 4, 2002, which is in Appendix 20 of the Draft EIR, was consulted when drafting the Draft EIR and by LADOT during preparation of the traffic study. Refer to Section V.M for an analysis of the potential traffic impacts. This traffic study for the Project includes traffic, circulation and parking impacts analysis. Refer also to Section V.B, Air Quality of the Draft EIR for a summary of the air quality analysis conducted for the Project. The air quality analysis concludes that the Project would not result in significant short term or long term air quality impact after mitigation.

The Draft EIR includes an analysis of cumulative impacts. In order to assess cumulative impacts as they relate to the Project, a list of 43 past, present and probable future projects was developed. This list is

located in the Environmental Setting section of the Draft EIR on page 68. Additionally, there is an analysis contained in each environmental issue section of Section V. Environmental Impact Analysis section of the EIR, including traffic and air quality, based upon the list of Related Projects, which takes into consideration any projects that might cause cumulative impacts. The Draft EIR notes on page 119 that it is possible that some of the related projects may overlap schedules with the Project and could result in a potentially significant air quality impact due to construction activities.

Refer to Section V.H, Land Use of the Draft EIR for an analysis of potential Project impacts on existing and planned land uses. The analysis concludes that the Project would not result in a significant land use impact.

Recirculation of the Draft EIR is unnecessary. Refer to Topical Response No.12 (Project Trip Generation) for a summary of trip generation methodology. The trip generation analysis is in accordance with LADOT standards and was approved by LADOT. The alternatives are also accurate and provide a comparison to potential impacts. These comments are noted for the record.

Comment 34.3

II. SUMMARY OF ARGUMENT.

The DEIR for the Project is legally inadequate, and must be substantially revised and recirculated for all of the following reasons:

- Project Description.

The DEIR does not accurately describe the physical condition of the Project site as it existed at the time of publication of the Notice of Preparation. Specifically, the description of the existing uses at the Project site does not appear to be accurate, and does not note that most of the existing buildings on the Project site have been vacant for some time.

- Traffic.

The DEIR is woefully inadequate with regard, to its analysis of traffic, transportation, circulation and parking impacts. Most glaringly, the DEIR fails to use actual trip count data for the existing uses on the site of the proposed project. By inflating the trips generated by the existing, mostly vacant, theaters, restaurants and retail, the DEIR absurdly concludes that the proposed Project will generate less traffic than the existing Project. This conclusion is simply a transparent attempt to bypass the need for a Project Permit under the Century City North Specific Plan, and to avoid necessary mitigation measures for the actual increase in peak hour traffic. The DEIR wrongly assumes that either tandem parking, or off-site parking for which it does not have an existing covenant, would be adequate to meet City parking requirements. The DEIR also assumes that the Project will receive approval for a ten percent reduction in parking requirements, when it has neither applied nor received approval therefore, from the City.

- AirQuality

The DEIR fails to provide any meaningful analysis of air quality impacts as a result of the utilization of improper assumptions regarding traffic generation.

- LandUse.

The DEIR inaccurately concludes that the Project will not require a Project Permit under the Century City North Specific Plan ("CCNSP") because it will not create any net new trips. This conclusion, however, is based on the erroneous assumptions regarding existing trip generation from the flawed traffic analysis.

- Cumulative Impacts.

The discussion of cumulative impacts in the DEIR is woefully inadequate. The DEIR concludes that the Project does not contribute to cumulative impacts based on the undercounting of traffic and air quality impacts referenced above. The document does not recognize that the Project's impacts must be considered in relation to those caused by the Fox Studios expansion, the Constellation Place project in Century City, the proposed expansion of the Century City Shopping Mall, and the street improvements planned for Santa Monica Boulevard.

- Project Alternatives.

The analysis of the "no project" alternative is inadequate and misleading because it improperly focuses on alleged projected future conditions rather than current conditions.

- Mitigation Measures.

The DEIR's traffic analysis relies on mitigation measures which have not yet been developed and require further study and subsequent formulation of a plan, or are of questionable value as being able to substantially lessen or completely eliminate the project's adverse impacts. As such, the alleged mitigation measures fail to meet CEQA standards and are meaningless.

In light of the deficiencies noted above, the DEIR must be revised and recirculated for additional comment based on an accurate analysis of the Project's impacts as compared to the actual, current status of the Property.

Response 34.3

This comment is a summary of comments regarding the project impacts as described in the Draft EIR and the adequacy of the Draft EIR, which are restated and presented in detail later in this comment letter. Responses to these specific comments are found in Responses 34.5-34.10. This comment states that the analysis should be based on the Project's impacts compared to the actual current status of the Property. Refer to Response 34.6 for a discussion of the Project baseline used in the Draft EIR analysis. The Draft EIR is adequate. The analysis of the no project alternative is consistent with the traffic analysis and is compared to the proposed Project trip generation. No further analysis is required and there is no need for recirculation.

Comment 34.4

III.

THE DRAFT ENVIRONMENTAL IMPACT REPORT IS LEGALLY INADEQUATE AND CERTIFICATION WOULD CONSTITUTE PREJUDICIAL ERROR AND ABUSE OF DISCRETION.

The California Environmental Quality Act ("CEQA") requires a lead agency to certify a Final EIR as complete and in compliance with CEQA, and to consider the information contained therein, before approving a project. See Public Resources Code §§ 21000 *et seq.*; State CEQA Guidelines ("Guidelines"), *California Code of Regulations*, Title 14, §15090. An adequate EIR must be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences of the project being studied. See Guidelines § 15151. The EIR must include detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed project. See, *Laurel Heights Improvement Association v. Regents*, 47 Cal.3d 376, 405 (1988). Although CEQA does not mandate perfection, prejudicial abuse of discretion occurs if the failure to include relevant information in the EIR precludes informed decision making and informed public participation, thereby "thwarting the statutory goals of the EIR process." See, *Laurel Heights, supra*, 47 Cal.3d at 403-405. In short, CEQA requires an EIR to include a good faith effort at full, disclosure. See Guidelines §15151.

Achieving the CEQA purpose of preserving and enhancing the environment requires adequate disclosure of project information and active involvement of the public at each stage of the decision making process. Under CEQA, decisions regarding a proposed project cannot be made in a vacuum or under a veil of secrecy. Rather, they must be made under the watchful eye of the public so as to reassure “an apprehensive citizenry that the agency has, in fact, considered the ecological implications of its actions, *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 86 (1974), and to affirmatively demonstrate that the environment is being protected. *People ex rel. Department of Public Works v. Bosio*, 47 Cal.App.3d 495, 528 (1975).

As the foundation on which project decisions are made, the EIR is the “heart” of this public review process. See, *County of Inyo v. Yorty*, 32 Cal.App.3d 795, 810 (1973); *Laurel Heights Improvement Association v. Regents (“Laurel Heights II”)*, 6 Cal. 4th 1112, 1123 (1993); Guidelines § 15003(a). The EIR serves as an “environmental alarm bell” whose purpose it is to alert the public and its responsible officials to the environmental impacts associated with a proposed project. See, *County of Inyo, supra*, 32 Cal.App.3d at 810. The public’s ability to analyze and make comments on the adequacy of the EIR is therefore critical to insure all relevant information is considered before a decision with potentially significant and irreversible effects is made. See, *Laurel Heights, supra*, 47 Cal.3d at 392; *Laurel Heights 11, supra*, 6 Cal.4th at 1123; and, *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564 (1990).

The principles of public comment and informed decision-making apply with full force to the DEIR for the 2000 Avenue of the Stars Project. However, as discussed below, both the Project and the DEIR are seriously defective and, therefore, do not meet the requirements mandated by CEQA. The DEIR is so fundamentally flawed that CEQA’s goal of meaningful public participation and informed decision-making can only be achieved by revising and recirculating the DEIR. Many of the Project’s most significant environmental impacts have been grossly understated or swept under the rug, and certification of the DEIR in its current form would constitute a prejudicial abuse of discretion. Accordingly, CHHA objects to the certification of the EIR and to the approval of the project for all of the following reasons:

Response 34.4

This comment provides a summary of CEQA and a general concern that the Draft EIR is inadequate. The commentator objects to the certification of the EIR and provides reasons for the objections in the comments to follow. The Draft EIR is adequate. There is no new significant information and therefore no need for recirculation. The Draft EIR was prepared with a sufficient degree of analysis to provide decision-makers with information to make a decision which intelligently takes account of the environmental consequences of the Project. Refer to Topical Response No. 10 (Summary of Corrections and Additions).

Comment 34.5

A. Inadequate Project Description.

CEQA requires an accurate and consistent project description. See Guidelines § 15124. An accurate description is necessary to determine the scope of environmental review. Courts have repeatedly found that only through an accurate view of the project may affected outsiders and public decision makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantages of terminating the proposal, and weigh other alternatives in the balance. An accurate, stable and finite project description is the “sine qua non” (indispensable requisite) of an informative and legally sufficient EIR. See *McQueen v. Board of Directors*, 202 Cal App. 3d 1136, 1143 (1988); *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185 (1977).

The project description in the DEIR fails to meet the standards as it is neither accurate, stable, nor finite. For example, the project description states that the Project parking garage will either provide 6,358

parking spaces on-site, or 5,867 parking spaces on-site. (DEIR, p. 61.) This discrepancy is masking a significant variation in the Project's parking impacts.

Response 34.5

Refer to Topical Response No. 7 (Parking Supply) for a discussion of the Project parking requirements. Code required parking is 4,205 spaces for the Century Plaza Towers. The total code required parking for the proposed Project is 1,860 spaces with the reductions approved pursuant to the Los Angeles Municipal Code.

The Draft EIR provides two possible parking plans. Neither plan is vague or uncertain. The Project's preferred parking plan would provide 6,358 parking spaces on-site and would include tandem parking with parking attendants on all parking levels except level B. This would satisfy all code required parking on-site and result in a surplus of 293 parking spaces. Alternatively, the Project would satisfy all code required parking by providing 5,867 parking spaces on-site and 451 spaces off-site, for a total of 6,318 spaces. This would result in an excess of 253 spaces over the code requirement. Therefore, both parking plans exceed all code requirements.

Because the parking plans for the Project exceed the number of code-required parking spaces, neither parking plan would lead to a significant parking impact. The Project description provides adequate information about each parking plan to assess whether impacts would occur.

Unlike the EIR as characterized in County of Inyo City v. Los Angeles, the Draft EIR for the proposed Project consistently defines the Project description. More specifically, the parking discussion remains consistent through the entire document. The Draft EIR clearly sets forth two possible parking plans, both of which would not have a significant parking impact. The parking information is set forth in an accurate manner in which decision-makers and the public could balance the proposal's benefits and environmental costs.

Comment 34.6

Likewise, Guidelines § 15125(a) requires the DEIR to compare the proposed Project with the actual existing project, not the existing project as it would be if it were completely occupied as a Class A project. Guidelines §15125(a) provides, in pertinent part, that "(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, **as they exist at the time the notice of preparation is published**, . . . from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The official "Discussion" included with § 15125(a) notes that:

"Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. The description of the pre-existing environment also helps reviewers to check the Lead Agency's identification of significant effects. . . . Subsection (a) clarifies that the 'environmental setting' is intended to mean the environmental conditions as they exist at the time the Notice of Preparation is filed. This gives the lead agency greater certainty regarding the setting which must be described. The subsection goes on to provide that normally the environmental setting describes the baseline conditions against which the significance of any physical change in the environment that may occur as a result of the project will be measured."

A project description that omits, or allows modification of, significant integral components of the project will result in an EIR that fails to disclose the actual impacts of the project. See *Santiago County Water District v. County of Orange*, 118 Cal App 3d 818 (1981). In this case, the project description has ignored

the CEQA rules and many of the important facts of the project, thereby frustrating the goal of fostering meaningful public participation in the CEQA process. Therefore, since the project description is inadequate, inaccurate, vague and unstable, the analysis of the project impacts is inadequate as well, and precludes informed decision-making.

Response 34.6

Refer to Topical Response No. 1 (Traffic Study Methodology) and Response 34.5. The Project description is adequate, accurate, clear and consistent as is the analysis of the Project impacts.

The existing conditions analysis has been conducted pursuant to standard Los Angeles Department of Transportation (LADOT) policy, the Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), Century City North Specific Plan (CCNSP) and CEQA.

The LADOT Traffic Study Policies and Procedures manual states that for an existing use to receive credit, it must have been in place for at least six months within the past two years.

Section 4(C)(2)(c) of the WLA TIMP permits in this case prior traffic conditions at the proposed Project site to determine the traffic baseline. Under the WLA TIMP, the City looks back four years from the date a building permit application is submitted in order to account for full occupancy of the Project site. By looking at the preceding four years and granting credits for continuous uses, LADOT does not penalize the Project applicant for existing uses that are no longer fully utilized at the subject site in anticipation of new development.

The CCNSP is the ordinance that governs development in Century City. The intent of this law is to impose regulations that assist in assuring orderly development and redevelopment and provide adequate transportation and other public facilities. Under the CCNSP, trips are determined by existing square footage, and not occupancy of the existing buildings. The CCNSP assumes full utilization of the existing Project site. Thus, the CCNSP would not measure the existing building's trips on the select square footage of its current tenants. Rather, the entire square footage of the two existing buildings is utilized.

Defining the baseline based solely on present traffic conditions at the Project site would be misleading. In anticipation of the Project, tenants occupying the existing facilities at the Project site have terminated their tenancy and are no longer using the site. The present traffic conditions in the Project vicinity have decreased due to the diminished occupancy in the Project vicinity. Therefore, to determine the baseline by present conditions would be illusory as to the accurate traffic conditions when the Project site is at full occupancy. The recent decline in the existing usage of the site in anticipation of the Project would distort the accuracy of measuring the traffic impact in the area by present usage. A more accurate baseline determination, which better describes prior traffic conditions and is representative of the amount of traffic historically produced by the property, includes using full utilization of the Project site. This is consistent with the Project applicant's current rights to fully re-lease and occupy all of the space in the two existing buildings.

Comment 34.7

B. Traffic.

The DEIR is woefully inadequate in its analysis of traffic, parking, circulation and transportation impacts which will be caused by the proposed Project. The deficiencies in this area are virtually top to bottom. Starting with the existing condition information, the DEIR assumes ridiculously inflated trip counts for the existing uses, trying to make it seem as though the proposed Project will not create additional trips. This is shown in the absurd claim, for example, that the McDonalds and other fast-food type restaurants in the Entertainment Center generate between **4,873 and 15,277 average daily trips**. This flies in the face of the obvious reality that virtually none of the visitors to the McDonalds or other fast-food restaurants in

the center have made a special vehicle trip there, and paid \$16 per hour to park, for those uses. An actual trip count, including a survey of patrons of those restaurants, would certainly show that virtually all of those are “bypass trips,” or people who walked to the restaurants from their adjacent offices, or before visiting the movie theater or Shubert Theatre.

By inflating the trips generated by the existing restaurants, retail and theaters, the DEIR absurdly concludes that the proposed Project will generate less traffic than the existing Project. This conclusion is simply a transparent attempt to bypass the need for a Project Permit under the Century City North Specific Plan, and the need for the Project to provide adequate mitigation measures.

The DEIR needs to contain a complete analysis of current actual trip counts (based on manual counts, not on ITE Manual estimates), showing actual traffic and parking usage generated by the Entertainment Center only (not the adjacent twin towers), and showing both AM and PM peak hour counts, along with average daily trips, from both weekdays and weekends. These counts must be taken on appropriately representative dates, and not on general holidays, religious holidays, or school vacations. Then, the DEIR must show the same information for the proposed Project so that the impacts can be accurately compared against the actual current situation.

Response 34.7

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) and Responses 30.5 and 30.9 for a summary of the traffic study methodologies and impact analysis. The traffic study conducted for the Project is comprehensive and adequate. The existing conditions traffic analysis is adequate and not inflated. Existing traffic volumes were assessed through manual traffic counts conducted at the thirty-eight study intersections in 2000, 2001 and 2002, with the majority of them being done in 2001, the selected base year for the study. Consistent with LADOT policy, an annual traffic volume growth factor of 1.5 percent was applied to the 2000 counts to reflect existing conditions for 2001. Actual trip counts for existing uses are not warranted. The calculation of trips credited to the existing uses followed standard LADOT policy, which relies on ITE trip generation rates as much as possible or Specific Plan trip rates if applicable. In some cases, LADOT allows the use of other reputable trip generation information, such as San Diego Traffic Generators. Accordingly, as described in the traffic study in Appendix 18 and the Draft EIR, the various Project trip generation analyses used the appropriate applicable trip generation rates.

No weekend trip generation analysis was conducted as the overall trip generation for the proposed and existing uses would be less on Saturday and Sunday than on a weekday. In addition, traffic volumes on the surrounding street system are generally less on Saturdays and Sundays as compared to a weekday. Trip generation analysis was not performed during holidays or vacations. Therefore, the combination of weekday project trip generation with weekday street traffic volumes accounts for the largest total peak-hour volumes on the street system, which are the conditions analyzed. The analysis evaluated traffic conditions during the standard peak hour periods of 7:00-9:00 AM and 4:00-6:00 PM when overall traffic volumes are the highest and the project impacts would be the greatest.

The additional analysis suggested by the commentor is not warranted.

Comment 34.8

C. Air Quality.

The DEIR fails to provide any meaningful analysis of air quality impacts as a result of the utilization of improper assumptions regarding traffic generation. The failure to utilize appropriate basic data regarding increases in traffic generation results in the DEIR incorrectly finding no significant impact to air quality during operation of the Project. At maximum occupancy of the site, a quantitative determination completely lacking from the DEIR, significant air quality impacts will occur. The complete

failure of the DEIR to seriously review air quality impacts renders it defective and requires restudy and recirculation prior to certification of a Final EIR.

Response 34.8

Refer to Responses 34.4 and 34.7 and Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) for a summary of the methodologies approved by LADOT to analyze traffic generation. The traffic study was conducted using sound traffic engineering practices and independently reviewed and approved by LADOT. Also, refer to Section V.B.1, Air Quality-Emissions of the Draft EIR for a summary of the air quality analysis. Further analysis and recirculation of the Draft EIR as suggested by the commentor is not warranted as the traffic study and air quality analysis is adequate.

Comment 34.9

D. Land Use.

The DEIR inaccurately concludes that the Project will not require a Project Permit under the Century City North Specific Plan ("CCNSP") because it will not create any net new trips. This conclusion, however, is based on the erroneous assumptions regarding existing trip generation from the flawed traffic analysis. Once a proper trip generation study is conducted based on actual traffic counts, it will be apparent that the proposed Project will create new trips, and a Project Permit will be required under the CCNSP. Thus, the DEIR fails to describe and analyze a potential significant adverse impact on land use in the Project area primarily as the result of a failure to include any detailed description of the land use approvals needed for the Project and to correctly identify the need for additional land use approvals. Without such proper definitions it is, of course, impossible for the DEIR to provide sufficient analysis of the Project's affect on land use and of the cumulative affect of this approval along with recent land use approvals on other properties in the area.

Response 34.9

Refer to Response 32.21 for a discussion of Project Permits. Refer to Section V.M, Transportation/Traffic for a summary of the trip generation methodology for the Century City North Specific Plan (CCNSP), which was approved by the Planning Department and LADOT. The CCNSP sets forth trip generation rates for use when analyzing traffic impacts for future development. The Project traffic analysis utilized these rates and no erroneous assumptions were made. The CCNSP is an ordinance, which the traffic study adhered to. Therefore, the traffic analysis was done correctly. Based on the CCNSP analysis, no Project Permit is necessary. This analysis concludes that the Project would reduce the number of CATGP trips currently utilized by the existing uses at the Project site.

Refer to Section V.H, Land Use, which correctly details the necessary land use approvals for the Project. Therefore, the land use analysis is adequate as well as the cumulative impact analysis.

Comment 34.10

E. Cumulative Impacts.

A DEIR must not only analyze the environmental effects of a project, but also the cumulative effects of the project together with past, present and future projects producing related impacts. See, e.g. Public Resources Code §21083(b); Guidelines §15131. Such an analysis must also include an evaluation of the growth inducing effects of the project. In addition, a DEIR must include an analysis of the environmental effects of actions that are a reasonably foreseeable consequence of the initial project that will likely change the scope or nature of the initial project or its environmental effects. *See Laurel Heights, supra*, 47 Cal.App.3d at 396.

This proposed Project cries out for a detailed analysis of cumulative impacts. It is the cumulative effect of

the four major projects within a one mile radius of the Project site that have caused many of the existing environmental impacts in the area. Nevertheless, the discussion of cumulative impacts in the DEIR is woefully inadequate. It concludes that the project does not contribute to cumulative impacts based on the undercounting of traffic and air quality impacts referenced above. The document does not recognize that the Project's impacts must be considered in relation to those caused by the Fox Studios expansion, the Constellation Place project in Century City, the proposed expansion of the Century City Shopping Mall, and the improvements to Santa Monica Boulevard.

Response 34.10

In order to assess cumulative impacts as they relate to the 2000 Avenue of the Stars Project, a list of 43 past, present and probable future projects was developed and reviewed by the Los Angeles Department of City Planning. This list is located in the Environmental Setting section of the Draft EIR on page 68. This list includes Fox Studios expansion, the Constellation Place project in Century City, the proposed expansion of the Century City Shopping Mall, and the improvements to Santa Monica Boulevard. These four projects are also discussed in detail on page 118 of the Draft EIR.

Additionally, there is an analysis contained in each environmental issue section of Section V. Environmental Impact Analysis section of the Draft EIR, including traffic and air quality, based upon the list of Related Projects, which takes into consideration any projects that might cause cumulative impacts. The Draft EIR notes on page 119 that it is possible that some of the related projects may overlap schedules with the Project and could result in a significant air quality impact due to construction activities.

Refer to Response 24.4 for a discussion of the growth inducing effects of the Project.

Refer to Section VII Significant Environmental Effects and Irreversible Environmental Changes. CEQA Guidelines Section 15126(b) requires that an EIR discuss significant environmental effects that cannot be avoided if the proposed project is implemented. Based upon the analysis in Chapter V. Environmental Impact Analysis, with implementation of mitigation measures, the Project will not result in a significant environmental effect with regard to the issues analyzed in the Draft EIR except for significant cumulative construction air quality and construction noise impacts.

Comment 34.11

IV.

THE DRAFT ENVIRONMENTAL IMPACT REPORT MUST BE REVISED AND RECIRCULATED IN LIGHT OF THE SIGNIFICANT NEW INFORMATION AND INFORMATION WITHHELD FROM THE CURRENT DRAFT REPORT.

A lead agency is required to recirculate a DEIR when significant new information is added to the report after notice is given of the availability of the DEIR for public review. *See*, Guidelines § 15088.5(a); *See also*, *Mountain Lion Coalition v. Fish and Game Commission*, 214 Cal.App.3d 1043 (1989). New information is "significant" if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantially adverse environmental affect of a project or a feasible way to mitigate or avoid such an effect that the project proponent has declined to implement. *Id.*; *See also*, *Laurel Heights II*, *supra*, 6 Cal.4th at 1112.

It has been held, and the CEQA Guidelines specifically provide, that "significant new information" requiring recirculation includes a "disclosure showing that the Draft Environmental Impact Report is so fundamentally flawed and conclusionary in nature that meaningful comment and public review were precluded." *See*, Guidelines § 15088.5(a)(4); *see also*, *Mountain Lion Coalition*, *supra*, 214 CalApp.3d 1043. Guidelines § 15088.5 states that "significant new information" requiring recirculation includes a

significant new environmental impact resulting from a new mitigation measure. Public Resources Code § 21166 requires recirculation or the preparation of a Subsequent or Supplemental EIR, whenever one or more of the following events occur: (a) substantial changes are proposed for the project which will require revisions to the EIR, (b) substantial changes in circumstances under which the project is being undertaken occur which require revisions in the EIR, or (c) new information, which was not identified in the DEIR, becomes available.

As detailed in this and other comments received regarding the DEIR, the DEIR omits analysis of significant environmental impacts, which consequently calls into question the appropriateness and accuracy of all of the analysis. The revisions necessary to cure such omissions constitute significant new information that warrants recirculation of the DEIR before it can be deemed legally adequate.

Response 34.11

Refer to Topical Response No. 10 (Summary of Corrections and Additions). The Draft EIR does not require recirculation as suggested by the commentor. There is no new significant information that has been withheld from the EIR. The Draft EIR has addressed and analyzed the significant environmental effects of the proposed Project, and has included mitigation measures and an alternative analysis in accordance with CEQA Guidelines Section 15126. Based upon the analysis in Chapter V. Environmental Impact Analysis, with implementation of mitigation measures, the Project will not result in a significant environmental effect with regard to the issues analyzed in the Draft EIR except for potentially significant construction air quality and noise impacts.

Comment 34.12

V.
SPECIFIC DEFICIENCIES OF THE DEIR.

This section of the letter will provide specific paragraph by paragraph comments on the substantive deficiencies in the DEIR:

Page 49:

Table III-2 in the Project Description section of the DEIR states that the Existing Uses on the Area to be Redeveloped include 287,701 square feet of office use, 148,481 square feet of theater use, 144,390 square feet of restaurant use, 57,316 square feet of retail use, and 40,934 square feet of health club use. The DEIR does not identify any source for these figures. What is the source? The figures do not appear to reflect the reality of the space usage even when the current project was fully or substantially leased; it certainly does not reflect the current usage, as the existing buildings have been vacant or substantially so for quite some time.

The DEIR must identify how much of the actual, verifiable square footage of the existing buildings are currently occupied, and how long the vacant spaces have been unoccupied. This is critical information, as the analysis of the proposed Project's impacts on traffic, air quality, etc., all depend on assumptions as to the current buildings' impacts, all of which are grossly overstated in the DEIR.

Response 34.12

The existing use square footage in the Draft EIR was obtained from the Floor Area Analysis submitted by the Project Applicant, which was approved by the Department of City Planning on August 21, 2001 in a memorandum from Franklin Eberhard, Deputy Director, Department of City Planning. At the time of the January 14, 2002, scoping meeting regarding the Project, there were some vacancies in the 2020 and 2040 Avenue of the Stars buildings. These vacancies were partly due to tenants vacating the premises in anticipation of the site being redeveloped and the applicant not renewing tenant leases for the same

reason. In addition, the Shubert Theatre left the site as of January 2002. This was a transitory condition and not reflective of the full occupancy condition that existed in 2001, when most of the traffic counts were conducted, and in the previous years, in which traffic counts were used.

The assumptions, requirements and databases used in the traffic study were independently reviewed by LADOT. It was agreed that for consistency with other traffic studies that have been prepared for projects within the City of Los Angeles, this traffic study should follow the same standard LADOT procedures. The Project traffic analysis followed the guidelines and criteria set forth in both the LADOT Traffic Study Policies and Procedures manual and the West Los Angeles Transportation Improvement and Mitigation (WLA TIMP) Specific Plan. The LADOT Traffic Study manual states that for an existing use to receive trip credit, it must have been in place for at least six months within the past two years. The WLA TIMP states that the existing use must have been in place and operating for at least one year continuously during the four years immediately preceding the building permit application. As indicated above, the existing uses being removed and credited comply with those requirements. The Traffic analysis was prepared in accordance with standard LADOT methodology regarding occupancy.

Refer to Section V.B, Air Quality of the Draft EIR, which the Project does not result in a short or long-term air quality impact.

Comment 34.13

Page 61:

Required Parking: The Project Description states that “the total code required parking spaces for the proposed Project is 6,065 spaces and includes parking space reductions pursuant to Los Angeles Municipal Code Section 12.21-A4(c) and Section 12.24-Y. Section 12.21-A4(c) provides for parking reductions for bicycle spaces provided on-site. In addition, Section 12.24-Y provides further parking reductions for commercial buildings located within 1,500 feet from a transit facility.”

This conclusion that there are only 6,065 parking spaces required for the proposed Project under the Municipal Code apparently derives from the “parking study” attached as Exhibit A to the traffic study included at Appendix 18 to the DEIR. However, this document wrongly assumes that the Project is automatically entitled to the ten percent credit under Municipal Code § 12.24-Y, and just cuts 206 parking spaces off of the project’s requirements as though it were a *fait accompli*. As shown below, the 206 parking space reduction is not available until the developer makes an application, a public hearing is held, and the City makes certain specific findings. (The DEIR recognizes this requirement at page 65: included in its list of necessary project approvals is “Reduction of off-street parking spaces approval by the Department of City Planning.”) Unless and until those things are accomplished, **the actual parking requirement for this project is 6,271 spaces.**

Specifically, the DEIR’s statement that only 6,065 spaces are required is an unsupportable, faulty assumption. Municipal Code § 12.24-Y provides, in pertinent part, that:

“A reduction in the number of off-street parking spaces required by Section 12.21 A 4 may be permitted by the Director as the initial decision-maker or by the Area Planning Commission as the appellate body.□□□

“If the Director finds that a commercial or industrial building is located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station, or other similar transit facility, then the required number of parking spaces for that commercial or industrial building shall be decreased by ten percent of the number otherwise required by Section 12.21 A 4 (c).□□□

“A station may be used as the basis of the reduction if the Director decides that it is currently in use; that a full funding contract for a proposed station’s location and portals have been signed by all funding partners; or that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Transportation Commission by a resolution detailing specific stations and portal locations. Before approving a parking reduction application filed pursuant to this subdivision, a Director shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot, and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

“In the following cases, an application pursuant to this subsection shall be set for public hearing and notice shall be given pursuant to Section 12.27 C: (i) when it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or (ii) when the application is likely to evoke public controversy.□□□”

As the City has already seen when it attempted to use only a Mitigated Negative Declaration for this Project, this is a Project that “is likely to evoke public controversy.” Clearly, a public hearing will be required before the Director can act upon an application for a reduction of off-street parking spaces pursuant to § 12.24-Y. The Director will need to make all the required findings before the reduction can be approved, and the Area Planning Commission will have to uphold those findings on appeal. The DEIR cannot merely assume that the application will be granted. It must analyze whether the Project provides adequate parking under the current ordinances applicable to the Project.

Response 34.13

The Draft EIR on page 65 acknowledges that the reduction of off-street parking spaces requires approval by the Department of City Planning. As stated by this comment, this refers to the reduction of off-street parking spaces pursuant to § 12.24-Y of the Los Angeles Municipal Code, which provides for parking reductions for commercial buildings located within 1,500 feet from a transit facility. The commentor notes there would be a reduction of 206 required parking spaces pursuant to this code section, if approved. If the reduction is not approved, the Project would not be able to take the 206 space reduction, but would still be able to meet all parking code requirements.

Under both parking plans discussed on page 61 of the Draft EIR, if the transit facility reduction is approved, there would be surplus parking spaces beyond the code required parking. In both instances the surplus is greater than the 206 spaces taken if the reduction is approved. The all on-site alternative would provide an excess of 293 parking spaces and the on-site and off-site alternative would result in an excess of 253 parking spaces. Therefore, if the parking reduction for commercial buildings located within 1,500 feet from a transit facility is not approved by the Department of City Planning, the Project would still provide enough parking spaces to meet all parking code requirements. Therefore, regardless of whether the reduction is approved, there would not be a significant parking impact.

Comment 34.14

Tandem Parking Alternative: The DEIR proposes to meet the required parking by providing tandem parking on all parking levels. There is no basis in the Municipal Code for the provision of required parking through tandem parking. Nor does the Project include an enforcement mechanism by which the City will be ensured that the Project will continue to provide attendants and make all tandem parking spaces available after the Project is operating. The tandem parking spaces cannot be used to meet the Code required parking for the Project. As such, the Project has an unmitigated significant impact on parking.

Response 34.14

Section 12.21 A5(h) of the Los Angeles Municipal Code states “[e]ach required parking stall within a parking area or garage shall be individually and easily accessible except that automobiles may be parked in tandem in the following instances: (1) In a public garage or public parking area providing attendants to parking vehicles at all times said garage or area is open for use.” The Project’s parking garage is a “public garage” as defined under the Municipal Code. Therefore, because the Project parking plan would include tandem parking with attendants, as stated in the Draft EIR on page 61, the tandem parking spaces can be used to meet the parking code requirements. In order to guarantee that parking attendants will be provided at all times the garage is open for use, the property owner of the Project site is required to execute a Covenant and Agreement to Provide Parking Attendant.

Comment 34.15

On-Site and Off-Site Parking Alternative: The DEIR states that the Project could satisfy its parking requirements through 5,867 on-site parking spaces and 451 off-site parking spaces. The DEIR ignores a letter that is included in Exhibit 20 to the DEIR. This February 4, 2002 correspondence from Allan L. Abshez, counsel for Century City Garage Partners L.P. (“CCGP”), owner of those off-site parking spaces, states that “[b]ecause the applicant has no authority to represent that the CCGP’s parking garage is part of its new project, and because the [off-site parking covenants] will be terminated in accordance with their own terms and by operation of law, **451 off-site parking spaces will not be provided on CCGP’s property** as erroneously represented in the applicant’s and the City’s materials.” (Emphasis added.)

The DEIR blithely ignores this vital information and assumes that the off-site parking spaces will be available for the project. Thus, the DEIR ignores the significant adverse impact on parking that this alternative will produce when only the 5,867 parking spaces are available, and 6,271 spaces are required by Code.

Response 34.15

The parking covenants referenced above are valid and in effect currently and will remain so with implementation of the proposed Project. Refer to Topical Response No. 7 (Parking Supply) for a discussion of the off-site parking spaces.

Comment 34.16**Page 101:**

The DEIR admits that the “Project traffic data utilized to assess the Project’s mobile source air quality impacts was obtained from the Project traffic study . . . (Appendix 18). As shown in this letter and the enclosed Kassan study, the Project traffic study seriously overstates the existing project traffic, and as a result, seriously understates the increase in Project-generated traffic. As a result, the air quality impacts are equally understated. When the traffic impacts are properly analyzed and disclosed, the air quality impacts will need to be re-analyzed accordingly.

Response 34.16

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) for a summary of the methodologies approved by LADOT used to analyze traffic generation and the adequacy of the traffic analysis. Also, refer to Section V.B.1, Air Quality-Emissions of the Draft EIR for a summary of the air quality analysis and the adequacy of the air quality analysis.

Comment 34.17**Pages 106-112:**

At page 106, the DEIR states that the existing project generates 19,161 daily trips, for a total of 172,449 vehicle miles traveled (VMT). This statement is obviously ridiculous. The existing project is currently virtually vacant, and has been nearly so for years. The existing project generates very few trips at all. This gross overstatement of the existing project's VMT is critical, because it is used as a comparison point for the 12,450 daily trips and 112,050 VMT expected to be generated by the proposed Project (see DEIR, at p. 111). By overstating the existing project's daily trips in this manner, the DEIR draws the conclusion (at p. 112) that "the Project results in a net reduction in emissions." This conclusion is pure fantasy. The DEIR must compare the proposed Project with the **actual** existing project, not the existing project as it would be if it were completely occupied as a Class A project. Guidelines §15125(a).

The Draft EIR states that the Notice of Preparation for the Project was issued on January 7, 2002. (DEIR, p. 1.) Thus, the only relevant point of comparison for proposed VMT is the existing project's VMT as of January 7, 2002. Because the existing project was virtually vacant on that date, this certainly was nowhere near the 172,449 VMT described at p. 106 of the DEIR.

Response 34.17

Refer to Response 34.6, above, for a discussion of the Project's existing conditions. Refer to Section V.M, Transportation/Traffic of the Draft EIR, which concluded that the Project would not result in a significant traffic impact after mitigation. Refer also to Section V.B, Air Quality, which concluded that the Project would not result in a significant short-term or long-term air quality impact after mitigation.

Comment 34.18

Furthermore, the text completely ignores the numbers in Table V.B-10 on p. 112 showing that the proposed Project will exceed SCAQMD Thresholds for CO, ROG, and NOx by up to 800%. This admission alone mandates that the DEIR find that the Project has a significant adverse impact on air quality. The DEIR must be revised and recirculated, and must include appropriate mitigation measures for this Project's significant air quality impacts.

Response 34.18

The commentor's reference to the 800% increase is incorrect. Table V.B-10 on page 112 of the Draft EIR is consistent with the text on page 112. As stated on page 108 of the Draft EIR, in its "1993 CEQA Air Quality Handbook" the SCAQMD established significance thresholds to assess the regional impact of project related air pollutant emissions. A project resulting in net increases in daily air pollutant emissions below these thresholds are considered to have a less than significant effect on regional air quality throughout the South Coast Air Basin. Therefore, if the Project's difference between the existing emissions and the Project emissions are greater than the SCAQMD significance thresholds, there would be a significant air quality impact.

Table V.B-10 and its companion text show that the Project results in a net reduction in emissions. In other words, air pollutant emissions would be less with the proposed Project, then with continuation of the current uses. The net emissions would be less than zero, which is well below the SCAQMD thresholds. Therefore, the analysis accurately states that the Project would not have a significant air quality impact.

Comment 34.19**Page 117:**

Because of the foregoing misanalysis, the DEIR wrongly concludes that "the proposed Project would not result in significant unavoidable impacts."

Response 34.19

Refer to Responses 34.17 and 34.18 above.

Comment 34.20**Page 154:**

This is the only place in the DEIR where the vacant status of the existing project is even acknowledged, and yet it is grossly underplayed and improperly brushed aside. The DEIR states that “[i]n anticipation of the 2000 Avenue of the Stars project, some tenants occupying the existing facilities at the Project site (the ABC Entertainment Center) have started to vacate the leased spaces. In addition, the Shubert Theatre left the site as of January 2002.” In fact, virtually the entire existing project appears to be vacant, and has been for some time. We believe that most of the existing project has been operating at minimal occupancy for several years. The DEIR needs to provide specific, detailed information as to the occupancy of the entire existing project over the last five years, and especially as of January 7, 2002, so that the actual use of the existing project can be assessed and used as a baseline for determining the proposed Project’s impacts as required by CEQA Guidelines §15125(a).

The DEIR goes on to state, irrelevantly, that “if this Project were, not to occur, the existing buildings could be re-leased and fully occupied in the future.” The only consideration for the DEIR is how the proposed Project compares to the environmental conditions existing at the time that the Notice of Preparation was published on January 7, 2002.

Response 34.20

Refer to Response 34.6, above, for a discussion of the Project’s existing environmental conditions explaining why the Project does not need to be compared to the environmental conditions existing at the time the NOP was published. LADOT conducted a review of the Project site occupancy records. Pursuant to standard LADOT policy, use credits were applied using the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The Draft EIR mentions that if the Project were not to occur, the existing buildings could be re-leased and fully occupied to explain that the reason the buildings are currently not fully occupied is because of the planning for the proposed Project. At the time of the January 14, 2002, scoping meeting regarding the Project, there were some vacancies in the 2020 and 2040 Avenue of the Stars buildings. These vacancies were partly due to tenants vacating the premises in anticipation of the site being redeveloped and the applicant not renewing tenant leases for the same reason. In addition, the Shubert Theatre left the site as of January 2002. This was a transitory condition and not reflective of the full occupancy condition that existed in 2001 when most of the traffic counts were conducted, and in the previous years. Had the Project not been announced, the tenants may not have vacated and the existing buildings could be operating at full capacity.

The assumptions, requirements and databases used in the traffic study were independently reviewed and approved by LADOT. It was agreed that for consistency with other traffic studies that have been prepared for projects within the City of Los Angeles, this traffic study should follow the same standard LADOT procedures. The project traffic analysis followed the guidelines and criteria set forth in both the LADOT Traffic Study Policies and Procedures manual and the West Los Angeles Transportation Improvement and Mitigation (WLA TIMP) Specific Plan. The LADOT Traffic Study manual states that for an existing use to receive trip credit, it must have been in place for at least six months within the past two years. The WLA TIMP states that the existing use must have been in place and operating for at least one year continuously during the four years immediately preceding the building permit application. As indicated above, the existing uses being removed and credited comply with those requirements. The traffic analysis was prepared in accordance with standard LADOT methodology regarding occupancy.

Comment 34.21**Page 162:**

The DEIR inaccurately concludes that the Project will not require a Project Permit under the Century City North Specific Plan ("CCNSP") because it will not create any net new trips. This conclusion, however, is based on the erroneous assumptions regarding existing trip generation from the flawed traffic analysis. Once a proper trip generation study is conducted based on actual traffic counts, it will be apparent that the proposed Project will create new trips, and a Project Permit will be required under the CCNSP. Thus, the DEIR fails to describe and analyze a potential significant adverse impact on land use in the Project area primarily as the result of a failure to include any detailed description of the land use approvals needed for the Project and to correctly identify the need for additional land use approvals. Without such proper definitions it is, of course, impossible for the DEIR to provide sufficient analysis of the Project's affect on land use and of the cumulative affect of this approval along with recent land use approvals on other properties in the area.

Response 34.21

Refer to Response 34.9 for a discussion of the CCNSP.

Comment 34.22**Page 213:**

The DEIR wrongly states that "Pico Boulevard, a major highway, provides up to three lanes both eastbound and westbound." In fact, there are only three lanes when parking is lifted, and this is only for a brief amount of time each day. It never occurs in both directions at the same time.

Response 34.22

Refer to Section III, Corrections and Additions, in which the description regarding Pico Boulevard on page 213 of the DEIR has been revised as follows:

"Pico Boulevard, a major highway, provides two to three lanes per direction, depending on the peak-hour parking restrictions in effect. . . ."

This clarification does not constitute significant new information or a material change to the Project traffic analysis.

Comment 34.23**Page 215:**

The DEIR wrongly states that "Motor Avenue. . . is striped with two lanes in each direction between Pico Boulevard and Monte Mar Drive.□□□" In fact, Motor Avenue has only one southbound lane and two northbound lanes between Pico and Monte Mar.

Response 34.23

As stated in Section III Correction and Additions to the Final EIR, the second sentence describing Motor Avenue on page 10 of the traffic study report has been amended as follows:

"Between Pico Boulevard and Monte Mar Drive, this variable width roadway has two lanes in the northbound direction, and in the southbound direction, one lane for most of this distance; thereafter, it has one lane in each direction to Manning Avenue."

This clarification does not constitute significant new information or a material change to the Project traffic analysis.

Comment 34.24**Page 223:**

The DEIR claims that the “subject property is currently developed with a variety of uses. These uses include office, live theater (Shubert Theatre), movie theater (Loews Cineplex), restaurant, retail and health club.” Once again, the DEIR fails to mention that most, if not all, of these uses are, and have been since before January 7, 2002, vacant. As such, all of the methodologies for determining existing project site trip generation are based on fantasy, not reality. The only methodology that would come at all close to reflecting the **actual** trip generation for the existing project would be to conduct actual trip counts.

Response 34.24

Refer to Topical Response No.1 (Traffic Study Methodology) and Responses 30.5 and 34.6.

Comment 34.25**Page 224:**

The “conservative analysis” that the Revised Methodology is intended to represent is neither “conservative,” nor a true “analysis” of facts. Arbitrarily reducing the trips generated by the high turnover restaurants, quality restaurants, retail and health clubs by 50% is neither accurate nor adequate. The DEIR does not describe how the 50% figure was derived. Was it based on actual counts? Was it based on experience at similar projects? If so, what projects were those? Or, as we suspect, was the 50% figure just a product of guess-work, a randomly selected figure that was intended to appease critics of the Initial Study’s approach?

As described more fully in the enclosed report by Arthur Kassan, P.E., it would be more rational to reduce trip percentages by 75% to 100% to reflect reality. Additionally, since the existing buildings were vacant, or nearly so, at the relevant date of January 7, 2002, the existing trip counts should be based on actual counts so that vacant buildings are not credited with hundreds or thousands of phantom daily and peak hour trips.

Response 34.25

Refer to Responses 30.5 and 30.9 and Topical Response Nos.1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). For purposes of a more conservative analysis, LADOT required a 50 percent internal trips adjustment to the trips being credited to the existing and future retail, restaurant, and health club trips being credited. While LADOT has allowed some internal trip adjustments on a project-by-project basis, the 50 percent adjustment for each of these uses is unprecedented in the City of Los Angeles and resulted in fewer existing trips and a higher net project trip generation. This higher net generation was used to determine Project traffic impacts. The 50 percent internal trip adjustment was not randomly selected to appease the public. Rather, it was the by-product of considerable thought and research by LADOT to address concerns brought up in the NOP comment letters.

Also, people do drive to the site to eat at the restaurants, patronize the retail and cinema uses, and visit the health club. They may also drive to the site to meet at the restaurants or other uses, including with people who may work on-site or nearby. LADOT recognized that the non-office uses on-site do attract and generate outside vehicle trips, including during peak hours, and that not all of the customer/patronage trips are due to internal trip-making. Therefore, LADOT estimated that the non-office use trips should be adjusted downward by 50 percent to account for internal trips, with the remaining 50 percent being treated as vehicle trips.

Comment 34.26**Page 225-226:**

Table V.M-6 claims that the existing high-turnover restaurant uses at the Project site generate 1,087 AM peak hour trips, and, 1,273 PM peak hour trips. However, Tables V.M-4 and V.M-5 claim that these same existing high-turnover restaurant uses at the Project site generate 4,873 average daily trips, and 1,514 PM peak hour trips. These conflicting numbers cannot both be right, and they all are ridiculously high.

To believe that the McDonalds and other fast-food restaurants on site generate 4,873 average daily trips per the CCNSP methodology (Table V.M-4), we would have to believe that 203 trips per hour were made, 24 hours a day, to the ABC Entertainment Center in Century City just to buy a burger and fries. And to purchase this 99¢ meal, we must believe that these 203 carloads per hour, 24 hours a day, were willing to pay \$16.00 per hour to park. When there are two McDonalds drive-throughs within a one mile radius. Come on.

It gets worse, though. Under the Standard LADOT Methodology shown in Table V.M-6, we would have to believe that 15,277 cars per day come to McDonalds and its fast-food neighbors. That would come out to 637 cars per hour, every hour, 24 hours day. So in order to make these numbers more realistic, the Los Angeles Department of Transportation has decided to cut them in half? The conclusion that 7,638 daily trips are generated by this McDonalds is no more believable than any of the others. The LADOT will have us believe that under their “conservative analysis,” 543 cars drive to McDonalds during the AM Peak Hour and another 757 drive there in the PM Peak Hour.

As shown in the Kassin Report, these figures are all ridiculous. The entire traffic study is based on a sham. A new traffic study is required, one that will reflect the actual traffic generated by the existing project, as it existed on January 7, 2002, and that compares the actual traffic expected to be generated by the proposed Project. We believe that the new traffic study will show that virtually every patron of any fast-food establishment that was open in the existing project arrived on foot from nearby office buildings or hotels.

This new traffic study must then be included in a revised DEIR that is recirculated for public comment.

Response 34.26

Refer to Responses 30.5 and 30.9 and Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). Each table referenced by the commentor utilizes a different traffic methodology approved by LADOT. Table V.M-6 calculates the existing trip generation using the standard LADOT Methodology, whereas Table V.M-4 calculates existing trip generation per the CCNSP and Table V.M-5 utilizes the West LA TIMP. A new traffic study is not warranted and the Draft EIR does not need to be recirculated.

Comment 34.27**Page 231:**

The DEIR wrongly states that “access to the subterranean parking area will be provided by driveways on the south side of Constellation Boulevard, the west side of Century Park East, the north side of Olympic Boulevard.” In fact, visitors to the project currently are barred from accessing the subterranean parking area on Constellation Boulevard because of security restrictions. Thus, visitors that approach the proposed Project from Constellation Boulevard will have to circle the Project to obtain access elsewhere. The DEIR should reflect this reality and examine the traffic and circulation impacts caused by this revised access.

Response 34.27

Refer to Section III Project Description of the Draft EIR, which states “access to the parking garage would continue to be provided from Constellation Boulevard, the driveway on Century Park East and Olympic Boulevard.” This comment refers to the security measures that are currently in effect for the existing buildings on the site. The garage access on Constellation Boulevard is open to monthly permit holders to the building. Visitors are currently required to use the other garage entrance off of Century Park East. However, for the Project, among the updated transportation management items, visitors would be able to access the site on Avenue of the Stars via the subsurface parking lot and valet drop-off as shown in Figure PD-12 in the Draft EIR. The valet drop-off and pick-up area on Avenue of the Stars has been designed to provide maximum efficiency and convenience for visitors and would provide direct access to the parking garage, ultimately improving traffic and circulation around the site. It should also be noted that Figures 4(a) and 4(b) in Appendix 18 do not assume visitor vehicle access at the Constellation Boulevard driveway.

Comment 34.28**Pages 231-234:**

With regard to the DEIR’s faulty analysis of the Project’s parking impacts, please see our comments with regard to page 61, above.

Response 34.28

Refer to Responses 34.13 - 34.15 above.

Comment 34.29**Page 235:**

Any analysis of future cumulative traffic should not assume that ATCS will increase intersection capacity by at least three percent, or that in combination with ATSAC, will provide a 10 percent minimum increase in intersection capacity, because these assumptions are not based on any objective testing or analysis. They are simply speculation, and it is not proper to minimize assumptions of future traffic conditions on this basis.

Response 34.29

Tests have been conducted by LADOT and other entities indicating that signalized intersections controlled by an ATSAC/ATCS system average show an average increase in capacity of 10 percent or more. Therefore, as advised by LADOT, it was appropriate to incorporate the ATSAC/ATCS assumption when analyzing future conditions at those intersections.

Comment 34.30**Figures T-6 and T-8:**

These figures show that during the AM Peak Hour, the proposed Project will result in only 9 more vehicles turning right on Pico Boulevard from northbound Motor Avenue, only 18 more vehicles turning left on Avenue of the Stars from eastbound Pico Boulevard, and only 1 more vehicle turning right on Avenue of the Stars from westbound Pico Boulevard. Does the traffic engineer or the City really believe that the addition of **432,223 square feet of Class A office space** on the Project site will only result in only 9 more vehicles traveling up the most popular route from the Santa Monica Freeway to the Project during the morning commute? This is patently absurd. The assumed traffic distribution in these tables is unbelievable, and completely inaccurate. The traffic study must be completely redone so that it reflects a small semblance of reality.

Response 34.30

Refer to Topical Response Nos.1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts). The trip distribution and assignment of Project trips was estimated according to standard traffic engineering practice, approved by LADOT and analyzed according to standard LADOT methodology.

Comment 34.31**Page 238:**

The DEIR describes the construction project on Santa Monica Boulevard, and reveals that it is slated to begin in early 2003 and be completed in the summer of 2005. The DEIR completely fails to address how that construction project will impact traffic and circulation at and near the proposed Project, and the cumulative impacts of the two construction project occurring simultaneously.

Response 34.31

The Draft EIR on page 118 acknowledges that the construction schedule for the Santa Monica Boulevard Transit Parkway Project (SMBTP) could coincide with the proposed Project and analyzes the SMBTP as a related project for cumulative impact purposes.

The SMBTP project is discussed in the traffic study, pages 47-48 in Appendix 18 of the Draft EIR. According to the Environmental Assessment/DEIR (March 1999) prepared for the SMBTP project, a construction mitigation plan will be implemented. This plan will maintain three through lanes in each direction on Santa Monica Boulevard at all times during construction, which is essentially the same number of lanes that exist today. By providing this number of lanes throughout the construction period, motorists will be able to use Santa Monica Boulevard as they do currently and not have to divert to other routes because of less lanes on Santa Monica Boulevard. The SMBTP Environmental Assessment/DEIR concludes that the SMBTP project is not expected to have significant traffic impacts during its construction.

As discussed in the DEIR, page 227, construction truck traffic for the Project will not be using Santa Monica Boulevard to access the site. Instead, it is planned that routes such as Overland Boulevard, Pico Boulevard, Avenue of the Stars, Constellation Boulevard and Century Park East will be used. Therefore, Project construction traffic is not expected to impact Santa Monica Boulevard while it is undergoing the Transit Parkway improvement.

During the construction phase of the proposed Project, all trips generated by the existing uses at the Project site would be replaced by fewer trips comprised of commuting construction personnel and construction trucks. Additionally, the proposed haul route, which is detailed on page 227 of the Draft EIR, is not intended to divert construction vehicles through residential communities. Refer to Topical Response No. 9 (Construction Impacts) for additional construction restrictions agreed to by the Project Applicant.

Although the Draft EIR concludes that the Project will not result in any significant impacts upon residential streets in the area, the Project applicant is committed to minimizing intrusion by non-residential traffic by funding a Neighborhood Traffic Management Plan (NTMP). The Los Angeles Department of Transportation (LADOT) will be responsible for administering the funds and developing and implementing the NTMP in consultation with the appropriate residential neighborhood groups and associations and Council Office. Measures may include, but are not limited to, traffic control devices including turn prohibitions, traffic diverters, street closures, stop signs, partial cul-de-sacs, speed humps, retiming of traffic signals, right-turn-on-red restrictions, or other measures to discourage traffic intrusion.

Also, the proposed Project will coordinate with the SMBTP regarding staging and construction impacts.

Please refer to Section V.B.1, Air Quality-Emissions mitigation measure AQ-8, which states: “The Project applicant shall be required to coordinate with a representative of the Santa Monica Transit Parkway Project regarding construction-related activities.”

Comment 34.32

Page 246:

The NTMP mentioned at this page is vague and undefined. Because the DEIR does not adequately disclose the Project’s real traffic impacts, the conclusion that “the Project will not significantly impact any residential streets” is not supported by fact. The NTMP is not included as a Project mitigation measure in the DEIR, nor is it part of the Project’s proposed Mitigation Monitoring Program. As such, there is no method for enforcing any promises made by the applicant or the City in any NTMP, making this an illusory measure.

Response 34.32

The Project traffic study has been determined to be adequate and approved by LADOT. The assumptions, requirements and databases used in the traffic study were independently reviewed and approved by LADOT.

Even though the traffic impact for the Project is less than significant after mitigation, the Applicant has agreed to fund a Neighborhood Traffic Management Plan (NTMP). Refer to Final EIR Section III, Corrections and Additions to the Draft EIR, which incorporates a mitigation measure regarding the NTMP to the Mitigation Monitoring Plan. The measure states:

“T-7 Project applicant shall provide funding to assist surrounding residential neighborhoods in implementing a Neighborhood Traffic Management Plan (NTMP) to minimize intrusion by non-residential traffic.”

Comment 34.33

Page 279:

The No Project Alternative should reflect the current conditions at the project site□ an unoccupied, Class B office building, a vacant theatre, and largely vacant retail, restaurant and cinema uses.

Response 34.33

Refer to Response 34.20.

Comment 34.34

Page 317:

The Mitigation Monitoring Plan must include a detailed NTMP, as discussed briefly at page 246 of the DEIR.

Response 34.34

Refer to 34.32, which adds a mitigation measure regarding the NTMP to the Mitigation Monitoring Plan.

Comment 34.35

VI.
ADDITIONAL ISSUES NOT DISCLOSED IN THE DEIR.

In addition to the foregoing, the DEIR is inadequate because it fails to disclose and analyze the following issues:

1. Changes in Hours of Peak Traffic Activity

The DEIR does not examine how the change-over from restaurants and theaters (generally evening and weekend traffic generators) to office space (generally a weekday traffic generator) will affect Project trip generation and peak hours of traffic.

Response 34.35

Refer to Topical Response Nos.1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts) and Response 14.15. The traffic analysis does account for the effect of the changes in land uses on peak-hour trips.

Comment 34.36

2. Ingress, Egress and Security

The DEIR does not precisely identify all of the Project's proposed entrances and exits, and does not identify all security measures that will be included to ensure public safety.

Response 34.36

Refer to Response 34.27 and Section III Project Description of the Draft EIR, which describes vehicular and pedestrian access to the Project. The Draft EIR explains that vehicles would access the site on Avenue of the Stars via the subsurface parking lot and valet drop-off as shown in Figure PD-12 of the Draft EIR. The valet drop-off and pick-up area located on Avenue of the Stars has been designed to provide maximum efficiency and convenience for visitors and would provide direct access to the parking garage. Access to the parking garage would continue to be provided from Constellation Boulevard, the driveway on Century Park East and Olympic Boulevard.

Pedestrian access to the Project and the plaza would be available from numerous locations along Avenue of the Stars, Constellation Boulevard and Century Park East. Pedestrian access into the new office building would be available from Avenue of the Stars on the west side, as well as from the plaza on the eastern side. In compliance with the Century City North Specific Plan, a grade-separated pedestrian crossing is being provided below Avenue of the Stars to allow pedestrians to easily walk between the Century Plaza Hotel and the retail, restaurants and amenities in the landscaped plaza at the Project.

Refer to Section V.K.2, Police Protection. Currently, private security service to the entire property is provided by Universal Protection Service. Universal Protection Service provides unarmed lobby ambassadors, security officers and parking officers who monitor safety and security. The entire site has a full time staff of 48 security officers, which includes an on-site Director of Security and an on-site Operations Manager. Security in the Century Plaza Towers is responsible for controlling access in both towers, assisting visitors, messengers, loading dock deliveries as well as patrolling all levels of the parking garage and common areas of the property.

As a result of the September 11th tragedy, security services have been increased to include visitor and tenant bag checks, and trunk checks for all visitor and tenant vehicles that do not display the proper parking pass. In addition, a thorough inspection of all delivery vehicles is performed prior to entering the loading dock. Staffing throughout the site has been increased in the form of additional man-hours.

The Draft EIR on page 202 explains that the current security program would be maintained and includes the proposed Project. The necessary security levels for the new development and the entire Project site would be maintained to ensure a safe site. The planned development would also benefit from implementation of some of the latest technology in security hardware and electronics.

Comment 34.373. Rooftop Heliport

The DEIR does not prohibit the use of a rooftop heliport or helicopter landing pad. If one is proposed for the Project, the environmental impacts, including noise and air quality, must be disclosed and mitigated.

Response 34.37

Refer to Section V.I, Noise that states that the Project does provide a code required helipad on the roof of the proposed building for emergency use. No commercial use would be permitted. Noise impacts from emergency helicopters would be adverse but not significant due to restriction of helipad operations to emergency situations.

Comment 34.384. Events in Open Air Plaza

The DEIR does not identify the proposed usage and scheduling of events in the Project's open-air plaza.

Response 34.38

Refer to Section III Project Description, which states that the basic design and configuration of the proposed plaza lends itself to a variety of events and gatherings. The proposed plaza could be an on-going home for a range of outdoor events and performances throughout the year. In addition, the plaza could host special events, social and corporate parties. Any future events will be consistent with all prior events at the site and comply with all applicable requirements.

Comment 34.395. Certificate of Occupancy

The EIR and Mitigation Monitoring Program must condition the issuance of a Certificate of Occupancy for the Project on the completion of all mitigation measures.

Response 34.39

Refer to Section IX. Mitigation Monitoring Program, which provides for monitoring and enforcement of all mitigation measures. It is infeasible to condition the approval of a Certificate of Occupancy on the completion of mitigation measures.

Comment 34.40

VII.
CONCLUSION.

In conclusion, for all the reasons stated, the DEIR is legally inadequate and must be substantially revised and recirculated prior to certification. This is one of the last major projects in the Century City area, and it is crucial to CHHA, and to all of the nearby neighborhoods, that this Project's impacts be thoroughly analyzed and fully mitigated.

Please continue to include this law firm on the City's mailing list for any future documents and public hearing notices regarding this matter. Thank you for your consideration. Should you have any questions or comments, please do not hesitate to contact me.

Response 34.40

The Draft EIR is comprehensive and adequate. No revision or recirculation is necessary. The commentor's name and address has been placed on a mailing for future public hearings on the Project.

LETTER NO. 35

September 26, 2002

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Cheviot Hills Homeowners Association
P.O. Box 64458
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Comment 35.1

**Subject: 2000 Avenue of the Stars
Draft Environmental Impact Report**

Dear Association Members:

At your request, I have reviewed the three-volume report, 2000 Avenue of the Stars Draft Environmental Impact Report, prepared in August 2002, particularly the sections pertaining to Traffic and Transportation. Following are my comments.

1. **The trip generation analysis, comparing “existing conditions” with future conditions, is the foundation of the entire “Traffic Impact Study” that appears as Appendix 18, and the generation analysis is significantly flawed.**

a. **Several of the existing uses serve patrons within the Century Plaza complex and adjacent areas almost exclusively. They depend on pedestrians for patronage, and they do not attract meaningful vehicular traffic from outside of Century City.**

Vehicular access to any of the existing uses within the Century Plaza complex requires that the vehicle be parked, usually within the on-site parking structure. The parking structure is large and used extensively. It is usually difficult to find a parking space that is convenient to escalators and elevators. The parking fees are high - \$3 per 15 minutes, with a maximum of \$24. In sum, the parking facility at Century Plaza is unattractive and expensive to use.

The existing “high-turnover restaurants” are not so exceptional that they would attract any patrons to drive to/from Century Plaza to patronize the restaurants. They are similar to other restaurants throughout the metropolitan area. There is no reason to believe that any patrons would drive to Century Plaza for the sole purpose of patronizing the high turnover restaurants, particularly during the morning and afternoon peak periods of commuter traffic, when many of the streets of Century City and the driveways of the Century Plaza parking structure are congested.

Of the 14 existing high-turnover restaurants, 6 of them close for business between 3:00 and 4:00 p.m. Obviously they could not be attracting patronage during the 4:00 to 6:00 p.m. commuter traffic period that is one of the study periods for the analyses in the DEIR

Response 35.1

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates) and 4 (Traffic Impacts), regarding the adequacy of the traffic analysis reviewed and approved by LADOT. Refer also to Responses 30.5 and 30.9 above. The internal capture analysis

required by LADOT is unprecedented and resulted in a conservative analysis of existing trips. The existing uses that currently remain and their hours of operation are not an appropriate indicator of the existing uses and their activity in previous years.

Comment 35.2

A similar argument can be made regarding the existing retail facilities in Century Plaza. The shops are small and they are meant to serve the employees and visitors of the Century Plaza offices, hotel, theaters, etc. The shops do not have wide trade area attraction, such as the shops in the Century City Shopping Center. There is a small jewelry shop, a greeting card Shop, a flower shop, a travel agency, a shoe repair shop, a hair salon, an employment agency, and numerous printing/copying shops. None of those businesses would attract meaningful patronage from outside of the complex, especially by means of vehicle trips.

The only bank in the complex has been closed for over ten years based on the sign above its vacant space, "Security Pacific National Bank", a company that was absorbed by another bank in the early 1990's.

The Meridian Sports Club also appears to be dependent for its patronage on employees of the complex's tenants. The club does not appear to offer any facilities or programs that are unique and would attract vehicular traffic from outside of Century City considering the difficulty of parking at the complex and the time-consuming vertical transportation between the parking and the club.

Response 35.2

Refer to Response 35.1.

Comment 35.3

The "quality restaurants" do draw substantial patronage from outside of the Century City area. However, it is unlikely that as much as 50% of the patrons who enter or leave those restaurants between 4:00 and 6:00 p. m., the afternoon peak period that is studied in the DEIR, would be from outside Century City. Rather, the patrons during those hours are most likely to be employees/visitors of the surrounding offices, etc who walk in for beverages or early dinners, while the patrons from outside of the area would be arriving after 6:00 p.m.

Response 35.3

Refer to Response 35.1.

Comment 35.2

In summary, more rational estimates of internal trip percentages in the afternoons peak period would be as follows:

High-turnover restaurants – 100% of entering trips, 95% of leaving trips (The remaining 5% would be employees leaving for the day.)

Quality restaurants – 75%

Retail – 100% of entering trips, 95% of leaving trips (The remaining 5% would be employees leaving for the day.)

Health Club – 95% (The remaining 5% would be employees entering or leaving during the commuter peak period.)

Applying those internal trip percentages would result in considerably LOWER estimates of the trip generation of the existing uses and, therefore, higher estimates of the net increases in trips after the now

development is completed. The estimates should be recalculated.

Response 35.4

Refer to Response 35.1. The internal capture rates requested by the commentor are not consistent with City policy and not warranted.

Comment 35.5

b. **The floor area of the “existing high-turnover restaurants” appears to be overstated extensively.**

According to the DEIR, the existing high-turnover restaurants occupy a total of 117,212 square feet. There are 14 restaurants of that category listed on the Century Plaza directory. One of them – Java City – appears to be out of business. In addition, there is evidence of a 15th restaurant. The Cultured Cow – that may have been in business in the past two years. The existing high-turnover restaurants range in size from approximately 2,000 to 5,000 square feet per restaurant. With 14 high-turnover restaurants averaging 3,500 square feet, the total floor area of all of those restaurants would be 49,000 square feet, less than half the floor area used in the DEIR analyses. The trip generation estimates should be corrected to be based on the actual and documented restaurant floor areas.

Response 35.5

The square footages for the existing uses, including the restaurant uses, were calculated pursuant to the Los Angeles Municipal Code and the Century City North Specific Plan. These areas were approved by the Los Angeles Department of City Planning and the Department of Building and Safety. The trip generation analysis is based on actual and documented square footages. Also, refer to Response 30.9 above. Refer also to Response 34.12, which discusses the approval of square footages by the Planning Department.

Comment 35.6

2. **To assure that the impacts of the 2000 Avenue of the Stars traffic will be at or below the levels reported in the DEIR, the City should impose an enforceable TRIP CAP on the development.**

The entire Traffic Impact Study is based on an estimate that the proposed development will actually result in a reduction of the traffic that will be generated at the site compared with the current traffic. To assure that the findings of the study will be realistic, the Applicant should agree to a Trip Cap for the development driveways (taking into account the trips to and from the two existing triangle-shaped office buildings that will remain on the site).

Traffic counts at the driveways should be taken when the proposed new building is 80% filled. If the trips attributable to that building exceed the trips that would be estimated for that proportion of the building, certificates of occupancy should be withheld from an appropriate portion of the building floor area.

After the building is completely occupied, there should be Trip Cap studies every six months for the first five years with reports to the City Council, the Department of City Planning, the Department of Transportation, and the appropriate neighborhood groups.

Response 35.6

Refer to Topical Response Nos. 1 (Traffic Study Methodology), 2 (Project Trip Generation), 3 (Internal Capture Rates), 4 (Traffic Impacts) and 6 (Transportation Demand Management Program). The commentor’s recommendations regarding the monitoring of the trips generated by the Project are similar

to those described for the Project's proposed TDM program on page 58 of Appendix 18. The additional measures suggested by the commentor are not, however, warranted.

Comment 35.7

3. The authors of the Traffic Impacts Study recommend a Transportation Demand Management (TDM) program to mitigate the significant impacts that they have identified. Such programs have not been shown to be sustainable and effective over long periods. The program presented in Appendix G of the Traffic Impact Study has many inadequacies.

The goal of the program is stated as a reduction of 5% of all trips. However, the only people to whom the program would be meaningful would be office employees. Restaurant and retail patrons and cultural center visitors may choose to use transit, but they would not be registered with the "on-site employee transportation coordinator" nor would they participate in carpools/vanpools on a regular basis. To achieve the reductions of 47 trips in the morning peak hour would require that 54 entering employees (47 vehicles X 1.15 people per vehicle) would have to switch from cars/trucks to buses or to ridesharing. In the afternoon peak hour, a reduction of 42 trips will require 48 leaving employees to switch to buses or ridesharing. In each peak hour, one entire bus will be required to accomplish the reduction. Who will pay the capital costs of providing the additional bus and the ongoing costs of operating the bus?

Response 35.7

Refer to Responses 24.18, 30.16 and 35.6 above. TDM programs are sustainable and effective over long periods. The preliminary TDM program is adequate and has been approved by LADOT. As indicated in the Project's TDM program, the trip reductions would be from the office use component of the Project and not rely on reductions from the other component uses. As noted by the commentor, reductions from retail, restaurant and cultural uses are also possible and would further reduce the potential traffic impacts of the Project.

The commentor's suggestion regarding the need for an entire bus is misleading, as it implies that these employees would all be in one bus. As discussed on page 11 of the traffic study (Appendix 18 of the Draft EIR), there are several bus lines serving Century City and the site. Therefore, bus usage by these employees would be dispersed and not entirely on a single bus or route. In addition, there are no unusual bus capacity problems on these lines and the increased ridership stated by the commentor would be accommodated without requiring a new bus. Furthermore, the targeted trip reductions would be accomplished by a variety of measures, not just by more transit usage, which would further lessen the demand on these buses. It is expected that the cost for any new bus purchases and their daily operating expenses would be paid through normal funding sources.

Comment 35.8

What are the recently documented experiences with the proposed measures as applied to existing uses within Century City? What is the history and experience of Transportation Management Organizations or similar entities within Century City.

Response 35.8

Regarding the history and experience of Transportation Management Organizations (TMO) or similar entities within Century City, Constellation Place has as part of its mitigation program a requirement to implement a TMO. Constellation Place is required to implement the TMO prior to occupancy of the project. The Constellation Place project is expected to be completed and in operation by December 2003. As indicated on page 245 of the Draft EIR, the Project would be desirous of participating in that TMO, which would enhance the effectiveness of its TDM program. It should also be noted that there are examples of currently successful TMOs in the region, such as at the Burbank Media Center, Howard Hughes Center and UCLA. With the increase in office employment in Century City, and based on the

knowledge and experience gained from these and other similar entities, it is anticipated that the new Century City TMO would be effective.

Comment 35.9

The preferential parking for carpools will consist of two spaces initially. That is a trivial supply and not conducive to attracting ride sharing. Based on a total parking supply of 1,860 spaces for the development, 10% of the supply will be 186 preferential spaces. By providing only two permanent spaces, the authors seem to be conceding a low level of use of those spaces and low effectiveness of the measure.

A “carpool/vanpool passenger staging area” is recommended, but there is no specific information as to its location, the reduction in parking spaces needed to provide the area, and the effectiveness of such areas at other locations within Century City.

Bicycle parking, lockers, and rider showers are recommended. Where would they be located? What is the documented effectiveness of the lockers and showers at existing installations in Century City? Where would the “direct and safe bicycle access” be provided? Apparently, cyclists would have to mix with high volumes of commuter motor vehicle traffic on the Century City streets. What is the Current documented usage of bicycles for commuting to/from developments within Century City”?

Response 35.9

Refer to Topical Response No. 6 (Transportation Demand Management Program). Finalized design information regarding the carpool/van pool area, bicycle parking, lockers and rider showers, and the centralized transportation information display(s) is not available at this time. However, preliminary plans propose that the bicycle parking spaces be provided on Level B within the parking garage. Bicyclists would access these spaces from the south side of the site, entering onto the internal roadway from Century Park East or Olympic Boulevard and then proceed down into the garage using one of the vehicle entry lanes. The showers, lockers and restrooms for the bicyclists are proposed to be on the Plaza Level, which would be accessible from Level B by service elevator and escalator. Bicyclists would exit the site via the internal roadway on the south side of the site and be directed to Avenue of the Stars where they would proceed northbound.

The carpool/vanpool staging area is preliminarily proposed to be on the C Level and the Parking Level. Designated areas could comprise 10 percent of the parking spaces required for the Project. Two of these spaces shall be permanently identified with posted signs and/or pavement striping. The remainder would be so identified as dictated by demand.

There is no documentation regarding the current usage of bicycles commuting to and from Century City or centralized transportation information display(s) in Century City. It should be recognized that TDM programs typically have a menu of measures, incentives and services, all of which are geared toward achieving targeted goals, such as a certain AVR (Average Vehicle Ridership) or vehicle trip reduction. Due to the interrelated effects of the various TDM components, which vary from site to site, it is very difficult to isolate and quantify the numerical effectiveness of individual TDM measures or features. Thus, the 5 percent trip reduction projected for the TDM program was not disaggregated into smaller percentages and assigned to specific items. Rather, the TDM program as an integrated entity is expected to achieve the desired trip reductions.

Comment 35.10

“Centralized transportation information displays” are recommended for installation. Where would they be located? Where are similar installations within Century City currently? Who maintains them, and how current is the information? What is their documented effectiveness?

Response 35.10

A location for the centralized transportation information display has not yet been proposed. Refer to Response 35.9.

Comment 35.11

Instead of annual monitoring and reports, as recommended, the monitoring should be done on a semi-annual basis, and the results should be reported at a public hearing at least once per year. What will be the penalties if the TDM goals are not attained, but the building is fully occupied? What are the "appropriate procedures" that will be established with LADOT to ensure that the trip generation of the development is below the limits predicted in the report? Please refer to Comment No. 2, also.

Response 35.11

As a part of the TDM program, if the trip reductions are not attained, the City may require the Project to pay for an annual bus pass for each excess trip occurring in the peak hour, up to a maximum of 47 annual bus passes, to encourage more transit usage, or require the number of reserved carpool and vanpool preferential parking spaces to be increased to encourage more ridesharing. Finalization of the TDM program, including trip monitoring and penalties, is required prior to the issuance of building permits. The additional measures suggested by the commentor are not warranted.

Comment 35.12

4. The estimates of parking needs for the proposed development are understated due to the two adjustments that probably cannot be validated as being based on actual experience in a complex comparable to Century City.

The calculation of parking spaces that would be needed to accommodate demands related to the proposed development included reductions for two reasons:

- Provision of bicycle parking spaces in lieu of motor vehicle parking spaces.
- Provision of a transit center in conjunction with the construction of a nearby building.

As shown in Appendix A of the Traffic Impact Study, a credit of 43 motor vehicle parking spaces is taken because bicycle parking spaces will be provided. At a normal commuter vehicle occupancy rate of 1.15 people per vehicle, the 43 motor vehicle spaces represent 49 to 50 people who would be riding bicycles instead of commuting, in cars or trucks.

Considering the widths of the streets within Century City and the congestion during commuter peak periods, is there any documentation of that level of bicycle commuting at any existing office building in Century City? If not, how would that level be attained here?

Response 35.12

Refer to Topical Response No.7 (Parking Supply) regarding the adequacy of Project parking. Refer to Response 35.9 above regarding the bicycle commuters. Bicycle lockers and showers will be provided on site, in addition to bicycle parking. These facilities, along with the continuing assistance and efforts of the Transportation Coordinator, are expected to encourage the use of bicycling to and from the site, making it a meaningful mode of transportation for the Project and the TDM program. Therefore, it is expected that the 43 bicycle spaces being provided would be well used. This is consistent with the Los Angeles Municipal Code. See LAMC Sec. 12.21-A4(c).

No documentation could be found regarding the current usage of bicycles commuting to and from Century City.

The transit center being constructed as part of the Constellation Place project is located at the southeast corner of Constellation Boulevard and Century Park West, at the Constellation Place office project, approximately 1,200 feet (actual walking distance) from the Project site. This is consistent with the Los Angeles Municipal Code. See LAMC Sec. 12.24-Y (reduction provided for a commercial or industrial building “located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station, or other similar transit facility”).

Comment 35.13

A reduction of 206 parking spaces has been taken in the calculation of required spaces for Century Plaza, based on the proximity of a future transit center at Constellation Place. The transit center is not described in the DEIR. What will be the transit services that will be provided? What is the actual distance, by way of attractive pedestrian routes, between the transit center and the Century Plaza development that is the subject of the DEIR?

At 1.15 people per vehicle, the proposed reduction in parking is equivalent to 237 people who would ride the buses instead of traveling in cars/trucks. At 40 passengers per bus, that would require six buses. Is there any documented evidence that shows such a high level of bus commuting to/from existing Century City buildings? What will be the impacts on transit facilities of the addition of 237 new bus commuters in each peak period? How will the bus purchases and daily operating expenses be funded?

Response 35.13

Refer to Response 35.12. There are several bus transit lines serving Century City, not just one. These bus lines are not experiencing unusual capacity problems and the increase in bus ridership described by the commentor could be accommodated without requiring new buses. Also, as noted in Responses 35.7 and 35.9, Project trip reductions would be achieved by a variety of measures, not just increased transit usage. Therefore, the need for six new buses to serve the demand generated by the 2000 AOS project, as suggested by the commentor, is not warranted.

Comment 35.14

5. The proposed parking supply will include an unspecified number of tandem spaces with no realistically enforceable method to assure availability of all of the blocked spaces.

The report does not identify the number of tandem spaces that will be provided. Although it is stated that there will be parking attendants on all levels, it is the experience at many existing office buildings and other types of uses that, after a short time, the attendants are no longer employed, and the blocked spaces are not used, reducing the total parking spaces significantly. A nearby example is at Century City Shopping Center, where the blocked tandem spaces frequently have been taken out of use by barricades and yellow tapes.

Response 35.14

Refer to Topical Response No. 7 (Parking Supply). Refer also to Response 34.14 for a discussion of the covenant and agreement to be executed regarding tandem parking attendants.

Comment 35.15

6. One of the parking supply alternatives depends on the availability of 451 off-site spaces at another development. Considering the magnitudes of the developments that are under way in the area, will those spaces be available for covenanting for the life of the proposed development.

Response 35.15

Refer to Topical Response No. 7 (Parking Supply) for a discussion of the off-site parking spaces.

Comment 35.16

7. **The report does not include descriptions and evaluations of the proposed driveways to and from the parking structure.**

How many lanes will be available at each driveway? Where will entry and exit gate controls be located, and what will be the storage capacities on the approaches to the controls? What will be the entering and exiting trip volumes at each driveway with the security measures in effect?

The report states that access to the parking garage will be provided on Constellation Boulevard, the driveway on Century Park East, and Olympic Boulevard. Will those entry points be available with the security measures in operation?

Security measures for each entering vehicle have resulted in significantly reduced entry capacity at the existing parking structures and a reduction in the number of entry driveways that are available. Currently, vehicles enter the parking structure at the driveway adjacent to Olympic Boulevard. They must stop for identification of the driver and inspection of the vehicle trunk. That is a time consuming process. How will the security measures be accommodated when the traffic entering the structure is significantly higher than it is currently? The conclusion on page 6 of Appendix 18 of the DEIR is not based on any evidence.

Response 35.16

Refer to Response 30.8. The Draft EIR provides a description of the access points into the Project site. Refer to Figure PD-12 on p. 62, the parking and access section starting at page 61, Section V.M and Appendix 18 of the Draft EIR for a description of access to the site. All of the entry points mentioned above will be available and not delayed with the security measures in operation. Vehicles entering with monthly parking cards are not required to stop for identification and an inspection of the vehicle trunk. This process is only for visitors to the site that enter off of Century Park East currently. In the future, visitors will also be able to access the site off of Avenue of the Stars thereby increasing the visitor entry capacity to the site. Refer to Topical Response No.4 (Traffic Impacts) regarding the traffic impacts of the Project.

Comment 35.17

8. **Contrary to the statement on page 10 of Appendix 18 of the DEIR, Motor Avenue has two southbound lanes for only 675 feet south of Pico Boulevard, which is 25% of the distance to Monte Mar Drive. Drivers in the two southbound lanes start merging into one lane immediately south of Pico Boulevard.**

Response 35.17

Refer to Response 34.23.

Comment 35.18

9. **How can primary site access for 40% of the traffic be by way of the San Diego Freeway (two miles west of the site) and the Santa Monica Freeway (two miles south of the site), as stated on page 32 of Appendix 18 of the DEIR? Wouldn't those vehicles have to use surface streets for the four-mile round trip from and to the freeways?**

Response 35.18

Refer to Response 30.15.

Comment 35.19

10. What is the realistic feasibility of providing the proposed third westbound lane on Pico Boulevard through the intersection with Motor Avenue that is discussed on page 46 of Appendix 18 of the DEIR? When will that be implemented?

Response 35.19

The improvement to Pico Boulevard, including the addition of a third westbound lane at Motor Avenue, is realistic in that it has been suitably guaranteed by Fox Studios for its construction. The construction of this improvement is anticipated within the next two to three years, but no actual schedule has yet been established.

Comment 35.20

11. The Santa Monica Freeway HOV lanes and the Santa Monica Boulevard "Transit Parkway" will be under construction at the time that the subject development will be under construction. What will be the mutual interference between the construction vehicles serving the three major simultaneous projects? What will be the impacts on commuters to other developments in the vicinity?

Response 35.20

Refer to Response 24.6 and Topical Response No.9 (Construction Impacts). No interference of Project construction vehicles with Santa Monica Freeway HOV construction vehicles is anticipated as the HOV construction is expected to occur during the night. Also, it is anticipated that the existing number of freeway traffic lanes will be maintained by Caltrans during peak traffic periods.

Comment 35.21

12. During the construction period of 25 months, the truck routes and the locations of construction worker parking will be significant concerns of the nearby neighborhood residents.

Although Santa Monica Boulevard would be a desirable route for most truck movements, that street will be under significant construction during the subject building's construction period. Many truck drivers will want to avoid that street. The neighborhoods surrounding Century City should participate with City staff in the formulation of the truck routes and the allowable times of truck movements through a public hearing process including members of the City Council. The two routes presented on page 227 of Volume I of the DEIR are already congested, particularly Overland Avenue (not "Boulevard") south of Pico Boulevard and the westbound left turn from Pico Boulevard to Overland Avenue. Trucks using any potential route between 7:00 and 9:00 a.m. and between 4:00 and 5:30 p.m., as described in the report, will increase congestion for all commuters in the subregion.

According to the report, the project applicant will encourage a ride share program for construction employees. It will be convenient for many construction workers, in response to the ride share program, to park on nearby residential streets and form carpools for the last, short leg of the trip to the site. Particularly attractive will be the neighborhood streets south of Pico Boulevard, that is, between the Santa Monica Freeway and the site. There must be a specific enforceable and implementable measure to prevent that.

Response 35.21

Refer to Responses 24.6 and 30.7, and Topical Response No.9 (Construction Impacts) regarding construction truck routes and construction employee parking and for additional construction restrictions agreed to by the Project Applicant.

The haul route for the Project has not been approved. The Draft EIR, Transportation/Traffic section on page 227 explains that the Project is subject to the City's haul route approval process. The process

includes a public hearing and opportunities for the public to comment on the proposed haul route.

Comment 35.22

13. There is no consideration of the impacts at the Manning Avenue on-ramp to or the National Boulevard off-ramp from the eastbound Santa Monica Freeway.

The subject ramps, connected to Century City by Motor Avenue, are the eastbound freeway ramps that are closest to Century City. Substantial volumes of Century City traffic use those ramps, traveling on Motor Avenue for most of the surface street portion of the trips. There should be impact analyses at those ramp intersections.

If you have any questions about my comments, please contact me at your convenience.

Response 35.22

The traffic analysis for the Project included the intersection of Manning Avenue/Motor Avenue, the study intersection nearest the intersections of Manning Avenue/Santa Monica Freeway eastbound on-ramp and Manning Avenue-Santa Monica Freeway westbound off-ramp/National Boulevard. A less than significant impact was determined for the intersection of Manning Avenue/Motor Avenue. Refer to Table V.M-13 (pp. 242-244) of the Draft EIR. Therefore, it can be reasonably estimated that there would be also less than significant impacts at the other two intersections, which are more distant from the site.

LETTER NO. 36

September 30, 2002

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Comment 36.1

Strategic Concepts in Organizing and Policy Education (SCOPE) appreciates this opportunity to comment on the City's Draft Environmental Impact Report ("EIR") for the 2000 Avenue of the Stars Project ("the Project"). We appreciate the work that City staff already have undertaken to prepare the EIR according to the requirements of the California Environmental Quality Act ("CEQA") and to provide information concerning the Project. We are concerned, however, that the proposed EIR and supporting documentation do not fully identify or adequately mitigate the Project's significant adverse environmental impacts. The following comments explain our concerns.

SCOPE, a South Los Angeles-based community organization, works with South Los Angeles communities to gain workforce preparedness programs in their neighborhood, increasing their voice in public policy decisions by using research, political education and strategic planning. SCOPE is currently working with security officers, particularly in Century City, to build a more professional, stable private security workforce by improving working conditions, training standards and increasing wages and benefits for security officers. There are over 250 security officers working in the immediate area of the Project and within its environmental footprint. The vast majority of those security officers live in South Los Angeles. SCOPE is particularly concerned about the Project's impacts on traffic, air quality, noise, the jobs/housing imbalance, energy consumption, land use and parking.

As we explain below, the EIR is fatally flawed because it substantially overstates the property's existing usage. This failure to account for the existing property's underutilization not only invalidates the EIR's traffic analysis, it also undercuts the EIR's conclusions regarding such other issues as air quality/emissions, land use, noise, fire protection and police protection because of their connections to traffic impacts. The use of hypothetical square-footage based calculations is problematic in the jobs creation and energy consumption analysis in addition to the traffic analysis. Because significant portions of the EIR are permeated with these and other errors, the entire document should be redone, based on valid analytical methods. We respectfully urge the City not to approve the Project and its accompanying EIR until all concerns have been addressed.

Response 36.1

This comment identifies the organization for which the comment is being expressed. In addition, this comment introduces general comments regarding Project impacts and analysis in the Draft EIR, which are presented in detail later in this comment letter. Responses to specific comments are found after each corresponding comment below. As described below, the Draft EIR is a comprehensive analysis of potential impacts of the Project, including traffic, air quality, land use, noise, employment, housing, energy, fire, police and parking. See Section V of the Draft EIR which covers these impact areas.

Comment 36.2**IV. Traffic/Transportation****Failure to Account for Underutilized Nature of Existing Development in Trip Generation Traffic Analysis**

The EIR's use of hypothetical, non-site specific traffic estimates based on square footage rather than actual vehicle counts obfuscates the fact that the site is currently substantially underutilized. (See EIR 223-226; App. 18 at 23-31). It results in inflated trip rates for existing uses and an erroneous finding that the Project results in a net reduction of traffic. This in turn invalidates the EIR's conclusions on several other issues, such as air quality/emissions, land use, noise, fire protection and police protection.

The traffic analysis by Crain and Associates uses four methodologies, which all lead to the same conclusion that the Project results in a net decrease in daily trips as compared to existing uses. (See Table 7 in App. 18 at 31). The EIR assigns trip rates depending on use per gross square feet to calculate trip generation numbers using the four methodologies (i.e., "CCNSP," "WLA TIMP," "Standard LADOT Methodology" and "Revised LADOT Methodology"). For example, the EIR calculates a total of 19,161 daily trips with existing uses under the CCNSP methodology by applying the following trip rates per thousand square feet: 14 daily trips for office use, 35 daily trips for movie theater, live theater, retail and health club uses, and 45 daily trips for high turnover restaurant and quality restaurant uses (EIR 224: Table 3 in App. 18; Table C-1 in App. C to App. 18). The EIR uses the same numbers to find that the Project will generate 12,450 daily trips. (EIR 228; Table 3 in App. 18). Based on these findings, the EIR concludes that the Project leads to a net decrease in 6,711 daily trips under the CCNSP methodology. (*Id.*) The EIR then plugs in different default numbers, but uses the same overall approach, under the other methodologies. (See *id.*).

Although the use of pre-established, square-footage based trip rates may be appropriate to predict vehicles trips in other circumstances, there is no rational basis for using hypothetical rates in this case, where the current project is known to be underutilized and where accurate, site-specific data was easily obtainable. Traffic, unlike air or water quality, is easy to measure. The EIR reports that manual traffic counts were conducted in 2000, 2001 and 2002 to analyze the existing traffic conditions at thirty-eight study intersections (EIR 216), but provides no justification for using hypothetical rates instead of actual rates in the trip generation traffic analysis (See EIR 223-26).

The EIR uses the square footage-based trip rates for existing uses that are admittedly "*underutilized.*" The EIR emphasizes that the existing development is underutilized. For example, the EIR states that "[t]he Project would enhance the economic vitality for the area through the re-development of an underutilized site. . . . The proposed office uses respond to under-utilization of the site and a decline in use of the theater uses." (EIR 163). In addition to underutilized office space, the EIR specifically notes the underutilized Shubert theater (EIR 211) and underutilized tennis courts (EIR 209, 211). The EIR refers to the Project as a way to "help bring patrons to the retail and restaurant uses to help revitalize the area." (EIR 163). The Los Angeles Times reported in 2001 that the American Broadcasting Company ("ABC") was "the major tenant at 2020 and 2040 Avenue of the Stars until it vacated in 2000" (Exh. A at 2), and that the "[o]ffices in the ABC Entertainment Center are mostly empty." (Exh. B at 3). These press reports also discussed the "spotty success" of the retail areas and Schubert Theater's very mixed financial performance since its 1972 opening." (Exh. A at 2). Indeed, according to the EIR and the Project applicant, the underutilized nature of the existing buildings justifies the redevelopment. One of the "Project Objectives," as provided by the Project applicant, is to "[r]evitalize the ABC Entertainment Center site, one of the older, under-utilized developments in Century City, by providing an economically productive and vibrant use of the property that benefits the community, reduces vacant properties, and stimulates the local economy." (EIR 65).

Response 36.2

Refer to Topical Response No. 1 (Traffic Study Methodology) and Response 34.6 for a discussion of the existing conditions of the site. The existing conditions traffic analysis has been conducted pursuant to standard LADOT policy, the Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP) and Century City North Specific Plan (CCNSP). Refer also to Topical Response No. 3

(Internal Capture Rates), which explain the 50 percent reduction in trip generation assumed in the traffic analysis. Therefore, the Project is analyzed at full occupancy.

At the time of the January 14, 2002, scoping meeting regarding the Project, there were some vacancies in the 2020 and 2040 Avenue of the Stars buildings. These vacancies were partly due to tenants vacating the premises in anticipation of the site being redeveloped and the applicant not renewing tenant leases for the same reason. This was a transitory condition and not reflective of the full occupancy condition that existed in 2001 when most of the traffic counts were conducted, and in the previous years.

The assumptions, requirements and databases used in the traffic study were independently reviewed and approved by LADOT. LADOT conducted a review of the Project site occupancy records. It was agreed that for consistency with other traffic studies that have been prepared for projects within the City of Los Angeles, this traffic study should follow the same standard LADOT procedures. The project traffic analysis followed the guidelines and criteria set forth in both the LADOT Traffic Study Policies and Procedures manual and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP). The LADOT Traffic Study manual states that for an existing use to receive trip credit, it must have been in place for at least six months within the past two years. The WLA TIMP states that the existing use must have been in place and operating for at least one year continuously during the four years immediately preceding the building permit application. As indicated above, the existing uses being removed and credited comply with those requirements.

The calculation of the trips credited to the existing uses also followed standard LADOT policy, which relies on ITE trip generation rates as much as possible or Specific Plan trip rates if applicable. In some cases, LADOT allows the use of other reputable trip generation information sources, such as San Diego Traffic Generators. Accordingly, as described in the traffic study and DEIR, the various Project trip generation analyses used the appropriate and applicable trip generation rates. Also, since the Century Plaza Towers will remain as is, no trip generation calculations were necessary for them.

For purposes of a more conservative analysis, LADOT further required a 50 percent internal trips adjustment to the trips being credited to the existing and future retail, restaurant, and health club trips being credited. While LADOT has allowed some internal trip adjustments on a project-by-project basis, the 50 percent adjustment for each of these uses is unprecedented in the City of Los Angeles and resulted in fewer existing trips and a higher net project trip generation. This higher net generation was used to determine Project traffic impacts.

The EIR is internally consistent. The environmental impact analysis is based on the full occupancy of the Project site. The site was fully occupied prior to development plans for the Project. The ABC Entertainment Center site is one of the older developments in Century City. The existing buildings and uses do not meet current or prospective tenants' standards for a Class A building. The proposed development would revitalize this site by providing economically productive and vibrant use of the property that benefits the community, reduces vacant properties, and stimulates the local economy. The proposed building would contain Class A office space, including upgraded utilities, optimal floor plates that meet current market demands, energy efficient equipment and materials, and amenities not currently provided. The existing buildings do not contain Class A office space. Rather, they contain Class B-C office space and do not provide the updated features the proposed Project would provide.

Comment 36.3

The EIR's failure to take into account the underutilized nature of the existing development in the trip generation traffic analysis leads to inflated trip rates for existing uses and an erroneous finding that the Project results in a net reduction in traffic.

This error creates havoc in the EIR because the finding of a net reduction in traffic affects the “significance” determinations (and subsequent mitigation measures) throughout the EIR – not only in the section on Transportation/Traffic (EIR 213-47), but also in the sections on Air Quality/Emissions (EIR 101-110), Land Use (EIR 14-174), Noise (EIR 175-86), Public Services/Fire Protection (EIR 197-200) and Public Services/Police Protection (EIR 201-02). Examples of the dependence on this finding throughout the EIR include, but are not limited to, the following:

Response 36.3

Refer to Response 36.2 above. The traffic study is adequate and no new analysis is warranted. The air quality, land use, noise and public services analyses are also adequate as well. Refer to Sections V.B, V.H, V.I and V.K of the Draft EIR.

Comment 36.4

- In the Air Quality/Emissions section, the EIR states that “Table VB-10 shows that the Project results in a net reduction in emissions.” (EIR 112). The EIR continues, “This is primarily due to the reduced trip generation by the Project over existing uses.” (*Id.*).

Response 36.4

Refer to Responses 36.2 and 36.3 above.

Comment 36.5

- In the Land Use section, the EIR concludes that “the proposed Project would be consistent with Section 3A of the [Century City North Specific Plan]” because “the proposed Project would generate 12,450 daily trips, or 6,711 fewer trips, compared to the existing uses.” (EIR 166).

Response 36.5

Refer to Responses 36.2 and 36.3 above.

Comment 36.6

- In the Noise section, the EIR states its reliance on the traffic study by Crain and Associates “to assess the Project’s traffic noise impacts” (EIR 175) and concludes: “The proposed Project generates less traffic than the existing uses currently on the Project site. Therefore, the Project will result in a slight decrease in traffic noise levels on roadways in the vicinity of the Project.” (EIR 182).

Response 36.6

Refer to Responses 36.2 and 36.3 above.

Comment 36.7

- In the Public Services/Fire Protection section, the EIR states: “The Project traffic analysis demonstrates that Project impacts to vehicular traffic would be less than significant after mitigation. Thus, the Project would not significantly impact response times.” (EIR 199).

Response 36.7

Refer to Responses 36.2 and 36.3 above.

Comment 36.7

- In the Public Services/Police Protection section the EIR states: “Development of the proposed Project . . . would reduce vehicular traffic in the Project areas. Therefore, it is unlikely that the

Project would result in a substantial increase in demands for law enforcement and protection services provided by the LAPD.” (EIR 201).

Response 36.7

Refer to Responses 36.2 and 36.3 above.

Comment 36.8

The EIR is internally inconsistent – it justifies the project based on the underutilized existing development but assumes full utilization of the existing development in the trip generation traffic analysis. This traffic analysis is, in many ways, the lynchpin of the EIR. The error in the traffic analysis leaves the EIR riddled with errors. The deficiencies are so serious that they cannot be remedied without a complete re-analysis of the daily vehicle trips using appropriate methodology and a corresponding re-evaluation of the environmental impacts in other sections of the EIR that depend on the traffic analysis.

Response 36.8

The EIR is not inconsistent. Refer to Responses 36.2 and 36.3 above.

Comment 36.9

Failure to Mitigate Significant AM Peak Traffic Impact

SCOPE is also concerned about traffic during peak travel times. Our members travel to and from work on the streets surrounding the Project site and will greatly be affected by any exacerbation of traffic on the already congested roads in this area during rush hour. As noted in the EIR, 47 percent (i.e., 18 of 38) of the intersections which could be most affected by additional traffic generated by the Project are already at the worst possible Level of Service (“LOS”) designations – namely LOS E or LOS F – in both peak hours (EIR 239).¹ The EIR finds “a potentially significant impact at one study intersection, Santa Monica Boulevard (North) at Avenue of the Stars, in the AM peak hour.” (EIR 239).

The only mitigation measure to reduce the peak morning traffic impact (i.e., T-1) is a requirement that the Project comply with the existing Traffic Demand Management (“TDM”) requirements of the ordinances of the City of Los Angeles – a requirement with which the Project would have to comply in any event. (EIR 245). A major problem with this mitigation measure is that it is presented in “preliminary “ form, making it difficult to know which of the many suggested measures will actually be undertaken. (See App. G to App. 18, “Preliminary Project Transportation Demand Management (TDM) Program”). Moreover, this preliminary document presents mitigation measures in a confusing way by using permissive, not binding, language – by stating “[D]escribed below are additional measures that the project *may* implement, *as necessary*, to achieve the five percent (5%) reduction in peak-hour trips” – followed by a breakdown of the measures into categories labeled “Required Measures” and “Additional Measures.” (*Id.*). Thus, the EIR proposes to mitigate a potentially significant traffic impact by referring to a “preliminary” document that imposes “required” and “additional” measures that “may” be implemented “as necessary.” The final EIR should clarify which mitigation measures are required.

Response 36.9

Refer to Topical Response No. 6 (Transportation Demand Management Program). The Draft EIR does identify required mitigation measures, one of which is implementing a TDM program. Refer to Appendix 13 of the Draft EIR. The Project will comply with the TDM and trip reduction requirements of the City, as stated in the DEIR and by the commentator. The most effective TDM programs are flexible,

¹ LOS E “represents volumes at or near roadway capacity, which will result in possible stoppages of momentary duration and occasional unstable flow,” and LOS F “is a forced-flow condition, occurring when a facility is overloaded and vehicles experience stop-and-go traffic with delays of long duration.” (EIR 219).

allowing them to adapt to changing conditions in order to achieve success. Therefore, it would be premature at this time to stipulate what non-required measures will be incorporated into the TDM program. It may be that some promising measures tried in the beginning are less successful than anticipated. Rather than continue with such measures, a flexible TDM program allows for such measures to be modified or replaced as necessary. The TDM program required in the Draft EIR allows the Project to achieve the trip reduction goal in an effective and efficient manner, and has sufficient flexibility to make appropriate adjustments if necessary.

Comment 36.10

Failure to Provide Adequate Analysis of Freeway Traffic Impacts

There are four reasons why the EIR fails to provide an adequate analysis of freeway traffic impacts. First, the EIR fails to distinguish between freeway traffic impacts caused by the demolition, construction and operation phases of the Project (EIR 239).

Response 36.10

The Draft EIR distinguishes between the demolition/construction and operational traffic impacts of the Project. Refer to page 227 of the Draft EIR, which states, “during the construction phase all trips generated by the existing uses would be replaced by fewer trips comprised of commuting construction personnel.” This discussion refers to traffic impacts during the construction phase including demolition. This includes potential freeway traffic impacts. Because there would be a decrease in the number of vehicles on the roadway during this phase, no significant impacts to the freeways are expected to occur.

Operational freeway traffic impacts are discussed on page 239 of the Draft EIR. To address the increasing public concern that traffic congestion was impacting the quality of life and economic vitality of the State of California, the Congestion Management Program (CMP) was enacted by Proposition 111. The intent of the CMP is to provide the analytical basis for transportation decisions through the State Transportation Improvement Program (STIP) process. A countywide approach has been established by the Metropolitan Transportation Authority, the local CMP agency, designating a highway network that includes all state highways and principal arterials within the County and monitoring the network's Level of Service to implement the statutory requirements of the CMP. This monitoring of the CMP network is one of the responsibilities of local jurisdictions. If Level of Service standards deteriorate, then local jurisdictions must prepare a deficiency plan to be in conformance with the countywide plan.

The CMP for the County of Los Angeles requires that all freeway segments where a project is expected to add 150 or more trips in any direction during the peak hours be analyzed. An analysis is also required at all CMP intersections where a project would likely add 50 or more trips during the peak hours.

Two of the closest CMP freeway monitoring locations are: 1) the Santa Monica (I-10) Freeway east of Overland Avenue, and 2) the San Diego (I-405) Freeway north of Venice Boulevard. Due to their proximity to the Project, these monitoring locations would best reflect traffic volumes for freeway segments not as close to the Project. The estimated Project trips on these segments are as follows:

- Santa Monica (I-10) Freeway east of Overland Avenue: 10 vehicles westbound and -18 vehicles eastbound in the AM peak hour; -68 vehicles westbound and -22 vehicles eastbound in the PM peak hour.
- San Diego (I-405) Freeway north of Venice Boulevard: 10 vehicles northbound and -18 vehicles southbound in the AM peak hour; -68 vehicles northbound and -22 vehicles southbound in the PM peak hour.

These Project volumes are below the CMP threshold value for freeway segments and no CMP analysis is required.

Comment 36.11

Second, the EIR fails to discuss the freeway impacts from the proposed haul route. The EIR notes that the debris will be hauled away on the Santa Monica Freeway (I-10) and the San Diego Freeway (I-405) or the Harbor Freeway (I-110). (EIR 109). Both the upcoming construction traffic control plan, which is noted as mitigation measure T-2 (EIR 245), and the final EIR should evaluate the freeway impacts from the hauling of materials.

Response 36.11

Refer to Topical Response No. 9 (Construction Impacts) regarding the additional construction restrictions agreed to by the Project Applicant. As stated in Response 36.10 above, there would be no traffic impact during the demolition and construction phase of the Project due to the decrease in the number of vehicle trips on the roadway. Therefore, the hauling of materials on freeway segments would not result in a significant impact. The haul route has not yet been approved and is subject to the City's haul route approval process. This process includes a public hearing and opportunities for the public to comment on the proposed route.

Comment 36.12

Third, the EIR measures the significance of the Project's impacts on freeway traffic solely by reference to numeric standards found in the statewide Congestion Management Plan ("CMP") and concludes that "no CMP analysis is required." (EIR 239). While that may be true, a CEQA analysis *is* required.

Response 36.12

There is a CEQA analysis in the Draft EIR. See Section V.M, Transportation/Traffic and Appendix 18 of the Draft EIR. The CMP analysis referenced above is adequate for CEQA purposes. As the Project will add not more than 10 net trips in one direction at either freeway monitoring location, the impact to freeway capacity would be negligible, less than 0.5 percent. Therefore, there is a less than significant freeway traffic impact.

Comment 36.13

Fourth, the freeway analysis should segregate the traffic impacts by peak hours and off-peak hours.

Response 36.13

It is not standard methodology to analyze off-peak hours at intersections and on freeways as this time period typically does not result in the highest total cumulative traffic volumes or the measurement of the largest significant impact of a project. In the case of the proposed Project, the office use is the primary component, which generates substantially more trips during the AM and PM peak hours than at other times of the day. Combined with the background traffic volumes that are also higher during the AM and PM peak hours, the results and impacts represent a worse condition than volumes obtained for off-peak-hour conditions. For these reasons, the AM and PM peak-hour analyses in the DEIR and traffic study are appropriate, and analysis of off-peak hour conditions on the freeways is not warranted. Furthermore, it should be noted that Caltrans provided a written communication during the NOP period regarding the preparation of the traffic study. Appropriate items requested for analysis by Caltrans were included in the study. An off-peak hours analysis was not requested by Caltrans. It can be concluded from Caltrans' comment letter on the DEIR (see Letter No. 5 of this document) that it found the traffic analysis to be acceptable.

Comment 36.14**V. AIR POLLUTION****Failure to Consider and Mitigate Diesel Engine Exhaust Impacts**

The EIR neglects to consider the potential for significant impacts from pollutants other than carbon

monoxide (“CO”), Reactive Organic Gases (“ROG”), oxides of nitrogen (“NO_x”), respirable particulate matter (“PM₁₀”) and sulfur dioxide (“SO₂”). As noted in the EIR, the construction and operation of the project will require the consumption of fossil fuels, including diesel fuel. (EIR 303). During the demolition and construction phase, “approximately 4,000 roundtrip truck trips would be required to haul the debris away at a rate of 41 round trips per day.” (EIR 109). Other presumably diesel-fueled construction equipment, including seven excavators, eight bobcats, and loaders, will be used on-site. *Id.* Nevertheless, the EIR does not consider the potential impacts of the exhaust from diesel equipment and trucks. (EIR 108-119)

That is a serious concern, given the diesel engine exhaust is itself a known human carcinogen.² Lung cancer risk increases with increased exposure to diesel exhaust; in fact, typical cancer risks to diesel truck drivers and diesel equipment operators far exceed lifetime cancer risk thresholds.³ Thus, to the extent that the Project exposes on-site workers or individuals in the vicinity to increased concentrated amounts of diesel exhaust, it would create an undeniably significant cancer risk.

Furthermore, diesel exhaust includes over 40 substances that are listed by the EPA as hazardous air pollutants and by the California Air Resources Board (“CARB”) as toxic air contaminants.⁴ Fifteen of these substances are listed by the International Agency for Research on Cancer as carcinogenic to humans, or as a probable or possible human carcinogens.⁵ Some of these substances include known toxic chemicals such as aldehydes (e.g., formaldehyde, acetaldehyde, acrolein), benzene, 1,3-butadiene, polycyclic aromatic hydrocarbons (“PAHs”) and nitro-PAHs.⁶

The EIR’s failure to consider the impacts of diesel exhaust and its toxic constituents – or to require mitigation such as the use of non-diesel equipment, the use of low sulfur fuel substitutes, the installation of emissions filters, and restrictions on idling times – is particularly significant since the Project is situated within short distances of sensitive receptors including, but not limited to, the Century City Hospital, Century City Medical Center, Beverly Hills High School, Century Plaza Hotel, Park Place condominiums, St. Regis Hotel, Century Park East condominiums and Century Woods residential area. (EIR 66, 90). The

² The Governor of California identified diesel engine exhaust as “known to the State of California to cause cancer” on October 1, 1990. The current regulatory list of chemicals known to the State of California to cause cancer is available at <http://www.oehha.ca.gov/prop65/prop65_list/062802LSTa.pdf> (Excerpts enclosed as Exh. C).

³ Studies have shown that diesel truck drivers may experience a one to two percent increase in lifetime cancer risk. For example, one recent study by the United States Environmental Protection Agency (“EPA”) reviewed numerous epidemiological studies and concluded that diesel exposed-workers faced an extra risk of 40% higher than the 5% background lifetime cancer risk in the U.S. population and that they would have an excess risk of 2% to develop lung cancer due to occupational exposure to diesel exhaust. (EPA, *Health Assessment Document for Diesel Engine Exhaust*. Prepared by the National Center for Environmental Assessment, Washington, D.C., for the Office of Transportation and Air Quality; EPA/600/8-90/057F (2002), at 8-13, 8-14; available at <<http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=29060>> (Exh. D)). Another study published in the *American Journal of Industrial Medicine* found “significant Positive trends in lung cancer risk with increasing cumulative exposure” and, more specifically it found that a male truck driver exposed to 5 micrograms per cubic meter (5 $\mu\text{g}/\text{m}^3$) of diesel exhaust – “a typical exposure in 1990” – “would have a lifetime excess risk of lung cancer of 1.2% above a background risk of 5%.” (Kyle Steenland, *et al.*, “Diesel Exhaust and Lung Cancer in the Trucking Industry: Exposure-Response Analyses and Risk Assessment,” 34 *American Journal of Industrial Medicine* 220 (1998) (Abstract enclosed as Exhibit E)). Another study by Gina Solomon, M.D., reported that 230 out of every 1 million persons exposed to $1\mu\text{g}/\text{m}^3$ of diesel exhaust per day (i.e., just one-fifth of the daily exposure level for diesel truck drivers reported in the Steenland study) are expected to develop lung cancer. (Gina Solomon, *et al.*, *NRDC, Exhausted by Diesel*, at 7 (1998); available at <<http://www.nrdc.org/air/transportation/ebd/ebdinx.asp>> (Exh. F)). Another study published in *Epidemiology* found that across 21 previous epidemiological studies, there was an increased relative risk for lung cancer from occupational exposure to diesel exhaust of 33% on average. (Rajiv Bhatia, *et al.*, “Diesel Exhaust Exposure and lung Cancer,” *Epidemiology* 9:84 (1998) (Abstract enclosed as Exhibit G)).

⁴ CARB, *Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel’s April 22, 1998, Meeting*, at 1-2 (visited Sept. 27, 2002) <<http://www.arb.ca.gov/toxics/dieseltac/de-fnds.htm>>(Exh. H).

⁵ *Id.*

⁶ EPA, *Health Assessment Document for Diesel Engine Exhaust* (2002), at 1-1 (Exh. D).

EIR fails to include an impact screening assessment to evaluate the impact of toxic air pollutants on sensitive receptors.⁷

Response 36.14

The Draft EIR does consider the impacts of diesel equipment and vehicles. Emissions from diesel engines were included in both the demolition emissions calculations and the operational emission calculations. Refer to the Draft EIR Section V.B, Air Quality.

In the demolitions calculations, emissions from on site equipment and the debris hauling trucks were calculated directly. Emission from on site equipment was calculated using emission factors (i.e. emissions per hour of operation) from the South Coast Air Quality Management District's (SCAQMD) CEQA Air Quality Handbook and the expected peak equipment activity levels during demolition. Emissions from debris hauling trucks were calculated using the number of trips, trip lengths and emission factors (i.e., emissions per mile traveled) for heavy diesel trucks taken from EMFAC2000. EMFAC2000 is a computer program published by the California Air Resources Board that calculates emissions and emission factors from on-road vehicles. For more information see <http://www.arb.ca.gov/msei/msei.htm>. The calculations for emissions during demolition activities showed that net criteria pollutant emissions from the Project are projected to be below the threshold of significance. Therefore, demolition and construction of the Project will not result in a significant air quality impact and no mitigation is required.

Emissions from on road diesel trucks were included in the emission calculations for the operation of the Project. Composite vehicle emission factors (emissions per mile traveled) were generated from EMFAC2000. EMFAC2000 generates emission factors for several vehicle classes and fuel types including diesel fuels. The program also contains information regarding the percentages of each vehicle type by county in terms of both population and vehicle miles traveled. This data is used to generate emission factors for a composite vehicle in the county. This data is then multiplied by the trips generated by the Project and an average trip length derived from data presented in the SCAQMD CEQA Handbook to estimate the total vehicular emissions due to the project. The calculations for emissions during operation of the Project showed that net criteria pollutant emissions from the Project are projected to be below the threshold of significance. Therefore, operation of the Project will not result in a significant air quality impact and no mitigation is required.

Impacts from toxic substances related to cumulative exposure are typically assessed over a 70-year period. Cancer risk is often expressed as the maximum number of new cases of cancer projected to occur in a population of one million people due to exposure to the cancer-causing substance over a 70-year lifetime.⁸ Demolition, when the peak diesel exhaust emissions would occur, is expected to take approximately five months and the complete construction of the Project is not expected to take more than 25 months. Because of the relatively short duration of construction, diesel emissions resulting from the construction of the Project are not expected to result in a significant impact. This issue was discussed with SCAQMD Staff (Gordon Mite via phone on October, 30, 2002 with Matt Jones from Mestre Greve, the Project air quality technical expert) who indicated that their methodology for performing health risk assessments of toxic sources are specifically for an exposure 24 hours a day, 7 days a week 365 days a year for 70 years and there is no accepted way to modify the methodology for a source that would not occur over a full 70 years. SCAQMD has required health risk assessments due to diesel emissions for uses

⁷ A criterion that the South Coast Air Quality Management District uses to determine the adequacy of an air quality analysis is whether an impact screening assessment was performed when sensitive receptors are to be sited within one quarter-mile of a known source of toxic air pollutants. Air Quality Management District, *Air Quality Analysis Guidance Handbook (formerly the CEQA Air Quality Handbook)*, 2-7 to 2-8 (July 1999) (Version 2) (Exh. I).

⁸ Source: California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Guide to Health Risk Assessment.

such as warehousing operations because of their permanent status, but does not consider emissions from a temporary source such as construction as being potentially significant.

Notwithstanding, the following mitigation measure is incorporated into FEIR Section III, Corrections and Additions to the Draft EIR to further reduce the less than significant impact.

“AQ-10 The contractor shall utilize electricity from power poles or electrical outlets rather than from temporary diesel generators to the extent feasible.”

After completion of the Project, there is no reason to believe that the Project will result in a substantial amount of diesel exhaust emissions as there are no uses proposed that would generate these emissions directly or generate a substantial amount of truck trips that would result in increases of these emissions. In fact, the Project is projected to generate less traffic than the existing conditions. This decrease in overall traffic would also likely result in a corresponding decrease in diesel emissions.

The commentor states the “EIR fails to include an impact screening assessment to evaluate the impact of toxic air pollutants on sensitive receptors,” and also states that a “criterion that the South Coast Air Quality Management District uses to determine the adequacy of an air quality analysis is whether an impact screening assessment was performed when sensitive receptors are to be sited within one quarter-mile of a known source of toxic air pollutants. Air Quality Management District, *Air Quality Analysis Guidance Handbook (formerly the CEQA Air Quality Handbook)*, 2-7 to 2-8 (July 1999) (Version 2) (Exh. I).” This criterion does not apply to the Project because it relates to projects that would create new sensitive receptors near existing sources of toxic air pollutants rather than a project that generates toxic pollutants. The Project does not propose any sensitive land uses, as defined in Figure 4-2 of Chapter 4 of the Handbook.

According to the Air Quality Management District, *Air Quality Analysis Guidance Handbook (formerly the CEQA Air Quality Handbook)*, the SCAQMD has a program for reviewing and commenting on the air quality analyses in environmental documents submitted to the SCAQMD under CEQA Guidelines §§15086, 15087, and 15096. As such, the SCAQMD routinely reviews and may comment on the air quality analysis for projects through its intergovernmental review process. SCAQMD’s comments are focused on identifying a project’s impact on air quality and recommending potential mitigation for the lead agency’s consideration.

As a commenting agency, the SCAQMD reviews the air quality analysis portions of a CEQA document and other sections of the document that may contribute to air quality impacts include traffic, hazards, etc. To determine whether an air quality analysis adequately assesses and mitigates a project’s impact, the SCAQMD uses specific criteria. The SCAQMD has reviewed the air quality analysis and did not provide any comments identifying a Project impact on air quality or any inadequacies in the air quality analysis.

Comment 36.15

The EIR also fails to evaluate the effects of diesel engine exhaust on the ambient concentrations of criteria air pollutants including ozone, CO, NO_x, PM₁₀ and SO₂. The 1.25 million diesel-fueled engines and vehicles operating on California roads produce 30 percent of the nitrogen oxides and 60 percent of the particulate matter directly emitted from California motor vehicles.⁹ Clearly, diesel engine exhaust elevates the concentrations of these pollutants,¹⁰ yet the EIR fails to assess the significance of the

⁹ Office of Environmental Health Hazard Assessment, *Fuels and Your Health, A Fact Sheet by Cal/EPA’s Office of Environmental Health Hazard Assessment and the American Lung Association*; available at <<http://www.oehha.ca.gov/publicinfo/facts/fuelstoi.html>> (Exh. J).

¹⁰ EPA, *Health Assessment Documents for Diesel Engine Exhaust* (2002), at 2-84 to 2-118 (Exh. d).

contribution of diesel engine exhaust to these pollution levels and fails to propose mitigation measures. (See EIR 108-112).

SCOPE does not know how many new diesel trucks and engines the Project would add to on-road and off-road emissions, for the EIR does not attempt to answer these questions. The lack of information makes the EIR inadequate. See *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1025-26 (1998). We respectfully request that the Planning Department consider the impacts of diesel engine exhaust on air quality during the demolition, construction and operation phases of the Project.

Response 36.15

Refer to Response 36.14 regarding the air quality analysis which does consider the impacts of diesel equipment and vehicles during demolition, construction and operation of the Project.

Comment 36.16

Inadequate Analysis of Particulate Matter Impacts

The EIR fails to propose adequate mitigation measures to reduce the significant air quality impacts from PM₁₀ emissions that will occur during the demolition and construction phase of the Project. The EIR classifies the construction air quality impacts as those that “cannot be avoided” (EIR 303). The net increase in PM₁₀ of 22.3 pounds per day is a serious concern because, as the EIR mentions, the EPA has designated the South Coast Air Basin as a non-attainment area for PM₁₀ (EIR 119). Moreover, 1998-2001 data from within the South Coast Air Quality Management District (“SCAQMD”) Source Receptor Area 2, where the Project is located, show that the state standard for PM₁₀ has been exceeded from 33 to 54 days per year. (EIR 104-05). Because the demolition and construction phase of the Project would occur over a 25-month period (EIR 6), the final EIR should describe how much the Project would contribute to these exceedances. Just because the net increase in PM₁₀ emissions falls below the SCAQMD Threshold¹¹ does not mean that the Project will not contribute to Clean Air Act violations or to human health impacts at the site.¹²

Response 36.16

The threshold for a significant PM₁₀ impact recommended by the SCAQMD was adopted by the City of Los Angeles as a threshold of significance as part of the L.A. CEQA Thresholds Guide. During the CEQA process, it is City policy, as it relates to EIR comments, to review all evidence, regardless of its adopted significance criteria in order to consider all significant impacts, but is subject to CEQA Guidelines Section 15145. Therefore, the threshold does not preclude the City from considering other evidence of an air quality impact. The commentator does not, however, present substantial evidence of an air quality impact.

The SCAQMD thresholds are a conservative determination of the significance of project emissions. A fundamental assumption of the thresholds, is that projects with emissions below the thresholds will not create or significantly contribute to a violation of the federal or state ambient air quality standards. Currently, the best published estimate of PM₁₀ emissions from the entire South Coast Air Basin comes from the 1997 AQMP. For the year 2000, the basin wide PM₁₀ emissions were estimated to be 454 tons per day. The SCAQMD threshold for the significant PM₁₀ impact is 150 pounds per day. The Project results in a maximum impact of 22.3 pounds per day. Project PM₁₀ emissions for other construction activity would be lower than during demolition. The peak daily emissions during demolition of the Project represent less than three thousandths of a percent of the basin wide emissions. While any increase in PM₁₀ emissions will contribute to a violation, emissions below the threshold do not significantly

¹¹ The EIR notes that the SCAQMD Threshold for PM₁₀ is 150 pounds per day (EIR 111, Table V.B-7).

¹² The demolition phase alone is projected to occur over a 5-month period, with a continuous flow of trucks hauling debris and material to and from the site at a rate of 82 daily trips, which equates to 1 truck trip every 8 minutes assuming a 10.5 hour-day. (EIR 227).

contribute to the violation. However, as described in Section V.B of the Draft EIR, there could be a significant cumulative construction air quality impact.

Comment 36.17

To its credit, the EIR lists eight mitigation measures to reduce construction air quality impacts; however, the EIR fails to distinguish the measures which are proposed by the Project proponent from those proposed by the lead agency. See CEQA Guidelines §15126.4(a)(1)(A). This is important information to convey to the public in the final EIR so that the public can know which measures, if any, are mere proposals.

Response 36.17

Emissions from construction of the Project, other than cumulative emissions, are not identified as significant, and accordingly, mitigation measures are not required. Section 15126.4(a)(1)(A) pertains only to mitigation measures proposed to minimize significant effects of a project. The Project Applicant has agreed to the mitigation measures listed in the Draft EIR (AQ-1 to AQ-8), which have been proposed by the Lead Agency.

Comment 36.18

An EIR must consider all potentially significant environmental impacts. Although the EIR assesses the impacts of the Project on coarse particulate matter (PM₁₀) emissions, the EIR fails to consider the impacts from fine particulate matter emissions (PM_{2.5}). (See EIR 108-112). The Project will lead to fine particulate matter emissions due to the demolition and construction equipment as well as the vehicle-trips generated by the project.¹³ EPA set new PM_{2.5} standards in 1997,¹⁴ but court challenges delayed their implementation. In 2001, the U.S. Supreme Court unanimously affirmed EPA's ability to set national ambient air quality standards ("NAAQS") for fine particulate matter. See *Whitman v. American Trucking Associations*, 531 U.S. 457 (2001). Beginning in 2002, based on 3 years of monitoring data, EPA will designate areas as non-attainment that do not meet the new PM_{2.5} standards.¹⁵ The EIR defines PM₁₀ as "respirable particulate matter" (EIR 101), but "[i]nhalable PM includes both fine and coarse particles."¹⁶ EPA has documented the substantial health effects of fine particulate matter.¹⁷ The final EIR should evaluate the impacts of the Project on PM_{2.5} emissions to complete its analysis of respirable particulate matter.

Response 36.18

As the commentator notes, the EPA established PM_{2.5} emission standards in 1997, which were challenged in court. In February of 2001, the Supreme Court upheld the standards but remanded some issues back to the Circuit Court. In March of 2002, the Circuit Court upheld the standards. Establishment of a PM_{2.5} standard was just the first step in the assessment and reduction of PM_{2.5} levels. Tools need to be developed to accurately estimate PM_{2.5} and precursor emissions, their dispersion and atmospheric interactions and resulting concentrations. A task made more difficult because PM_{2.5} emissions are both directly emitted from sources as well as formed in the atmosphere as other pollutants react chemically in a similar manner to ozone. Uncertainty brought by the court challenge delayed implementation of a PM_{2.5}

¹³ According to EPA, fine particles (PM-2.5 micrometers) result from fuel combustion from motor vehicles, power generation, and industrial facilities, as well as from residential fireplaces and wood stoves. Coarse particles (PM-10 micrometers) are generally emitted from sources such as vehicles traveling on unpaved roads, materials handling, and crushing and grinding operations, as well as windblown dust. EPA, *Particulate Matter (PM-10)* (visited Sept. 27, 2002) <<http://www.epa.gov/air/aqtrn97/brochure/pm10.html>> (Exh. K)

¹⁴ See NAAQS for Particulate Matter, 62 Fed. Reg. 38652 (1997) (codified in 40 C.F.R. § 50.7 (1999)).

¹⁵ EPA, *Particulate Matter (PM-10)* (Exh. K).

¹⁶ *Id.*

¹⁷ See 62 Fed. Reg. 38652 – 38760 (1997); see also EPA, *Health Assessment Document for Diesel Engine Exhaust* (2002), at 6-17 to 6-30 (Exh. D).

monitoring program. It should be noted that because of this delay, the EPA has not designated non-attainment areas for PM_{2.5} as of October 2002.

The focus at this time is establishment of a PM_{2.5} measurement network to determine which areas are in attainment of the standard and which are not and how substantial the concentrations are in areas of nonattainment. Multiple federal and state agencies are working on methods to estimate emission inventories for regional assessments, dispersion methods and methods for estimating emissions at a project level. At this time the adequate tools are not available to perform a detailed assessment of PM_{2.5} emissions and impacts at the project level. Further, there are no good sources for the significance thresholds for PM_{2.5} emissions. As the extent of non-attainment areas and sources of PM_{2.5} concentrations are investigated, these thresholds will be developed.

SCAQMD Staff (Gordon Mite via phone on October, 30, 2002 with Matt Jones from Mestre Greve, the Project air quality technical expert) was consulted regarding analysis of PM_{2.5} impacts at the project level and specifically for a CEQA analysis. SCAQMD Staff indicated that while some tools are available to predict PM_{2.5} emissions from some sources (i.e. motor vehicles), emission calculation methodologies for many sources have not been developed. SCAQMD has not adopted a methodology to project PM_{2.5} emissions or impacts at an individual project level. Analysis of PM₁₀ emissions as described in the SCAQMD Air Quality Handbook, and performed in the Air Quality Assessment prepared for the EIR, is currently the only recognized method to assess the impacts of particulates released as a result of the Project.

The commentor does not suggest any methodologies, tools or thresholds to evaluate PM_{2.5} impacts. Until tools, methodologies and thresholds are developed to assess the impacts of projects on PM_{2.5} concentrations, the analysis of PM₁₀ will need to be used as an indicator of PM_{2.5} impacts. PM₁₀ concentrations (particulates with a size of less than 10 micrometers) include PM_{2.5} (particulates with a size of less than 2.5 micrometers) emissions. As the net PM₁₀ emissions with the Project are projected to be less than the significance thresholds, PM_{2.5} emissions due to the Project will also not be significant.

Comment 36.19

Failure to Consider Lead Emissions

The EIR fails to consider the environmental impacts from lead emissions even though lead is a criteria air pollutant under the Clean Air Act and is highly regulated. Although the South Coast Air Basin is in compliance with the federal and state standards for lead emissions, there still could be significant local air quality impacts from lead emissions of the Project. The Project involves the demolition of two eight-story buildings that were built prior to the ban on lead-based paint in 1978. (EIR 130). Significant lead exposures can arise during stripping or demolition of structures containing lead-based paint.

In a recent Draft EIR for a separate project called "The Palazzo Westwood Project" (DEIR No. 2000-3213),¹⁸ the City of Los Angeles analyzed the impacts from lead emissions and proposed mitigation measures. The Palazzo Westwood Project Draft EIR outlined the Threshold of significance as follows:

All structures that are slated for demolition and have not been surveyed should be surveyed for lead-based paint prior to their demolition. For the purpose of this analysis, it is assumed that all these buildings contain lead-based paint. Lead-based paint abatement measures will be required in the demolition of all structures, except for specific buildings or elements of buildings where specific lead-based paint tests confirm that no lead is found there, and the City reviews and accepts these reports. Federal Regulations state that the lead-based paint be properly managed and/or removed by a

¹⁸ The Palazzo Westwood Project Draft EIR's Table of Contents and section on Hazardous Materials are enclosed as Exhibit L.

licensed abatement contractor during demolition work. All laws applicable to lead-based paint abatement will be followed during the demolition of the existing buildings. These laws address safe handling and disposal such that construction workers and those in the surrounding community are not adversely affected. Adherence to procedures outlined in the laws (see mitigation measures section below) will assure that there will be no significant impact from lead-based paint due to the demolition.

(Exh. L at 134). The Palazzo Westwood Project Draft EIR then proposed the following mitigation measure:

A licensed Lead-Based Paint Inspector shall be retained to determine the presence of lead-based paint and lead-based paint containing materials (LBPCM) within structures to be demolished on the Project site, consistent with the 1994 Federal Occupational Exposure to Asbestos Standards. Occupational Safety and Health Administration (OSHA), 29 CFR 1910.1001, 1926.1101, and 1915.1001. The Project Applicant shall be required to comply with all applicable State and Federal LBPCM policies and procedures for removal of LBPCM's present on the site.

(ID). The final EIR for the 2000 Avenue of the Stars Project should similarly address lead-based paint as a possible source of lead emissions, should analyze the significance of lead emissions and should require appropriate mitigation.

Response 36.19

As noted in Appendix 8 of the Draft EIR, the Phase I (1997, updated 2001) prepared for the Project site included a limited lead-in-paint survey. The objective of the study was to observe and sample areas of damaged or weathered paint that may contain concentrations of lead above the California Soluble Threshold Limit Concentration and Federal Toxicity Characteristic values. As set forth in the technical report, the "buildings are constructed of glass and aluminum panels and therefore were not painted. The walls, ceilings and equipment in the parking garage area and the mechanical/storage rooms exhibited a freshly-painted appearance." The report indicates that areas of damaged or weathered paint were not observed. Portions of the site appeared freshly painted and interviews with maintenance personnel confirmed that primarily water-based paints were used. Based on the conclusions in this technical report, demolition of the existing buildings would not result in a significant impact. Notwithstanding, in order to confirm this conclusion, the Project Applicant has agreed to the following mitigation measure.

Refer to Section III Corrections and Additions of this document, which incorporates the following mitigation measure to Section V.F, Hazards and Hazardous Materials of the Draft EIR regarding lead-based paint analysis to further reduce a less than significant impact:

"HHM-14 A licensed Lead-Based Paint Inspector shall be retained to confirm the absence of lead-based paint and lead-based paint containing materials (LBPCM) within structures to be demolished on the Project site, consistent with the 1994 Federal Occupational Exposure to Asbestos Standards, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.1001, 1926.1101, and 1915.1001. The Project Applicant shall be required to comply with all applicable State and Federal LBPCM policies and procedures for removal of any LBPCM's present on the site. Prior to the issuance of a demolition permit, the Applicant shall provide a letter to the Department of Building and Safety stating that all requirements provided above have been complied with."

Comment 36.20**Failure to Analyze Exceedance of 8-hour CO Standard**

The EIR recognizes that the Project will contribute to an exceedance of the state's 9.0 ppm 8-hour CO concentration standard at Intersection #2 (Santa Monica Boulevard (south) at Wilshire Boulevard), but concludes that this contribution is not "significant" because it does not increase the concentration by 0.45 ppm, a threshold recommended by SCAQMD. (EIR 108, 112-15). The EIR cannot conclude, without any further analysis, that an impact that is within a preestablished numeric threshold is *necessarily* insignificant simply because it falls below that preestablished threshold.¹⁹ Further analysis is required because there is a "fair argument" on the basis of substantial evidence that the Project may have a significant environmental effect when the threshold is composed of two parts, and the Project fails to meet one of the two parts (i.e., here, the state 8-hour CO standard).

The CO exceedance analysis is also insufficient because it relies on a faulty factual assumption that: "in the future, average emission rates from vehicles are projected to be lower with newer vehicles complying with stricter standards becoming a larger part of the overall fleet." (EIR 114; *see also* EIR 108). The truth is quite the opposite because of the increasing market share of light trucks and Sports Utility Vehicles ("SUVs") in the overall new vehicle fleet:

Average new light-vehicle fuel economy continues to decline. Since peaking at 22.1 mpg in 1987 and 1988, average light-vehicle fuel economy has declined nearly eight percent to 20.4 mpg and for 2001 is lower than it has been at any time since 1980. The primary reasons for this decline are the increasing market share of less efficient light trucks, increased vehicle weight, and increased vehicle performance.²⁰

The final EIR should adjust its analysis to incorporate this new data.

Response 36.20

The CO threshold utilized in the air quality analysis was adopted by the City for use in EIRs. Refer to the L.A. CEQA Thresholds Guide. Refer also to Response 36.16. The exceedance of the 8-hour CO threshold would occur with or without the Project. The analysis shows that the Project will result in a slight decrease in the CO concentrations at the intersections analyzed. As the Project results in less traffic than the no Project condition, the Project actually improves air quality compared to the future no Project conditions. It is unclear how with any additional analysis this could be construed as the Project resulting in a significant impact. Further analysis is not required because the Project will not have a significant environmental impact. The Project does not increase emissions of CO for the 8 hour concentration standard purposes and, in fact, improves the existing condition. This conclusion is consistent with the cited case, *Communities for a Better Environment v. California Resources Agency*, which was recently affirmed in part by the Court of Appeal.

The assumption that average vehicle emission rates will be lower in the future is from the California Air Resources Board and their EMFAC2000 program. EMFAC2000 is a very complicated program that accounts for expected changes in the vehicular fleet mix, regulations in force at the time of manufacturing

¹⁹ *See Communities for a Better Environment v. California Resources Agency* (Sacramento Super. Ct. April 13, 2001) No. 00-CS00300, slip op. at 2-4 (holding invalid CEQA Guideline §15064(h)) (*citing* Pub. Res. Code §§21080(d), 21083; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 998, 1000-03 (requiring EIR "whenever it can be fairly argued on the basis of substantial evidence that a proposed project may have a significant environmental impact.")). (Exh. M).

²⁰ Robert M. Heavenrich and Karl H. Hellman, *Light-Duty Automotive Technology and Fuel Economy Trends 1975 Through 2001*. Advanced Technology Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency; EPA 420-R-01-008 (2001), available at <<http://www.epa.gov/otaq/cert/mpg/fetrends/r01008.pdf>> (Exh. N)

of the vehicles in the fleet, vehicle age and mileage, emission control tampering and degradation rates and other factors that affect air pollutant emissions from vehicles. The EMFAC2000 program is used to develop on road vehicle emission inventories required for State Implementation Plans (called the Air Quality Management Plan by SCAQMD) completed by the local air pollution control districts throughout the state as required by the Clean Air Act. The emission factors generated by EMFAC 2000 represent the best available estimates of future vehicle emission factors for the State of California and takes into account current trends regarding SUVs.

Comment 36.21

Failure to Address Cumulative Contribution to 8-hour CO Exceedances

The EIR wholly fails to consider the *cumulative* impact of the project and other related projects on the attainment or exceedance of the 8-hour CO standard at both Intersections #1 and #2. (EIR 119). The EIR fails to convey which of the four related projects are located near these intersections. (EIR 117-19). The EIR also fails to assess the combined CO impacts from the construction and operation of these related projects, to the extent they are reasonably foreseeable. (*Id.*) With regard to the Project's own impacts, the EIR notes only half of the story by stating that "the Project would result in a net reduction in CO levels over future without Project conditions," without discussing the exceedance of the state's 8-hour CO concentration standard of Intersection #2 with Project conditions. (EIR 119). An exceedance of a state standard is a cause for concern, especially because the South Coast Air Basin is a non-attainment area for CO (EIR 14). The final EIR should consider the *cumulative* impact on the attainment or exceedance of the CO standards at both intersections and should require mitigation measures to reduce the Project's contribution to any exceedances.

Response 36.21

The future traffic volume data used in the CO concentration modeling was taken from the traffic study prepared for the Project approved by LADOT and included traffic from 43 related projects. Therefore, the future modeled CO concentrations are cumulative. As discussed above, the implementation of the Project results in a slight decrease in CO concentrations. Therefore, the Project actually results in lower cumulative impacts than the no Project conditions. It should be noted though that cumulatively the related projects and ambient growth do result in a projected exceedance of the 8-hour CO standard where one does not currently exist, but that the Project results in slightly lower concentrations than the no Project conditions.

Refer to Section V.B, Air Quality of the Draft EIR for a discussion of the Project's potentially significant cumulative construction air quality impacts. Of the 43 related projects, it is possible that some may overlap schedules with the Project and raises the issue of significance of cumulative construction air quality impacts. The closest of these include Constellation Place, Santa Monica Boulevard Transit Parkway project, Westfield Shoppingtown Century City Expansion, and the Fox Studio Expansion, and are discussed below.

The AQMP anticipates growth and associated construction in the region, consistent with SCAG projections. Each project must be evaluated for the need for CEQA analysis, and mitigation measures applied to reduce impacts where appropriate.

The construction schedules for each of the projects, discussed on page 118 of the Draft EIR, could coincide; however, because initiation and completion of the projects depends in part on economic and other unpredictable factors, any overlap is uncertain. For example, the Fox Studios project has been approved for some time, yet not all of the construction has been initiated. Further, construction impacts are short term, and will cease upon occupancy/opening of the related projects. It is also unlikely that all four related projects (and their emissions) are simultaneously under construction.

Further, as stated in the Draft EIR on page 118 it is noted that construction air quality emissions vary considerably from day to day, and the maximum emissions in a day are assumed for purposes of this analysis. In addition, each of the related projects has been required to mitigate their impacts to the maximum extent feasible. Thus it is likely that actual air emissions will be less than predicted. In any case, the proposed Project's contribution is substantially less than significant (the 22.3 lbs. per day projected Project construction emissions of PM₁₀ are only 15% of the SCAQMD threshold of 150 lbs. per day, all other emissions are reduced). However, the Santa Monica Transit Parkway Project is currently scheduled to be under construction at the same time as the proposed Project. As stated in the Draft EIR on page 119, such scheduling, coupled with other projects which could commence construction during this time could result in a significant cumulative air quality impact due to construction emissions.

Comment 36.22

3. NOISE

Failure to Mitigate Construction Noise Impacts

The EIR fails to analyze the construction phase noise impacts according to Exhibit 1 of the City of Los Angeles Noise Element ("Noise Element"), which defines land uses based on their noise exposure on the Community Noise Equivalent scale as Normally Acceptable, Conditionally Acceptable, Normally Unacceptable or Clearly Unacceptable. (EIR 176-77, 180-85). The EIR finds that the "[n]oise generated by demolition activities could reach as high as 85 dbA with typical maximum noise levels of approximately 72 dbA" at the property boundary for the "noise-sensitive" Century Plaza Hotel. (EIR 180). The EIR also finds that the "[n]oise generated by demolition activities could reach as high as 84 dbA with typical maximum noise levels of approximately 71 dbA" near the property boundary of the "noise-sensitive" Park Place Condominium complex. (EIR 181).

These mid-eighties noise levels fall within the Noise Element's "Clearly Unacceptable" designation, even for commercial uses. (EIR 177). According to the Noise Element, "Proposed development exposed to Clearly Unacceptable noise levels should generally not be undertaken." (*Id.*) The EIR was correct in finding the "increased noise levels at the multi-family residential and hotel uses adjacent to the Project" as "a potentially significant impact." (EIR 181). However, the EIR fails to mitigate the construction phase noise impacts to a "compatible level" as is required for any Normally Unacceptable or Clearly Unacceptable development. (EIR 177). The EIR instead finds that the Project could still result in a potentially significant construction noise impact (EIR 181, 186, 303). The final EIR should propose other mitigation measures that, along with mitigation measures proposed at N-1 to N-6, will reduce the noise to compatible levels with the surrounding land uses.

Response 36.22

Refer to Section V.I, Noise of the Draft EIR for an analysis of construction noise impacts. The commentor quotes maximum noise levels from construction activities. These are the intermittent maximum noise levels that could be reached for short periods during the construction phase of the Project at nearby uses. The Guidelines for Noise Compatible Land Use matrix presented in Exhibit 1 of the City's Noise Element is in terms of CNEL. CNEL levels are a 24 hour weighted average noise level. The two noise levels are not comparable. Based on the CNEL analysis, the Draft EIR concludes, in Section V.I, Noise that the Project would have a potentially significant construction noise impact after mitigation.

Furthermore, the Guidelines for Noise Compatible Land Use matrix presented in Exhibit 1 of the City's Noise Element is not an appropriate reference for comparison of construction generated noise levels. The City has established Section 41.40 of Chapter IV of the Municipal Code to protect its residents from construction noise impacts. This section restricts construction to the hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturdays or national holidays. For this Project, the City Planning Department has further restricted the Monday through Friday hours of construction to between 7:00 a.m. and 6:00 p.m. Noise generating construction activities will be limited to

these hours and will not be allowed on Sundays. Noise generated by construction of the Project will conform to the applicable City standards (i.e., the Municipal Code).

Comment 36.23

4. JOBS/HOUSING IMBALANCE

Use of Faulty Assumptions to Support Finding of Zero Population Growth

It is illogical for the EIR to conclude that “[t]he population increase attributable to the proposed project” will be “0 people” (EIR 190) when the project will create new jobs and draw new people into the area. Three faulty assumptions underlie the zero population growth finding. First, the EIR states that the Project only will create 501 jobs. (EIR 190). This is a vast underestimate because it fails to account for the underutilized nature of the existing development. (See above discussion of underutilization at pages 2-5). The EIR calculates “net job creation” “assuming one employee per 200 square feet, multiplied by the net increase in floor area (100,125 sf) created by the Project.” (EIR 190, fn. 42). Many more jobs will be created because the existing development has vacancies and is underutilized. The final EIR should provide the numbers of people actually employed by the existing tenants and then compare those figures to future job projections.

Response 36.23

The Project would not result in a significant adverse impact with respect to employment growth. Refer to Section V.J, Population and Housing of the Draft EIR. The proposed Project would remove the existing uses and redevelop the site with a mix of office, retail, restaurant and cultural uses. The proposed Project would not remove or provide any form of housing and would not be considered a population generating use. Therefore, the proposed Project would not result in a significant impact with respect to consistency with local and regional planning projections regarding population and housing growth.

The proposed Project would generate new jobs at the Project site. The number of net new jobs created is estimated at 501 jobs. Net job creation is calculated assuming one employee per 200 square feet, multiplied by the net increase in floor area (100,125 sf) created by the Project. SCAG projects employment in the year 2010 for the region to be 1,931,000, an increase of 148,847 jobs as compared to the year 2000 employment level of 1,782,153. The number of net new jobs created by the Project would be within SCAG’s regional growth projections for the Los Angeles subregion. Therefore, the proposed Project would not result in a significant impact with respect to consistency with local and regional planning projections regarding employment growth. The Project environmental setting for existing jobs at the Project site is when the buildings were at full occupancy. Refer to Responses 34.6 and 36.2 and Topical Response No. 1 (Traffic Study Methodology) for a discussion regarding the Project’s environmental setting.

Comment 36.24

The second faulty assumption underlying the zero population growth finding is that all current employees will continue to be employed at the Project site. In other words, the EIR only assesses the impact on population growth from the newly created jobs. However, there is no reason to think current employees who may live nearby will be retained when new tenants arrive. The Los Angeles Times reported that “[i]nvestment banking Bear Stearns & Co., currently a tenant in the nearby SunAmerica Center at 1999 Avenue of the Stars, is interested in taking as much as 100,000 feet.” (Exh. A at 3). This new tenant alone might bring 500 new employees to the building at the “one employee per 200 square feet” rate. (See EIR 190, fn. 42).

Response 36.24

The Draft EIR does not assume that all current employees will continue to be employed at the Project site. When the Draft EIR discusses “net new jobs” it is referring to the number of new jobs that will be created

by the increase of square footage of the new Project, not the number of new jobs that would occur at the entire site. It is entirely possible that an existing tenant will move out of the building and a new tenant will move in, which would replace the jobs that existed from the previous tenant. The number of jobs at the Project is limited by the total capacity of the Project site. Because this is a redevelopment project, the proposed building is replacing the floor area of the existing buildings. Thus, the Project is only increasing the number of jobs by the amount of floor area it is increasing from the existing buildings.

Comment 36.25

The third faulty assumption underlying the zero population growth finding is that the employees of the new office building will be living in the West Los Angeles/Beverly Hills area, but it provides no evidence to support such an assumption. (EIR 194). The EIR merely states that “[t]he jobs to be created are professional level jobs that require an educated force, commensurate with the West Los Angeles/Beverly Hills location. Therefore, it is likely that employees could be found in nearby areas.” (EIR 194). Even if they “likely” “could” be found locally, that does not mean they *will* be found locally. The EIR should provide more information about the likely employees at the Project and should propose mitigation measures to reduce any significant impacts of population growth.

Response 36.25

As stated on page 190 of the Draft EIR, the proposed Project would remove the existing uses and redevelop the site with a mix of office, retail, restaurant and cultural uses. The proposed Project would not remove or provide any form of housing and would not be considered a population generating use.

Refer to Response 36.23 and Section V.J, Population and Housing of the Draft EIR. The Project would create an estimated 501 net new jobs, which would not result in a significant impact with respect to consistency with local and regional planning projections regarding employment growth. Additionally, refer to Table V.J-1 beginning on page 191 of the Draft EIR, which contains an analysis of the Project’s consistency with each of the policies as contained in regional and local planning documents, which assume full occupancy of Century City. Based on this analysis, the Project would not conflict or hinder the attainment of regional and local policies regarding population growth, housing and employment. Therefore, the Project would not result in a significant impact on job growth or housing. No additional analysis regarding population growth is required and no mitigation measures are necessary.

According to the City of Los Angeles Draft CEQA Thresholds Guide (1998, p. B.1-3), a finding of significance involving population and housing growth shall be made on a case by case basis, considering the following factors:

- The degree to which the project would cause growth or accelerate development in an undeveloped area that exceeds projected planned levels for the year of project occupancy/buildout, and that would result in an adverse physical change in the environment;
- Whether the project would introduce unplanned infrastructure that was not previously evaluated in the adopted Community Plan or General Plan; and
- The extent to which growth would occur without implementation of the project.

The proposed Project would be developed on a site that is surrounded by urban development of similar use, scale and character to that proposed. This reduces the possibility that the Project would create adverse environmental impacts. Proposed Project development is consistent with plans and zoning for the site.

The proposed Project would also redevelop a site within an existing urban area that is served by existing infrastructure. The Project would make use of the existing infrastructure without creating a need for

substantial additional infrastructure. Century City is a central commercial area, which is well located and planned near residential neighborhoods, allowing for reduced commuting distances for many employees.

Although the Project would generate more employment opportunities than without implementation of the Project, the Project would not increase population growth. Therefore, based on the City of Los Angeles Draft CEQA Thresholds Guide thresholds of significance for population growth, the Project would not have a significant impact on population growth.

Comment 36.26

Failure to Address Affordable Housing

SCOPE is concerned about the Project's impact on the already low levels of affordable housing in the area. The EIR notes that of the 1.3 million dwelling units in the City of Los Angeles, only 39,900 units are considered affordable (EIR 188), which equates to a mere three percent of housing. The EIR states that the Project will primarily attract "office professionals" who will be able to afford housing around the Project that "is much higher than the citywide average." (EIR 191). What about the employees who are not office professionals? Where will they live? Given that the job growth is going to be much higher than predicted in the EIR, the Project will likely drive up housing costs and make it more difficult for workers to afford to live near their jobs. That, in turn, will increase commute times and resulting air pollution and traffic congestion. The final EIR should address the relative proportions of different employee income levels and perform a more thorough analysis of the Project's impact on housing prices.

Response 36.26

The Project's impact on the relative proportions of different employee income levels and housing prices have no nexus to any physical changes in the environment and are not CEQA impact areas. The West Los Angeles Community Plan has identified Century City as a Regional Center. The City of Los Angeles General Plan defines Regional Centers as areas planned for a variety of high-intensity urban uses. The proposed Project would replace existing commercial uses, and would not hinder the attainment of housing goals as it would continue commercial use of a site planned and zoned for such use.

Refer to Response 36.23 and Section V.J, Population and Housing of the Draft EIR. The Project would create an estimated 501 net new jobs, which would not result in a significant impact with respect to consistency with local and regional planning projections regarding employment growth. Additionally, refer to Table V.J.1 beginning on page 191 of the Draft EIR, which contains an analysis of the Project's consistency with each of the policies as contained in regional and local planning documents. Based on this analysis, the Project would not conflict or hinder the attainment of regional and local policies regarding population growth, housing and employment. Therefore, the Project would not result in a significant impact on job growth or housing.

Also, the commentor misquotes the Draft EIR by taking language out of context. The commentor states the "EIR states that the Project will primarily attract 'office professionals' who will be able to afford housing around the Project that 'is much higher than the citywide average'. (EIR 191)." Rather, the EIR in its analysis of the Project's consistency with each of the policies as contained in regional and local planning documents analyzes the Project's consistency with a policy that states "[e]ncourage local jurisdiction' efforts to achieve a balance between the type of jobs they seek to attract and housing prices. The Draft EIR states:

"Consistent. The proposed Project would provide additional job opportunities for office professionals within Century City, which has been identified as a Regional Center by the City of Los Angeles General Plan. Statistics in the West Los Angeles Community Plan show that the average price of a home in the area around the Project is much higher than

the citywide average. Therefore, the addition of professional office positions in the area would support incomes capable of residing in the area.”

Thus, the Project achieves a balance between the type of jobs the Project seeks to attract and the housing prices in the area. Additionally, the Project is not expected to generate a significant alteration in the existing distribution of population or employment base, making additional analysis unnecessary.

Comment 36.27

The final EIR should also propose mitigation measures to reduce the potentially significant impact of the Project on the availability of affordable housing. The EIR should discuss impact fees, which are justified where a developer has an impact on the demand for affordable housing. According to a report prepared for the City of Los Angeles Department of Housing Preservation and Production (enclosed as Exhibit O), the cost of subsidizing housing affordable to the new lower income employee households associated with office space in the West Los Angeles/Westside area ranges from \$24.62-44.97 per square foot of building area (Exh. O at 4-5). Applying this range to the Project’s 100,125 new square feet of building space – which will lead to a conservative estimate because it does not take underutilization into account – the impact fees justifiable in this case fall in the range of \$2.5 million to \$4.5 million.

Response 36.27

The Draft EIR does not analyze the availability of affordable housing. The City of Los Angeles has not established a nexus between the construction of commercial development projects and the possible impact of such construction as it relates to the provision of affordable housing in the City of Los Angeles. The proposed Project would not remove or provide any form of housing and would not be considered a population generating use. Therefore, the proposed Project would not result in a significant impact with respect to population or consistency with local and regional planning projections regarding population and housing growth. Therefore, no mitigation measures are necessary and impact fees do not need to be analyzed.

The report attached by the Commentor, dated October 1990, is labeled “NOT FOR PUBLIC DISTRIBUTION”, and as such, should not be relied upon as an official document of the City of Los Angeles. Neither this report, nor any other nexus study, has been adopted by the City of Los Angeles for the purposes of mitigating possible impacts of commercial construction upon the provision of affordable housing. In fact, on May 14, 1996, the Los Angeles City Council eliminated the proposed Housing Linkage Fee recommended in the referenced report when it repealed the Housing Linkage Fee Notice Ordinance No. 165,530, and rescinded the affordable housing mitigation fee notice for approved developments (Council File No. 94-1923-s19). Therefore, the impact fees suggested by the commentor are not required.

Comment 36.28

5. ENERGY CONSUMPTION

Failure to Account for Underutilized Nature of Existing Development in Energy Consumption Analysis

In the energy consumption analysis, the EIR again ignores the current underutilization of the property. (See above discussion of underutilization at pages 2-5). The EIR concludes that the “[d]evelopment of the proposed Project would result in a net decrease of 3,220,728 kWh when compared to the existing land uses.” (EIR 267). This conclusion is based on a total demand analysis prepared by Syska and Hennessy, Inc. (App. 15), which finds that “electrical energy consumed by the existing land uses *at full occupancy* is approximately 11,132,680 kWh” and that “the proposed Project would consume approximately 7,911,952 kWh of electrical energy.” (*Id.*) (emphasis added).

Like the traffic and job creation analyses discussed above, this energy analysis fails to recognize that the existing development is underutilized. Syska and Hennessy, Inc. estimates “the energy consumption of the existing entertainment center buildings (2020 and 2040 Avenue of the Stars) *in full use*.” (App. 15 at 2) (emphasis added). Energy consumption is calculated on a “per Square Foot” basis. (*Id.* at 3). Syska and Hennessy, Inc. states that the analysis is “based on a number of rough estimates” and the company “does not guarantee that the actual consumption of these buildings would be the same or similar to the above stated numbers.” (*Id.* at 2). The final EIR needs to account for the true character of the existing property and accordingly redo the energy consumption analysis.

Response 36.28

See Response 34.6 and Topical Response No. 1 (Traffic Study Methodology) for a discussion of establishing the existing conditions at the Project site. The existing conditions analysis has been conducted pursuant to standard Los Angeles Department of Transportation (LADOT) policy, the Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), Century City North Specific Plan (CCNSP) and CEQA.

Refer to Section V.N.5, Electricity and Appendix 15 of the Draft EIR regarding the Project’s electricity analysis. The consultant’s statement that it will not guarantee the actual consumption of energy in the completed buildings is no basis to require new analysis. The actual energy usage of a building after construction and occupancy are subject to a number of variables that are difficult to predict. The analysis, which includes estimating energy consumption, was prepared according to common industry practices with energy generation rates used by the City of Los Angeles.

As stated in the Draft EIR on page 267, the Project is required to meet the State Building Energy Efficiency Standards for energy consumption (Title 24 of the California Code of Regulations). Thus, the Project building results in greater energy efficiency than the existing buildings. Development of the proposed Project would result in a net decrease in energy use when compared to the existing land uses on the Project site. The analysis indicates that the proposed Project will consume substantially less energy than the existing development, and accordingly, will not result in a significant energy impact.

Comment 36.29

6. LAND USE

Failure to Consider the Santa Monica Mountains Regional Plan

The Project is located in the Los Angeles basin on the southern side of the Santa Monica Mountains (EIR 66). Although the EIR correctly recognizes that it must discuss any inconsistencies between the Project and applicable regional plans (EIR 115), it fails to address the Santa Monica Mountains regional plan. Because of its location, the final EIR must analyze any inconsistencies with the Santa Monica Mountains regional plan or explain why that plan does not apply. See CEQA Guidelines §15125(d).

Response 36.29

The Project is not located within the Santa Monica Mountains Zone as defined in Section 33105 of the California Public Resources Code, nor is it located in an area over which the Santa Monica Mountains Conservancy has any oversight. The commenter refers to a “Santa Monica Mountains regional plan” for which no reference can be found. Regardless, none of the Santa Monica plans are applicable. The Land Use section of the Draft EIR contains a comprehensive analysis of applicable local and regional plans and concludes that the Project is consistent with all applicable plans.

Comment 36.30**7. PARKING****Failure to Discuss Lack of Off-Site Parking Covenant or Agreement**

SCOPE is concerned that the lack of parking in the Project area will only get worse after the site is redeveloped. The EIR fails to correct an error²¹ of previous environmental review documents raised by Century City Garage Partners (“CCGP”), the owner of the off-site parking garage located at 2030 Century Park West. The EIR states that “there are 451 off-site parking spaces in the garage west of the Century Plaza Hotel, which are covenanted for the site” and states that these spaces “are provided by covenant and agreement in the parking garage at 2030 Century Park West.” (EIR 231-32).

In letters of February 4, 2002 (Exh. P) and March 22, 2002 (Exh. Q), the owner of the off-site parking notified the City of this error. In a letter of April 16, 2002 (Exh. R), the City’s Director of Planning, Con Howe, confirmed that “[t]he Off-Site Covenant will be terminated . . . if and when the existing buildings located at 2020 and 2040 Avenue of the Stars are demolished.” That same day, CCGP responded and requested that “the [off-site] alternative in the EIR clearly states that no off-site parking agreement presently exists between the applicant and CCGP regarding the Project.”: (Exh. S).

Contrary to this request, the EIR reiterates the existence of an off-site parking covenant and agreement. (EIR 231-32). Given the controversy and confusion over the availability of off-site parking, the final EIR should clarify the specifics of, including the date and parties to, any existing agreement between the Project Applicant and CCGP regarding off-site parking.

Response 36.30

Refer to Topical Response No 7. (Parking Supply) for a discussion of the off-site parking covenants. The April 16, 2002 was not signed by Con Howe. This was a proposed letter attached to the CCGP letter reference above as Exhibit S.

Comment 36.31**CONCLUSION**

We look forward to continuing our participation in the review of the Project and appreciate the City’s consideration of our concerns. For the reasons we have stated, the EIR is fundamentally flawed. We respectfully request that the City take our considerations into account in the final EIR. We urge the City to withhold approval of the Project until the EIR takes into account the fact that the existing development is underutilized and mitigates all significant environmental impacts.

Response 36.31

Your organization will be notified of the availability of the Final EIR and any future hearings regarding the proposed project. The Draft EIR is adequate as discussed in the responses above.

Exhibit A through Exhibit S provided by the commentor have been responded to as part of the comments above.

²¹ This assumes that no agreement was executed between the applicant and the owner of off-site parking prior to the Draft EIR’s publication.