

**AG-SCH 8150 Sunset Boulevard Owner, L.P.**

P.O. Box 10506  
Beverly Hills, CA 90213

June 7, 2016

Ms. Luci Ibarra  
City Planner – Major Projects  
200 North Spring Street, Room 750  
Los Angeles, CA 90012

Mr. William Lamborn  
Planning Assistant – Major Projects  
200 North Spring Street, Room 750  
Los Angeles, CA 90012

Re: 8150 Sunset Boulevard (Case No. VTT-72370-CN;  
CPC-2013-2551-CUB-DB-SPR; ENV-2013-2552-  
EIR)

Dear Ms. Ibarra and Mr. Lamborn:

On May 24, 2016, the City of Los Angeles (the “**City**”) held a joint Hearing Officer and Advisory Agency hearing (the “**Hearing**”) on the proposed mixed-use project<sup>1</sup> (the “**Project**”) located at 8150 Sunset Boulevard (the “**Property**” or “**Project Site**”). During the Hearing, a number of Project opponents raised questions about the adequacy of the environmental impact report<sup>2</sup> (the “**EIR**”) prepared for the Project. The EIR adequately addressed all of the issues raised during the hearing, and no additional response or analysis is required. However, AG-SCH 8150 Sunset Boulevard Owner, L.P. (the “**Applicant**”) submits this letter to the City to address some of the issues that were raised during the Hearing and to provide citations and summaries of how each issue was addressed in the EIR and to clarify some of the analysis. We respectfully request that the City incorporate this letter into the Project’s administrative record.

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<sup>1</sup> As used herein, the Project refers to the project identified in the Draft EIR and Alternative 9, unless otherwise specified.

<sup>2</sup> As used herein, the term EIR includes the Draft EIR, the Recirculated Draft EIR (“**RP-DEIR**”), the Final EIR (“**FEIR**”), and an Errata.

**I. THE PROPERTY IS ELIGIBLE FOR A DENSITY BONUS PURSUANT TO STATE DENSITY BONUS LAW.**

- A. The City is required to grant the density bonus pursuant to State density bonus law and the City's implementing ordinance.

*Please See:* Chapter 2 (Project Description) and Chapter 4, Section 4.F (Land Use) of the Draft EIR; and Chapter 2, Sections 2.A (Topical Responses), Response TR-2.2 (Qualifications for Incentives) and 2.B (Response to Comments), and Response B1-65 of the FEIR

As explained in the EIR, the Project's residential component is comprised of 11 percent (28) very-low income units, which qualifies the Project for a 35 percent density bonus pursuant to California Government Code Section 65915 *et seq.* (the "**State density bonus law**") and Los Angeles Municipal Code (the "**LAMC**") Section 12.22.A.25, which establishes the procedures for implementing the State density bonus law. Under LAMC Section 12.22.A.25(f)(4)(ii), a project that qualifies for 35 percent density bonus must be granted an "on-menu" incentive to allow a floor area ratio ("**FAR**") of 3:1, provided that the project is in a commercial zone in Height District 1, fronts on a major highway ("**Major Highway**") as identified in the City's General Plan (the "**General Plan**"), and 50 percent or more of the commercially zoned property is located within 1,500 feet of a transit stop, which is defined as a Metro Rapid Bus stop located along a Metro Rapid Bus route, without any qualification on the hours of operation ("**Transit Stop**")<sup>3</sup>. The Property is zoned C4, which is a commercial zone and is in Height District 1. The Property fronts Sunset Boulevard and Crescent Heights Boulevard, both of which are designated as a Major Highway by the City's General Plan. The Project is an in-fill housing project that would set aside 11 percent of its housing for very-low income households, which qualifies for a 35 percent density bonus<sup>4</sup>.

Although the Applicant is entitled to a 35 percent density bonus based on the 11 percent very-low income set aside, the Applicant is only requesting a 22 percent density bonus to provide 45 additional units within the Project. The Applicant has also requested incentives under the density bonus law to secure relief from development standards that would otherwise be awarded by right, if the Project were marginally closer to public transit. Specifically, the Applicant requests the on-menu FAR of 3:1, as described in more detail above. As also noted above, 50 percent of the commercial component of the Project is located within 1,560 feet of a Transit Stop at the intersection of Fairfax Avenue and Sunset Boulevard (Metro Rapid Route 780). The distance between this Transit Stop and 50 percent of the Project is only 60 feet (or four percent) further than allowed by the on-menu incentive. Because the Project satisfies all of the other requirements, and 50 percent of the commercially zoned portion of the Property is located only 60 feet further than the 1,500-foot requirement from the nearest Transit Stop, the Project satisfies

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<sup>3</sup> LAMC §12.22.A.25(b).

<sup>4</sup> LAMC §12.22.A.25(c)(1).

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the City's intent to locate affordable housing projects near Transit Stops, and the requested incentive is only a minor departure from the applicable development standards.

LAMC Section 12.22.A.25 authorizes the City Planning Commission to approve applications for density bonuses requesting any off-menu incentives. Specifically, LAMC Section 12.22.A.25(g)(3) permits an applicant to request off-menu incentives when a project does not meet the exact requirements for on-menu density bonus incentives. Here, the Project fully meets two of the three requirements and almost fully meets the third requirement, as 50% of the Project Site is only 60 feet short of being within 1,500 feet from a Transit Stop. Accordingly, the Project includes a request for incentives to allow an increase in FAR and to allow FAR to be calculated on the pre-dedication area of the Property, both of which are necessary to provide the 28 affordable units. Without the incentives, the Property would be limited to an FAR of 1:1, which would make the inclusion of affordable units infeasible.<sup>5</sup> The request for additional floor area within close proximity to significant transit options is entirely consistent with the requirements of the City's on-menu incentive allowing a 3:1 FAR on a commercial parcel, except that in the case of the Project, it is located within 1,560 feet of a Transit Stop, in lieu of the 1,500 foot distance required for the on-menu incentive. As such, it is a perfect candidate for an off-menu incentive. Moreover, State density bonus law makes it quite clear that a city shall grant the requested density bonus incentive unless the city can make a finding that it is not necessary to provide the restricted low-income housing, or the incentives would have a specific adverse effect, or the incentives would be contrary to state or federal law.<sup>6</sup> Therefore, since (i) the Project qualifies for off-menu incentives, (ii) the Applicant has demonstrated through a pro-forma and third party independent review that the requested incentive is necessary to make the very-low income units financially feasible, and (iii) the City has no basis for making the State mandated findings necessary to deny the requested incentives, the City must grant the requested off-menu incentives.

- B. The Property is not too far from the Transit Stop and other public transportation to justify the density bonus.

*Please see:* Chapter 2 (Project Description) and Chapter 4, Section 4.F (Land Use) of the Draft EIR; and, Chapter 2, Sections 2.A, (Topical Responses) Response TR-2.2 (Qualifications for Incentives) and 2.B (Responses to Comments) Response No. B1-65 of the FEIR

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<sup>5</sup> As required by the City's procedures, the Applicant submitted a pro forma (prepared by HR&A Advisors, Inc., dated March 1, 2016) and an independent third-party review of the pro forma (prepared by RSG, Inc., dated April 19, 2016) to evaluate the financial feasibility of the Project. The pro forma and independent third-party review evaluated a mixed-use project with no affordable housing incentives and a mixed-use project with affordable housing incentives, including an incentive that achieves a 3:1 FAR, and both concluded that the requested incentives would be necessary to make the Project financially feasible.

<sup>6</sup> California Government Code §65915(d)(1)(A)(B) and (C).

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The intent of the on-menu incentive is to ensure that a property is accessible without a passenger vehicle. The Property is located in a portion of the City that is served by a significant amount of public transportation. In addition to the Metro Rapid Line 780 stop, Metro also operates the following public transportation stops near the Property within convenient walking distance:

- Metro Local and Limited Line 2/302 (24-hour service) stop is located at the intersection of Sunset Boulevard and Crescent Heights Boulevard, which is adjacent to the Property. Metro Local and Limited Line 2/302, which has an annual ridership of more than six million passengers,<sup>7</sup> also has stops at the intersection of Fairfax Avenue and Sunset Boulevard, providing a convenient transfer point to and from Metro Lines 217 and 780.
- Metro Local and Limited Line 218 stop is located at the intersection of Sunset Boulevard and Crescent Heights Boulevard, which is adjacent to the Property.
- Metro Local and Limited Line 217 (24-hour service) stop is located at the intersection of Fairfax Avenue and Sunset Boulevard, at the same location as the Metro Rapid Line 780 stop.

Together, these Metro lines had a combined annual ridership of more than 12 million passengers.<sup>8</sup> Metro Lines 2/302, 217, and 780 all offer peak hour headways of 15 minutes or less, consistent with the definition of a Major Bus Route in the LAMC and the City's adopted Affordable Housing Incentives Guidelines. The LAMC further provides that areas proximate to Major Bus Routes are appropriate locations for mixed-use developments. The intersection of Sunset Boulevard and Fairfax Avenue serves as a transit node that provides interconnectivity to transit throughout the area and the City. Therefore, the Project is sufficiently close to a Transit Stop and other bus routes to justify approval of the requested density bonus incentives.

## **II. THE EIR ADEQUATELY ADDRESSED THE FACT THAT THE BANK BUILDING IS NOT ELIGIBLE FOR STATE OR FEDERAL RECOGNITION, THAT ALTERNATIVE 9 IS COMPATIBLE WITH THE EXISTING HISTORICAL BUILDINGS THAT ARE LOCATED NEAR THE PROJECT SITE.**

- A. The EIR correctly concluded the Property is ineligible under the National and State criteria, but did conservatively determine that it was eligible under local criteria for its architecture.

*Please see:* Chapter 4, Sections 4.A (Aesthetics/Visual Resources), 4.C.2 (Historical Resources) and 4.F (Land Use), and Appendix C-3 (Historical Resources Assessment) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor

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<sup>7</sup> 2012 annual estimated ridership, <http://isotp.metro.net/MetroRidership/IndexSys.aspx>

<sup>8</sup> Ibid.

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and Additional Underground Parking Alternative) of the RP-DEIR; and, Chapter 2, Section 2.A (Topic Responses) Response TR-3.1 (Eligibility Findings/Statement of Significance) of the FEIR

The EIR correctly analyzed the historical significance of the bank building located on the Property and determined that it was not eligible for the National and California Registers because (i) it is not associated with events that have made a significant contribution to the broad patterns of California or national history in that Lytton Savings only played a minor role in the development of the savings and loan industry having gone bankrupt within ten years of its founding, with the building going through extensive alterations by subsequent owners, and the modern art collection associated with the bank having been removed (with the exception of two works); (ii) it is not associated with persons of significance in our past related to the savings and loan industry; (iii) it does not embody characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual or possess high artistic value due to alteration and removal of distinguishing architectural, design, art and landscaping features; and (iv) it is not likely to yield information important in prehistory or history.

However, the analysis did conclude that the bank building has maintained enough integrity to conservatively meet the local criterion for designation as a local historic cultural monument as an early example in California of the mid-century modern bank building type and an early example of Kurt Meyer's work that may have been instrumental in his success as a savings and loan architect for Lytton Savings and American Savings. Accordingly, the EIR contains mitigation measures designed to protect this potentially locally significant resource, including, preparation of a Historic American Buildings Survey, demolition monitoring and salvage, relocation of the two remaining art works, and relocation of the bank building. However, since relocation of the bank building may not be feasible, the EIR conservatively concludes that demolition of the bank building would result in a significant and unavoidable impact.

B. The Project would not result in any significant indirect impacts to Historical Resources.

*Please see:* Chapter 4, Section 4.C.2 (Historical Resources) and Appendix C-3 (Historical Resources Assessment) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) of the RP-DEIR; and, Chapter 2, Section 2.A, (Topical Responses) Response TR-3.3 (Indirect Impacts to Historical Resources) of the FEIR

The EIR analyzed the potential indirect impacts of the Project, and correctly concluded that the Project would not result in a substantial material change to the integrity and significance of historical resources within the Project vicinity. The Project, and specifically Alternative 9, would not destroy spatial relationships that are important for experiencing the character and design of nearby historical resources because the Project is designed to be set back from the

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street adjacent properties to protect that spatial relationship. Moreover, as identified in the Historical Resources Assessment, (Appendix C-3 of the Draft EIR), the historic setting of historic resources in the Project vicinity have eroded considerably at both the Project Site and in the vicinity.

In addition, Alternative 9 would be differentiated from the surrounding built environment, but generally would be compatible with the historic materials, features, and massing of the adjacent buildings, thereby protecting the integrity of the properties in the surrounding environment. Thus, there would be no significant visual change in the public experience of the historical resources surrounding the Project, and there would be no significant impact on historical resources that have distant to direct views of the Project.

- C. The Project's vibration impacts were adequately analyzed in the EIR and will not cause damage to historic buildings located near the Property.

*Please see:* Chapter 4, Section 4.G (Noise) of the Draft EIR; and, Chapter 2, Section 2.A, (Topical Responses) Response TR-8 (Noise and Vibration) of the FEIR

The EIR fully analyzed ground-borne vibrations in the Project vicinity, including vibrations from both construction and operational activities. Utilizing the Federal Transit Administration's significance threshold levels, the EIR concluded that the vibration velocities generated by construction activities would be lower than 1.0 inches per second, less than the threshold for potential building damage to off-site buildings, which includes all of the historical buildings in the Project vicinity.

- D. There are no additional feasible mitigation measures to eliminate or reduce the significant and unavoidable impact related to demolition of the bank building.

*Please see:* Chapter 4, Section 4.C.2 (Historical Resources) and Appendix C-3 (Historical Resources Assessment) of the Draft EIR; Chapter 2, Section 2.A, (Topical Responses) Response TR-3.2 (Removal of the Bank Building and Preservation Alternatives) of the FEIR; and, Findings of Facts (CEQA) Sections, VIII.A.5, IX.C.6.d, IX.C.7.d and IX.C.8.d, and Statement of Overriding Considerations, Section XII.A.1

The EIR contains four mitigation measures designed to reduce the significant impacts of the demolition of the bank building. However, Mitigation Measure HIST-3, the relocation of the bank building, requires future determination of the feasibility of moving the structure without damage and finding a purchaser willing to relocate the bank building. Failure to achieve either of these requirements would result in Mitigation Measures HIST-1, HIST-2, and HIST-4 being implemented to document and salvage the history and architecture of the bank building. There is no other feasible mitigation measure available to preserve the historical significance of the bank building while developing a project that achieves the Project Objectives. As discussed in

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subsection E, below, the preservation alternatives are infeasible. Therefore, the mitigation measures imposed on the Project provide the most feasible protection for the bank building.

E. Alternatives 5, 6 and 7, which maintain the bank building, are not feasible.

*Please see:* Chapter 5, Sections 5.E (Bank Preservation Alternative), 5.F (Reduced Height and Bank Preservation Alternative), and Section 5.G (On-Menu Alternative) of the Draft EIR; and, Chapter, Section 2.A (Topical Responses) Response TR-3.2 (Removal of the Bank Building and Preservation Alternatives) and Appendix B (Geology and Soils Report and Correspondence) of the FEIR; Findings of Fact (CEQA) Section IX

The EIR analyzes each of the alternatives that preserve the bank building. However, as stated in the City's Findings of Fact (CEQA), Section IX, the bank preservation alternatives are not feasible because all three alternatives fail to meet, or only partially meet, a substantial number of the project objectives. For example, as stated in the Findings, these alternatives fail to create a development that complements and improves the visual character of the westernmost area of Hollywood, that promotes quality living spaces, and that effectively connects with the surrounding urban environment through high quality architectural design and detail. In fact, Gehry Partners, LLP's ("**Gehry**") architectural team explored multiple design options that would have kept the bank building as part of the overall development. Ultimately, however, Gehry determined that it was not feasible to address concerns about view obstruction and overall visual quality, and to meet the Project objectives, with a design that preserved the bank building. This determination was based on the following factors:

- Loss of opportunity to introduce landmark architecture on Sunset Boulevard and to create a gateway to Sunset Strip. A goal of the building along the Sunset Strip is to create transparency through a retail corridor along Sunset Boulevard to allow the central public plaza to be inviting; however, the architecture of the existing bank building does not support this design goal.
- Limited pedestrian access. The bank building has no setback from the street and its service location blocks the entry to the public plaza at the corner of Sunset Boulevard and Havenhurst Drive. The bank building would impede access to the central plaza and related public functions. The Project Site is situated in a prime location for creating pedestrian-friendly improvements to the public realm, and preserving the bank building would interfere with such development.

- Constraints on efforts to address height/massing. Maintaining the bank building would result in taller towers and/or would reduce the north-south view corridor to the Hollywood Hills between the two residential buildings.
- Inconsistent design elements. Alternative 9, which was developed in response to public comments to the Draft EIR, including comments to the preservation alternatives, presents a carefully crafted sculptural composition and ensemble of buildings for the Project Site and its surroundings. Integrating the bank building while conserving its architectural language and design motifs in a respectful manner would substantially interfere with the careful composition of this alternative and impede its ability to meet the Project's objectives.
- Inability to expand parking options without impacting views. Because parking cannot be constructed below the bank building, the bank building preservation alternatives require more extensive excavation compared to the Project while Alternative 9 makes more constructive use of additional excavation by providing significantly more parking, which was a chief concern expressed by the public.

Decision makers have discretion to weigh the complex considerations involved in balancing historic preservation and community development goals. Indeed, the Los Angeles Superior Court recently upheld the City of West Hollywood's determination that an environmentally superior preservation alternative was infeasible.<sup>9</sup> The court recognized that a desire for "signature architecture" is a legitimate Project objective that cannot be met by a preservation alternative that results in a "fragmented and not cohesive design". This decision was consistent with established legal precedent that the California Environmental Quality Act ("CEQA") "does not compel retention of old buildings in the name of historical preservation" in particular when demolition will foster an agency's "continuing goal of redevelopment".<sup>10</sup>

In addition to failing to meet the design goals, preservation alternatives would be more expensive to construct due to design inefficiencies and additional precautions that must be taken to excavate the parking lot next to the bank building, not to mention the costs of restoration activities. Indeed, equivalent parking for any bank building preservation alternative would require additional levels of subgrade parking (because the area under the bank building would not be available to construct subterranean parking), which would increase environmental impacts and increase construction costs. In addition to being inefficient to construct, the garage entrance arrangements would be much more awkward, with the potential to complicate traffic conditions. The parking solutions under Alternatives 5 and 6 would be much less functional, less efficient, and create more environmental impacts to a number of resources. There would also be a limit to

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<sup>9</sup> *Los Angeles Conservancy v. City of West Hollywood*, Case No. BS151056, Statement of Decision (L.A. County Sup. Ct. Jan. 5, 2016).

<sup>10</sup> *Dudek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029.

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the types of improvements that could be made to enhance the building's attractiveness because alterations that increase building loads by 10 percent or more would trigger a requirement for seismic upgrades, adding significantly to the expense of the Project.

Additionally, there are safety concerns related to the preservation alternatives. As explained in more detail in Addendum No. 1 to Golder Associates Inc.'s Geotechnical Exploration and Recommendations Report (Appendix B of the FEIR), it was recommended that the Applicant reinforce foundations in the northwest corner of the Project Site (specifically, the design calls for a 10-inch horizontal ground displacement and a 2-inch vertical ground displacement). The reinforced foundation zone encompasses the area underlying the bank building. These foundation requirements cannot be implemented for the bank building. Accordingly, the preservation alternatives would maintain a potentially hazardous condition.

**III. THE EIR CORRECTLY CONCLUDED THAT THE PROJECT'S MASSING AND SCALE ARE CONSISTENT WITH THE SURROUNDING COMMUNITY AND WOULD NOT HAVE A SIGNIFICANT EFFECT ON SCENIC VISTAS OR SCENIC RESOURCES NOR SUBSTANTIALLY DEGRADE THE VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS.**

A. Alternative 9's massing and scale are designed to enhance the view corridors.

*Please see:* Chapter 4, Sections 4.A (Aesthetics/Visual Resources), 4.C.2 (Historic Resources), and 4.F (Land Use) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) of the RP-DEIR; and, Chapter 2, Section 2.A (Topical Responses) Responses TR-1.1 (Views from Surrounding Community and Hollywood Hills), TR-1.2 (Visual Character and Quality Related to Height and Scale), TR-2.3 (Compliance with Development Standards – Building Height and Scale), TR-3.5 (Compatibility with Surrounding Development), TR-3.4 (Consistency with City of Los Angeles Plans and Policies Related to Height and Scale, and TR-6 (Consistency with Development in the City of West Hollywood) of the FEIR

Alternative 9, prepared in response to public comments received to the Draft EIR, is designed to be more responsive in scale and character to the adjacent context and topography of the Project Site. As explained in the EIR, the tower elements fronting Crescent Heights Boulevard and Havenhurst Drive, respectively, are oriented north-south to open view corridors from the Hollywood Hills towards the south and from West Hollywood towards the north, and are set back from Sunset Boulevard to alleviate the impression of their mass. The variety of building heights of the various elements of the Project appropriately scales the Project and allows it to relate to the immediate context, such as the Chateau Marmont Hotel and the Granville Towers, as well as the other buildings in the vicinity. Additionally, the massing of the retail component facing Sunset Boulevard is articulated to have an important street frontage and a marquee element, which relates in character to the billboards adjacent to the Chateau Marmont Hotel.

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Thus, Alternative 9 would have a less than significant impact regarding land use compatibility given the reduction in the garage podium structure height, variation in building massing and setbacks, connectivity with surrounding streets at the pedestrian scale, and unique iconic design features.

With respect to the height and mass as it relates to the City of West Hollywood, Alternative 9 is not incompatible with development in West Hollywood, including several buildings ranging in height from nine to 31 stories. Although the Project is not located in the City of West Hollywood, and therefore not subject to the City of West Hollywood's Sunset Specific Plan, the Project would generally meet the criteria outlined for target sites that allow for increased density and height set forth in the Sunset Specific Plan given the Project's location, context, physical characteristics, and access. The Property is a large site that is under a single ownership; provides a significant public amenities, the Corner Plaza open space area, as well as a landmark building; it qualifies for increased FAR based on provision of affordable housing; its aesthetic impacts are less than significant; it is located at a major intersection with multiple street frontages offering increased accessibility; it is geographically dispersed along the length of Sunset Boulevard related to other high-rise developments; and, it is intended to act as a design anchor for the entire street.

Furthermore, CEQA expressly provides that aesthetic impacts of a mixed-use residential development on an infill site within a transit priority area, such as the Project, "shall not be considered significant impacts on the environment."<sup>11</sup> In addition, the City has issued ZI No. 2452 (the "ZI") concerning guidance on this requirement, which provides that "visual resources, aesthetic character, shade and shadow, light and glare, and scenic vistas or any other aesthetic impact as defined in the L.A. CEQA Threshold Guide shall not be considered an impact for infill projects within [Transit Priority Areas]." Therefore, pursuant to State law and the ZI, the Project's aesthetic impacts are not significant impacts on the environment.

Nonetheless, although not required by CEQA, the EIR included analysis to determine whether the Project's impacts would exceed thresholds typically used by the City for analyzing the significance of a project's impacts on aesthetics, including aesthetic character and views. The analysis in the EIR concluded that the Project's impacts would fall below the standards of significance used by the City.

B. Alternative 9 will not degrade the visual character of the area.

*Please see:* Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) and Appendix E (Alternative 9 Design Concept Narrative) of

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<sup>11</sup> The Project qualifies as an infill project because it lies on a previously developed parcel in an urban area where the entire parcel is surrounded by developed uses or improved public rights-of-way adjacent to parcels with qualified urban uses. The Property qualifies as a transit priority area because it is located less than one-half mile from a Major Transit Stop (as defined by California Public Resources Code Section 21064.3), located at the intersection of Sunset Boulevard and Fairfax Avenue.

the RP-DEIR; and, Chapter 2, Section 2.A (Topic Responses) Response 1.2 (Visual Character and Quality Related to Height and Scale) of the FEIR

Alternative 9 would enhance the visual character of the area by removing an unsightly strip mall and replacing it with a world-class gateway to Sunset Boulevard designed by Gehry. The location and height of the building massing were carefully designed to achieve the objectives of creating a pedestrian friendly retail destination, extending the landscape from the Hollywood Hills by creating multiple outdoor terraces, and preserving the view corridor from the Hollywood Hills. Alternative 9 would provide unified architecture, landscaping and pedestrian amenities at a site currently characterized by surface parking, a range of competing signage, fast food restaurants, and non-cohesive architectural design. Therefore, the Project would not degrade the visual character of the area. Rather, the Project would improve the area's visual character by replacing the existing outdated structures with more pedestrian friendly commercial uses along Sunset Boulevard, residential uses set back from the commercial uses, and public open space and amenities, all of which will enhance the visual character of the area.

#### **IV. THE EIR ADEQUATELY ANALYZED TRANSPORTATION AND PARKING.**

- A. The Traffic Study correctly analyzed the Project's trip generation rates and the Project's traffic impacts.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) and Appendix A (Air Quality, Green House Gas Emissions, Noise, and Traffic Data for Alternative 9) of the RP-DEIR; and, Chapter 2, Sections 2.A (Topical Responses) Response TR-4.1 (Traffic Generation and Related Impacts) and 2.B (Responses to Comments) Response B1-76 through B1-78 of the FEIR

The EIR correctly analyzed the Project's trip generation rates using estimation methodology and resulting project trip calculations, including both the existing and proposed uses, which were discussed with, reviewed, and approved by the Los Angeles Department of Transportation ("LADOT"). The trip generation rates and assumptions reflect the direction and requirements for trip calculations as identified by LADOT's current Traffic Study Policies and Procedures, and were deemed by LADOT as adequately evaluating the Project-related impacts on the surrounding community.

- B. The EIR included a complete related projects list.

*Please see:* Chapter 3 (General Description of Environmental Setting) and Chapter 4, Section 4.J (Transportation and Circulation) of the Draft EIR; and, Chapter 2, Section 2.B (Responses to Comments) Response A9-2 of the FEIR

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CEQA requires the cumulative impacts analysis study the impacts of a project in conjunction with the impacts of reasonably foreseeable growth. CEQA does not require that every conceivable project be included, but rather the selection and discussion of related projects be guided by a standard of reasonableness and practicality, and limited to projects within a reasonable study area that could potentially affect environmental impacts of the project. With these limitations in mind, the EIR is required to include “a list of past, present and reasonably anticipated future projects producing related or cumulative impacts.”<sup>12</sup> Additionally, CEQA does not require the inclusion of projects which were not known at the time of the Notice of Preparation (the “NOP”) and whose application for development were submitted after the NOP was filed.<sup>13</sup>

The EIR included a list of related projects within the City of Los Angeles and the City of West Hollywood, the contents of which were provided to the Project’s traffic engineer by staff from each respective city during preparation of the NOP. Nonetheless, to support an up-to-date analysis, additional related projects were subsequently added to this list during preparation of the Draft EIR. The area for which the related projects were identified was the area in which the Project might substantially affect traffic conditions. Thirty-eight related projects were identified and studied, 12 in the City and 26 in the City of West Hollywood. The analysis also assumed a 1.0 percent average annual growth factor in traffic levels between 2013 and 2018. The projected cumulative development was addressed in the analyses of each of the environmental issues. Therefore, all foreseeable related projects with the potential to contribute to Project impacts were included in the EIR.

C. The EIR correctly analyzed the Project’s trips during construction.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) of the Draft EIR; and, Chapter 2, Section 10 (Transportation and Circulation) of the RP-DEIR

The EIR thoroughly analyzed construction traffic impacts including all five stages of construction: (i) demolition, (ii) shoring and excavation, (iii) garage construction, (iv) building construction, and (v) site work. The traffic generation and impacts associated with each of these phases were evaluated separately to ensure that all aspects of construction were adequately studied. Standard assumptions were utilized regarding permitted hours of construction and hauling activities and specific assumptions were used for construction activities specific to each phase of construction, such as the duration of the phase, the amount of haul or construction-related material involved, and the maximum anticipated daily activities. Conservative assumptions were made to ensure that no potential impact was over-looked. Significance levels were determined based on the L.A. CEQA Thresholds Guide which states that a determination of significance should be based on the temporary traffic impacts, temporary loss of access,

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<sup>12</sup> California Code of Regulations, Title 14, Chapter 2, Section 15130(b).

<sup>13</sup> Id. at Section 15125.

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temporary loss of bus stops or rerouting of bus lines, temporary loss of on-street parking, and cumulative construction impacts.

Based on all the foregoing, the EIR correctly analyzed every aspect of potential construction-related traffic impacts taking into account the required Construction Traffic Management Plan, permitted construction hours, truck haul routes, and staging and parking areas. The EIR states for Alternative 9 that because this alternative will increase the depth of excavation for the subterranean parking, it would have an incrementally increased intensity of excavation and shoring activities. Although significant construction-related traffic impacts were generally not anticipated, temporary significant impacts could occur along Sunset Boulevard between Crescent Heights Boulevard and the US-101 freeway during off-peak periods during the shoring and excavation phase. The EIR concluded that no feasible mitigation measures are available that could reduce the significance of construction-related traffic impacts during the shoring and excavating phase. As such, these impacts, although temporary, would remain significant and unavoidable. All other construction-related traffic was appropriately determined to result in a less than significant impact.

- D. The vehicular driveway along Crescent Heights Boulevard is sufficient to accommodate the Project's trips.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) of the RP-DEIR; and, Topical Response 4.3 (Traffic Island Reconfiguration) of the FEIR

The EIR adequately analyzes the traffic impacts of the Project. That analysis studied the estimated trips and direction of travel, and the resulting impacts on all the study intersections. The EIR concluded the elimination of left-turn exits from the Crescent Heights Boulevard driveway would not result in any significant changes to the previously identified impacts for either the Project or any of its alternatives.

Specifically for Alternative 9, driveway volumes were identified and analyzed using the same methodologies and procedures described in the Draft EIR, and the results of this supplemental analysis are shown in Tables A-1(a) through A-3 in Appendix E-2 of the FEIR. As shown in these tables, the potential elimination of a left turn exit from the Crescent Heights Boulevard driveway for all Project uses would not result in any new significant impacts to any of the study intersections or street segments other than the impact to the intersection of Fountain Avenue and Havenhurst Drive without mitigation, discussed below. Therefore, Crescent Heights Boulevard would adequately accommodate all Project-related traffic. Moreover, due to the elimination of the commercial entry-only driveway on Sunset Boulevard in Alternative 9, an additional lane was added to the Crescent Heights Boulevard driveway. Additionally, adjustments were made to the internal circulation of the parking structures to ensure that the Crescent Heights Boulevard driveway could accommodate both ingress and egress. Therefore, the EIR considered the ability

of the Crescent Heights Boulevard driveway to accommodate project-related traffic and made the necessary design adjustments to ensure the adequacy of the driveway. Thus, with the modifications proposed for Alternative 9, the driveway capacity at the Crescent Heights Boulevard driveway will be adequate to accommodate both commercial and residential traffic.

E. The Project includes a sufficient number of parking spaces.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; Chapter 2 (Alternative 9 – Enhanced View Corridor and Additional Underground Parking Alternative) and Appendix A (Air Quality, Greenhouse Gas Emissions, Noise, and Traffic Data for Alternative 9) of the RP-DEIR; and, Chapter 3 (Corrections and Additions to the Draft EIR and the RP-DEIR) and Chapter 2, Section 2.A (Topical Responses) Response TR4.4 (Parking Adequacy) of the Final EIR

As discussed in the Draft EIR and above, pursuant to State law, a project’s aesthetic and parking impacts shall not be considered for an infill, mixed-use residential project within a Transit Priority Area, such as the Project. Nonetheless, the EIR analyzed parking adequacy and determined that the Project had less than significant parking impacts. However, in response to public comments expressing concern that there could be spillover parking onto nearby streets, Alternative 9 was designed to increase parking spaces in addition to providing bicycle parking spaces and amenities. Alternative 9 will provide 820 parking spaces, which are 198 spaces more than required by the LAMC.<sup>14</sup>

A new Project Design Feature, PDF-Traffic-2, was developed for large occasional special on-site events. This Project Design Feature requires a Traffic and Parking Management Plan that may include, among other strategies, securing off-site parking spaces and locations, including a shuttle service to ensure that there is no spillover parking on nearby streets. Therefore, the Project would include more parking spaces than are necessary for all uses, including employee parking. Furthermore, PDF-Traffic-2 will ensure adequate parking for large special events and a thorough Traffic and Parking Management Plan for all vehicles.

F. The elimination of the curb cut on Sunset Boulevard improves traffic and was studied in the EIR.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; and, Chapter 2 (Alternative 9: Enhanced View Corridors and Additional Parking Alternative) of the RP-DEIR

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<sup>14</sup> It should be noted that the 144-space parking surplus identified in the RP-DEIR for Alternative 9 was based on the inclusion of a health club use as well as guest parking for the proposed condominium units; however, with elimination of both the health club use and the guest parking requirement for the proposed condominiums (as a result of Parking Option 1, which allows provision of no guest parking for any residential unit, whether affordable or market/rental or for-sale) the parking surplus under Alternative 9 is now 198 spaces.

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The EIR thoroughly analyzed the traffic impacts for the Project and Alternative 9. Alternative 9 vehicular access to the on-site parking facilities would be similar to that provided in the Project except for the elimination of the entry-only commercial component driveway along Sunset Boulevard. Elimination of the Sunset Boulevard driveway would eliminate potentially dangerous conflicts between pedestrians and vehicles and improve the traffic flow on Sunset Boulevard. In order to compensate for the loss of this access point, the primary commercial access driveway on Crescent Heights Boulevard, which provides both ingress and egress, was modified to include a second entry lane. With the elimination of the commercial passenger vehicle access on Havenhurst Drive, all commercial passenger vehicle traffic for Alternative 9 would enter and exit only at the Crescent Heights Boulevard driveway. The traffic analysis for Alternative 9 concludes that the Crescent Heights Boulevard driveway has adequate capacity. Therefore, the EIR adequately analyzed the impacts of eliminating the Sunset Boulevard entry-only commercial component driveway and made Project design adjustments to accommodate the commercial traffic.

G. LADOT reviewed and approved the traffic study.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; and, Chapter 2, Section 2.A (Topical Responses) Response TR-4 (Traffic and Parking) of the FEIR

The traffic study prepared for the Project and all the alternatives was based on established LADOT proscribed methodologies and included sufficient discussion of impacts based of the City of West Hollywood's methodologies. The traffic impact analysis ("TIA") (Appendix H-1 of the Draft EIR) was reviewed and approved by LADOT to ensure that appropriate analysis methodologies and assumptions were utilized (refer to Appendix H-5 of the Draft EIR for a copy of the LADOT Traffic Impact Analysis Approval Letter for the Project). Based on LADOT's recommendations, the TIA evaluated the existing and forecasted future conditions at a total of 14 signalized intersections and one unsignalized intersection in the Project vicinity, including locations within both the City and the City of West Hollywood. The TIA also evaluated the potential for Project-related impacts to a number of nearby regionally-significant intersections and freeway segments, all pursuant to LADOT's recommendations, as well as the potential impacts to the existing public transit facilities as required by the current Los Angeles County Management Program. Alternative 9 reduces the number of vehicular trips as compared to the Project by substantially reducing the Project's commercial component and avoiding traffic conflicts on Sunset Boulevard by eliminating the Sunset Boulevard Driveway while enlarging the Crescent Heights Boulevard driveway to accommodate the loss of the Sunset Boulevard driveway. Therefore, the potential traffic impacts of Alternative 9 are even less than those for the original Project evaluated in the TIA.

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- H. The proposed mitigation measure to reduce the impact at the intersection of Havenhurst Drive and Fountain Avenue is compliant with CEQA.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) of the Draft EIR and Findings of Fact (CEQA) Section XII.A.3 (Statement of Overriding Considerations – Transportation and Circulation)

The EIR includes a mitigation measure requiring a signal to be installed at the intersection of Havenhurst Drive and Fountain Avenue to reduce Project-related traffic impacts at that intersection to a less than significant level. However, this mitigation is dependent on approval by another agency, the City of West Hollywood. A lead agency may approve a project even when a mitigation measure is infeasible due to specific economic, social, or other conditions. In this case, the other condition is the lack of control over the decision of an adjacent city with approval powers over the mitigation.<sup>15</sup> Since the City cannot control whether the City of West Hollywood will agree to this mitigation measure, the EIR appropriately concluded that the impact would be significant and unavoidable if the City of West Hollywood refused to permit the installation of the necessary traffic signal.

- I. The potential cut through trips on Havenhurst Drive were analyzed in the EIR.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) of the RP-DEIR; and, Chapter 2, Sections 2.A (Topical Responses) Response TR-4 (Traffic and Parking) and 2.B (Responses to Comments) Response A9-10 of the FEIR

The EIR analyzed the potential impacts to Havenhurst Drive, which is currently used by drivers to the Project Site. The EIR correctly concluded that the Project would not result in any significant impacts to Havenhurst Drive, either from Project-related traffic or due to the effects of heavy trucks on that local/residential street. Alternative 9 would provide a Project-serving loading dock facility on Havenhurst Drive near the southern boundary of the Project Site. Since heavy truck delivery activity at the Project Site is anticipated to be relatively nominal, and can be scheduled during off-peak periods, the potential effects of truck traffic on Havenhurst Drive would be minimal. As shown in Table 4.J-5 of the Draft EIR, the Project would result in a less than significant impact on the street segment of Havenhurst Drive between Sunset Boulevard and Fountain Avenue.

Moreover, the installation of signals at both ends of Havenhurst Drive between Sunset Boulevard and Fountain Avenue is not anticipated to result in any significant cut-through traffic along this

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<sup>15</sup> See, California Public Resources Code, Sections 21002 and 21081 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15021.

segment of Havenhurst Drive. First, there are three speed bumps along this roadway making it an inconvenient street to use as a cut-through. Second, the EIR traffic consultant has recommended that these two signals be mis-timed so that the potential for cut-through traffic to have to wait at the end of the segment would increase travel time and, therefore, make the cut-through less viable. As a result, the potential of the signals encouraging cut-through traffic is minimal.

- J. The EIR correctly concluded that the traffic signals on Fountain Avenue do not need to be upgraded.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; and, Chapter 2, Sections 2.A (Topical Responses) Response TR-4.1 (Traffic Generation and Related Impacts) and 2.B (Responses to Comments) Response A9-12 of the FEIR

The EIR correctly analyzed the impacts of traffic volumes on all the relevant street intersections and segments. As noted in the DEIR, traffic increases would remain below the level of significance established by the City at all street segments except for the unsignalized intersection of Fountain Avenue and Havenhurst Drive, which would experience increases in vehicular delay of nearly 80 seconds per vehicle during the P.M. peak hours. No other Project-related changes in the level of service are expected at any of the other study intersections during either peak hour. Therefore, no other traffic signal upgrades are necessary since there will be no other traffic impacts on Fountain Avenue to mitigate.

- K. The EIR correctly analyzed potential impacts to pedestrian safety, including the pedestrian crosswalk south of the Project Site on Crescent Heights Boulevard.

*Please see:* Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-I (Traffic and Parking) of the DEIR; and, Chapter 2, Sections 2.A (Topical Responses) Response TR-4 (Traffic and Parking) and 2.B (Response to Comments) Response A9-11 of the FEIR

The EIR analyzed both the existing pedestrian safety hazard at the City's traffic island and the design features that will improve pedestrian and bicyclist safety at the Project Site. The methodology for the analysis of pedestrian and bicycle safety in the EIR includes a review of the Project's access and circulation scheme and a determination of whether the Project would substantially increase the potential for conflicts between vehicles, pedestrians, and bicyclists. The EIR correctly concluded that the proposed driveways would function adequately with no significant vehicular queuing or disruption of either pedestrian or vehicular traffic flows.

Additionally, Project-related traffic increases do not require the upgrade of the pedestrian crossing south of the Project Site at Crescent Heights Boulevard. While it is possible that the Project's new commercial uses may increase pedestrian traffic to the Project Site, there are

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existing crosswalks across Crescent Heights Boulevard provided directly adjacent to the Property controlled by the traffic signal at Sunset Boulevard and Crescent Heights Boulevard, and approximately 950 feet south of the Property at the intersection of Fountain Avenue and Crescent Heights Boulevard. It is anticipated that pedestrians would use these nearby crosswalks. Thus, the Project does not create sufficient impacts to warrant upgrades to the crosswalks south of the Property on Crescent Heights Boulevard.

**V. THE RECONFIGURATION OF THE TRAFFIC ISLAND WILL IMPROVE TRAFFIC FLOW AND NOT INCREASE THE APPLICANT'S PROPERTY RIGHTS.**

A. The right-turn from Sunset Boulevard to Crescent Heights Boulevard will be safe.

*Please see:* Chapter 2 (Project Description) and Chapter 4, Section 4.J (Transportation and Circulation) and Appendix H-1 (Traffic and Parking) of the Draft EIR; and, Chapter 2, Section 2.A (Topical Responses) Response TR-4.3 (Traffic Island Reconfiguration) of the Final EIR

The LADOT has reviewed and approved the Project's traffic impact analyses, and further, has expressed support for the proposed improvements to the existing traffic island that would eliminate a number of existing traffic and pedestrian conflicts, thereby improving both vehicular and pedestrian safety at that location. More importantly, the proposed intersection modification will not result in any significant deterioration of the overall operations of the subject intersection, and more specifically, to the operations of the eastbound right-turn movement from Sunset Boulevard to southbound Crescent Heights Boulevard.

Furthermore, the current condition of the right-turn lane is not ideal because it is not a free right-turn facility. That is, the vehicles using the current right-turn lane must yield to pedestrian and vehicular traffic, have impeded views of on-coming traffic, and must be aware of traffic entering and exiting the Project Site via the existing driveway on Crescent Heights Boulevard. The proposed reconfiguration would alleviate these existing conflicts through improved visibility of southbound through traffic on Crescent Heights Boulevard, while not decreasing the space available for queuing for the right-turn (approximately five car lengths in each case). The proposed intersection modifications are also expected to result in a relatively standard intersection design where pedestrians cross the street in front of the right-turn lane, generally during a controlled walk signal. This will be an improvement from the existing unsignalized pedestrian crossing between the Project Site and the raised triangular island, which is currently the location for the vehicles to turn right. The proposed reconfiguration would remove this safety hazard.

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- B. The City will retain ownership of the traffic island and the Applicant will not get open space credit for the newly landscaped traffic island.

*Please see:* Chapter 2 (Project Description), Chapter 4, Section 4.J (Transportation and Circulation), and Appendix H-1 (Traffic and Parking) of the DEIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) of the RP-DEIR; and, Chapter 2, Sections 2.A (Topic Responses) Response TR-4 and 2.B (Responses to Comments) Response B5-8 of the FEIR

The City would retain ownership and control over the traffic island. The Applicant has simply volunteered to maintain the traffic island.

As shown in Table 2-3 (Open Space Summary) of the Draft EIR, the Project's open space calculation does not include credit for the conversion of the adjacent City traffic island to provide a 9,134 square-foot public space. The open space square footage calculation is based solely on the private balconies, terraces, recreational rooms, roof decks, and public plazas, as permitted by the LAMC. Similarly, Alternative 9 would increase the open space available on the Project Site without use of the traffic island. The open space calculation for Alternative 9 would include a reduced public plaza and increased private open space amenities for apartments and condominium units and increased private/resident terraces, balconies and common areas resulting in the provision of 41,150 square feet of open space, well above the minimum City requirements. In addition, the dedicated right-turn only lane from eastbound Sunset Boulevard to southbound Crescent Heights Boulevard would be removed, and the reconfigured traffic island would be converted to public open space with landscaping, seating, and a fountain/water feature, but would remain under City ownership. The Applicant would be responsible for the maintenance of this area but would get no open space credit for these improvements. Consequently, the open space improvement on the City's traffic island property is not counted towards the Project's open space requirements.

- C. The Applicant is not getting additional FAR based on the traffic island.

*Please see:* Chapter 2 (Project Description) and Chapter 4, Section 4.F (Land Use) of the DEIR; Chapter 2, Section A (Description of the Alternative) of the RP-DEIR; and, Chapter 2, Section 2.B (Responses to Comments) Response B27-7 of the FEIR

The Applicant is not getting additional FAR for the improvements proposed for the City's traffic island. The 3:1 FAR requested for the Project is based solely on the 111,339 square feet of the Property. The Project's FAR calculation of 3:1 is equivalent to approximately 334,000 square feet of floor area. The Project's 334,000 square feet of floor area would be comprised of 269,000 square feet of residential uses; 11,937 square feet of retail uses; 23,158 square feet of restaurant use; 24,811 square feet of grocery store use; and, 5,094 square feet of walk-in bank use with none of the FAR calculation attributed to the City's property.

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**VI. THE CITY OF WEST HOLLYWOOD'S SEWERS HAVE SUFFICIENT CAPACITY TO ACCOMMODATE THE PROJECT AND THE CITY HAS INCORPORATED AN ENFORCEABLE MITIGATION MEASURE.**

*Please see:* Chapter 4, Section K.2 (Wastewater) and Appendix I (Utility Correspondence and Technical Data) of the Draft EIR; Appendix C (Sewer Area Study) of the RP-DEIR; and, Chapter 2, Section 2.A (Topical Responses) Response TR-6.2 (Adequacy of Infrastructure Serving the Project Site) and Chapter 3 (Corrections and Additions to the Draft EIR and the RP-DEIR) of the FEIR

The EIR demonstrates that the Project would generate a negligible amount of wastewater during construction. Therefore, construction wastewater impacts would be less than significant and no mitigation would be required. The EIR also demonstrates that existing wastewater systems are not constrained or at capacity, and that there is sufficient capacity to accommodate the Project. Therefore, impacts on wastewater during operations would be less than significant and no mitigation is required.

The City's Department of Public Works, Bureau of Engineering ("LABOE") prepared a sewer capacity availability assessment (Appendix I (Utility Correspondence and Technical Data), which concluded that the sewer facilities which would service the Project had adequate capacity. However, after preparation of the Draft EIR, the City of Los Angeles Bureau of Sanitation ("LABOS") suggested that the City sewers would convey flows from the Project Site via Los Angeles County (the "County") operated sewers in the City of West Hollywood and other County operated trunk facilities to the Hyperion Treatment Plant, which has adequate capacity to treat Project-related wastewater flows. LABOS also indicated that while the Hyperion Treatment Plant could accommodate Project-related wastewater, they could not confirm that the facilities in the City of West Hollywood had adequate capacity without further testing.

Because of the conflicting information from LABOE and LABOS, the EIR requires the Project to comply with Project Design Feature PDF-WW-1 in order to address potential future improvements to sewage conveyance facilities within the City of West Hollywood that service the Project Site, if needed. This Project Design Feature requires that the Project contribute fair-share payments to the City of West Hollywood commensurate with the Project's incremental impact to affected facilities. The Project's specific fair-share contribution for the City of West Hollywood sewage system upgrades would be determined by the City and the City of West Hollywood at such a time as the necessary improvements and associated capital costs are known, and shall be proportional to the Project's contribution to total wastewater flows in each affected City of West Hollywood-owned sewers. This Project Design Feature was developed even though the Project would not contribute sewage flows to City of West Hollywood facilities in sufficient volumes to be cumulatively considerable based on the minimal contribution of the Project to total wastewater flows in affected sewer lines, the remaining capacity in the affected City of West Hollywood facilities, and the fact that only a portion of sewage flows from the various related projects both within and outside of the City of West Hollywood would be

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conveyed by the same sewer facilities impacted by the Project. The payments required by PDF-WW-1 would further reduce the Project's contribution to cumulative effects on sewage conveyance facilities. With implementation of PDF-WW-1, the sewer capacity within the City of West Hollywood will be adequate. Therefore, the cumulative impact related to wastewater would be less than significant.

## **VII. THE LOS ANGELES FIRE DEPARTMENT HAS CONFIRMED THAT IT HAS THE CAPACITY TO SERVE THE PROJECT.**

*Please see:* Chapter 4, Section 4.1.1 (Fire Protection and Emergency Medical Services) and Appendix G (Public Services Correspondence) of the Draft EIR; Chapter 2 (Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative) of the RP-DEIR; and Chapter 2, Section 2.A (Topical Responses) Response TR-6.1 (Emergency Services (Police and Fire/EMS) and Emergency Vehicle Response Times) and TR-6.2 (Adequacy of Infrastructure Serving the Project Site), and Appendix C (Fire Department Correspondence and Fire Flow Report ) of the FEIR

The Draft EIR thoroughly addresses the capacity of the Los Angeles Fire Department (the "LAFD") to serve the Project. As shown in Appendix C of the FEIR, the LAFD has identified conditions with respect to firefighting personnel access and apparatus access that would minimize potential cumulative impacts and assist LAFD in providing fire protection and emergency response services to the Project. The Project-specific plan to deal with LAFD issues must be approved by the LAFD prior to the issuance of any building permits. The LAFD has confirmed that it has the capacity to serve the Project.

Furthermore, as discussed in the EIR, a fire flow of 9,000 gallons per minute with a minimum of 50 pounds per square inch residual water pressure from six hydrants flowing simultaneously, the LAFD's requirement, can be achieved. However, if water system improvements are necessary, the Project would either achieve the required fire flows prescribed by the LAFD or provide a combination of lower fire flows and other fire life safety features to the satisfaction of the LAFD, such that impacts would be less than significant.

Additionally, irrespective of fire flow-related facilities and improvements, with incorporation of applicable regulatory requirements including, without limitation, building design, fire safety features, emergency safety provisions, LAFD access, a construction traffic management plan and plot plan review, the EIR adequately analyzed available capacity and found that the Project would not result in a substantial increase in demand for additional fire protection services nor exceed the capability of the LAFD to service the Project such that it would require construction of new fire facilities. Based on the relatively limited incremental impact of the Project within the service area and the established methodology for assessment of impacts utilized in the EIR, the Project's impact to LAFD's ability to service the Project is less than significant.

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**VIII. THE PROJECT CONFORMS TO EXISTING LAND USE RULES INCLUDING HEIGHT AND CALCULATION OF OPEN SPACE.**

A. The Property does not have a height limit.

*Please see:* Chapter 2 (Project Description) and Chapter 4, Sections 4.A (Aesthetics/Visual Resources) and 4.F (Land Use) of the Draft EIR; and, Chapter 2 (Topical Responses) Response TR-1 (Views from Surrounding Community and Hollywood Hills) and TR-2.4 (Consistency with City of Los Angeles Plans and Policies Related to Height and Scale) of the Final EIR

The Property is located within the Hollywood Community Plan area in the City and is zoned C4-1D with a General Plan designation of Neighborhood Office Commercial. The Property is not located within any specific plan area and is not subject to any interim control ordinance. The zoning designation does not restrict height – in fact, it specifically allows unlimited height at the Property. Thus, the Project Site is not subject to any height limit under LAMC.<sup>16</sup>

B. The LAMC explicitly allows projects to incorporate a portion of balcony square footage as open space.

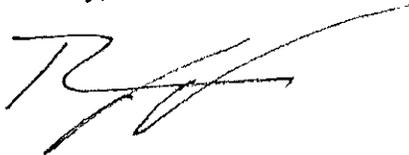
*Please see:* Chapter 2 (Project Description) and Chapter 4, Section 4.I (Parks and Recreation) of the Draft EIR

LAMC Section 12.21.G explicitly permits a portion of a project's required open space be private open space. As described in the EIR, the Project includes balconies that are counted towards the required open space, as permitted by the LAMC.

**IX. CONCLUSION**

For all the foregoing reasons, the EIR is adequate as drafted and not only meets the requirements of CEQA, but also addresses all of the concerns raised at the Hearing. We again request that this letter referencing the relevant EIR provisions and summarizing the response to the public comments be added to the administrative record for clarity on all these issues.

Sincerely,



Tyler Siegel

<sup>16</sup> Because the Project is a mixed-use project, it is not subject to the Commercial Corner Development height limit of 45 feet pursuant to LAMC §12.22-A,23(d)(1).

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cc: Jeffrey S. Haber, Paul Hastings LLP  
Edgar Khalatian, Mayer Brown LLP  
Jay Ziff, ESA PCR