

### III. Responses to Comments

The California Environmental Quality Act (“CEQA”) and City of Los Angeles procedures permit the public to respond to information included in a Draft EIR in one of two ways. First, the public may prepare written comments. Second, the public may submit oral testimony during public hearings on a project. Section 15088 of the CEQA Guidelines states that the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare written responses. Specifically, “[t]he written responses shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted.” The Guidelines call for responses that contain a “good faith, reasoned analysis” with statements supported by factual information. Some of the comments raised, however, are more general in context, stating opinion either in favor of or opposition to the proposed project. In such cases, the comment is for the record and will be forwarded to the decision makers for their consideration, along with all of the comments.

No public hearings were held regarding consideration of the Draft EIR; however, one advisory public hearing was held on the project and requested entitlements on March 23, 2009 before a City Hearing Examiner. The oral comments received at the March 23, 2009 hearing all concerned the entitlement actions of the proposed project, and did not specifically address concerns with the environmental analysis contained in the Draft EIR. Four written comments were received at or shortly after the hearing; these comments (numbered H1 through H4), and responses to these comments, are included in this document for informational purposes and to indicate to the commenters where in the document issues referenced in their comments are addressed. This Chapter, Responses to Comments, is consistent with procedures defined in the CEQA Guidelines as described above.

#### RESPONSES TO COMMENTS RECEIVED IN RESPONSE TO DRAFT EIR CIRCULATION

**1. State of California Governor’s Office of Planning and Research State Clearinghouse and Planning Unit Scott Morgan, Assistant Deputy Director & Senior Planner; March 4, 2009.**

1-1 The comment is a notice to reviewing agencies to transmit their comments on the scope and content of the Notice of Preparation for the Plaza at the Glen Draft Environmental Impact Report to the City of Los Angeles in a timely manner. No response is needed, as the comment does not address the adequacy or completeness of the Draft EIR.

**2. State of California, Native American Heritage Commission; David Singleton, Program Analyst; March 12, 2009**

2-1 As indicated on Page IV.D-8 of the Draft EIR, a records search was prepared by the South Central Coastal Information Center on January 24, 2008. According to the records search prepared for the project area, the site and Add Area have not been subjected to any previous cultural resources studies. Three cultural resource studies (LA5604, LA1350, LA7777 and LA8301) have been conducted within a ½ mile radius. Of these three studies, one (LA8301) is located within a portion of the Add Area. This study was

conducted for a single property located in the Add Area. The findings of the report deemed archaeological sensitivity to be “unknown.”

There are 22 additional investigations located on the Van Nuys USGS Quadrangle that are potentially located within a ½ mile radius of the project site and Add Area. However, these reports are not mapped due to insufficient locational information.

No archaeological resources were recorded within a ½ mile radius of the project area and no archaeological resources are recorded within the project site. No archaeological isolates have been recorded within a ½ mile radius of the project area.

Additionally, as stated on Page IV.D-8, in response to a list provided by the Native American Heritage Commission, the Native American Heritage Commission and groups and individuals were contacted by letter on June 17, 2008 to determine any potential for resources to exist on the project site and Add Area. No response was received as of April 15, 2009.

Implementation of Mitigation Measures IV.D-2 through IV.D-4, as described on Page IV.D-10 of the Draft EIR, would reduce impacts to archaeological resources to less than significant levels.

**3. State of California Santa Monica Mountains Conservancy; Ronald P. Schaffer, Chairperson; March 23, 2009**

3-1 Comment noted. The Draft EIR does not identify any potentially significant adverse impact on the greenway as a result of the project. As described throughout the Draft EIR, the proposed project would be integrated into the Tujunga Wash Greenway and would facilitate pedestrian and transit connections at the transit plaza. The proposed transit plaza and a reconfigured Ethel Avenue would be built atop the Tujunga Wash and Greenway and would replace Ethel and the current, recently planted (although currently inaccessible) area between Ethel and Victory as well as the Tujunga Greenway extending 250 feet north of Ethel with a transit plaza, bicycle lockers, ranger station and bathrooms.

The applicant has committed to working in collaboration with the Santa Monica Mountains Conservancy to ensure that project landscaping along the Greenway as well as throughout the project site complements the Greenway. See the following Figure A that shows the Proposed Project and Tujunga Wash Project Integrated Landscape Plan. The project would create a gathering place for area residents and would help activate this portion of the Tujunga Wash Greenway as a pedestrian-oriented destination. Mitigation Measure IV.A-5 is added to the EIR (see also Corrections and Additions in Section III of this document):

IV.A-5 The applicant shall work with the County of Los Angeles Department of Public Works Watershed Management Division and associated partnering agencies, including the Santa Monica Mountains Conservancy (SMMC), to develop potential alternatives for the proposed added amenities for the Greenway in the Transit Plaza and changes to the boundary along the Tujunga Wash Greenway. The applicant will:



SOURCE: Dasher/Lawless, Inc

The Plaza at The Glen Final EIR

**Figure A**

Proposed Project and Tujunga Wash Project Integrated Landscape Plan

- Identify optimum locations for proposed public bathroom facilities and SMMC office to minimize the changes to the live water creek.
- Develop a Transit Plaza landscape plan that incorporates where possible native vegetation and strives to maintain an equal replacement of Greenway landscape and hardscape, to create a gateway into the Tujunga Wash Project.
- Relocate existing Greenway entrance gates, benches, bike locks, rock features and plantings to a locations approved by the County of Los Angeles DPW.
- Develop a landscape plan that integrates the native landscaping along the Tujunga Wash into the project. Planting in areas adjacent to the Wash shall comply with the County's Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.
- Develop a mitigation plan for the live water creek (on the east side of the Wash) and access to bike paths during construction to ensure potential impacts if any are minimized.
- Develop a pedestrian and bicycle plan that will incorporate improved cross walks and pedestrian/bicycle-only paths to eliminate the many existing hazardous conditions affecting pedestrians and bicyclists and their ability to connect to the Greenway.
- Continue to develop plans for the Transit Plaza to include a new bus way with direct connections to local bus lines MTA 164 and 167, bicycle storage, improved pedestrian connections to and from the Tujunga Wash, restroom facilities, accessible play structure for children, transit, food, and beverage kiosks, shade, benches, and other landscape furniture in a park like setting.
- Provide a complementary interface between the Plaza and the Tujunga Wash Greenway project by having building entrances and views face the Wash.
- Provide access to the walkway/bike path along the Tujunga Wash Greenway and provide appropriate screening of vehicles in the Transit Plaza.

3-2 The Draft EIR describes the aesthetic/view impacts of the project on pages IV.A-10 through IV.A-18. A photograph of the Greenway adjacent to the site (taken in mid-2007), is shown in Figure IV.A-7, page IV.A-6. Visual simulations of the project are presented on pages IV.A-14, IV.A-16, IV.A-17 and IV.A-19, including one simulation of the view looking northeast from the intersection of Ethel and Victory across the transit plaza and Greenway (Figure IV.A-13, page IV.A-19). The analysis uses the criteria identified on pages IV.A-8 and IV.A-9. On page IV.A-11 the Draft EIR presents the following general analysis of aesthetic/view impacts:

Impacts to aesthetics and visual character primarily involve the degree that the proposed project will contribute to the aesthetic character of the area and the perceived contrast between existing and proposed uses surrounding the project site. Existing uses on the site feature minimal landscaping and offer limited aesthetic value to the project area. The proposed project would result in the consolidation of the project site into an urban village design consisting of a new, modern, cohesive development that would improve the overall aesthetic value of the project site, Add Area, and surrounding area. The proposed buildings would

be developed in the European Vernacular style. Additionally the proposed project would encourage pedestrian activity to create an active community feel, both within the project site and in adjacent areas. Landscaping would be included throughout the proposed project, including the perimeter of the site, which would serve to provide a softer site “edge” to help buffer proposed uses from adjacent ones.

On page IV.A-18 the EIR presents the following analysis of project impacts on the view from Victory and Ethel and on the Greenway:

The proposed structures would be a maximum of seven stories in height and would be located in the western portion of the site. A transit plaza would be located at the Ethel Avenue/Victory Boulevard intersection. The transit plaza would include an open space area containing landscaping. As shown in the visual simulation, landscaping in the form of trees would be included along the edges of the structures, providing some level of screening from the proposed buildings. As stated in the Project Description, the proposed project would provide amenities for the existing greenway including a ranger station, bike racks and bathrooms. North of the transit plaza the project applicant would work with the Santa Monica Mountains Conservancy to integrate the project with the greenway, developing pedestrian connections between the site and the greenway and enhancing vegetation as appropriate.

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The transit plaza would integrate the landscaping of the project with the existing pedestrian/bicycle path along the Tujunga Wash. The 80,500 square foot transit plaza would cover approximately 45,500 square feet of greenway (landscaping and bicycle/pedestrian path). Of this approximately 13,500 square feet is located between Ethel Avenue and Victory Boulevard and is currently inaccessible to the public. The elimination of the open space along the Tujunga Wash would be offset by the functional but landscaped open area of the transit plaza that would be accessible to the public and would provide continuity with existing Greenway improvements. The project would in general integrate the urban project with the landscaped wash to provide an urban amenity. Therefore the project would not degrade the visual character of the site or area nor would it significantly impact the Tujunga Wash Greenway.

As a result of this analysis the Draft EIR does not identify a potentially significant unmitigated adverse visual impact on the Greenway. The Greenway is an urban linear park adjacent to a concrete channel. The project would include extensive landscaping within the project site as well as along the boundary with the Greenway (see Figure A) and would include additional landscaping within the Greenway so that the Greenway and the project boundary was not discernible, and a visitor to the site would walk easily between the Greenway and the project at multiple locations along the Greenway/site boundary. While the comment asserts a significant adverse visual impact, it does not present any rationale, explanation or justification for this conclusion. Aesthetic impacts are subjective; in making their decision on the project, the Department of City Planning environmental staff has recommended that the impacts is found to be less than

significant, however the decision-maker can determine whether aesthetic impacts are potentially significant if evidence is based on fact.

The commenter also asserts, without substantiation to support such a conclusion, a significant unavoidable adverse ecological impact. At the time that environmental review began in 2007, the plantings adjacent to the site were very small; since that time plantings have matured and provide more complete habitat coverage as envisioned in the Tujunga Wash Greenway & Stream Restoration Project. The habitat, consisting of emergent sage scrub and riparian plant communities, is conducive for typical urban wildlife species accustomed to the presence of humans. Sightings of hawks have been reported in the area. Such sightings are not uncommon in urban areas as the hawks hunt for rodents and pigeons known to coexist in developed urban areas. CEQA requires that the analysis of the project evaluate impacts based on conditions as they exist when environmental review commences. While the Greenway is a significant community amenity, it does not currently contain any significant biological resources that could be harmed by the proposed project as described on pages IV.C-22 through IV.C-23 of the Draft EIR. The Draft EIR presents an analysis of potential biological resource impacts and identifies appropriate mitigation measures on pages IV.C-27 to IV.C-33 based on significance criteria identified on pages IV.C-26 and IV.C-27. The EIR does not find a potentially significant ecological impact as a result of the project.

- 3-3 The Notice of Preparation for the Draft EIR was circulated January 2, 2008 through February 1, 2008. The NOP was sent to the Santa Monica Mountains Conservancy as well as County Department of Public Works. The NOP included a site plan showing the transit plaza extending over the wash and on to the Greenway as well as integration of the project frontage with the Greenway. In addition, the applicant met with staff from the County Supervisor's Office and staff of the Santa Monica Mountains Conservancy as part of project planning. As stated in the Chapter IV.H Land Use and above in Response 3-1, the applicant will work in collaboration with the Santa Monica Mountains Conservancy to ensure that landscaping along the project frontage with the Greenway as well as throughout the project is complementary to the Greenway, including native landscaping and other features that would enhance the user experience.

The project would integrate the transit plaza in to the Greenway. Existing plantings that would be displaced by the transit plaza would be relocated, as appropriate in concert with Santa Monica Mountains Conservancy and Los Angeles County recommendations into the landscaped transit plaza (and other areas of the site). See Response 3-1 above for an added mitigation measure. The transit plaza would be for public use and would enhance pedestrian and bicycle connections in the area, including connections to the Greenway. Bathrooms, lockers and a ranger station would also be provided in the transit plaza, thus enhancing the user experience.

Impacts to Parks and Recreation are discussed on pages IV.J-11 through IV.J-19 of the Draft EIR; the Draft EIR concluded that with the open space and recreation facilities included in the project and payment of fees as appropriate the project would not result in an unmitigated adverse impact to parks.

The project is comprehensively described in the Draft EIR and the comment identifies no significant new environmental issues that are not already identified in the Draft EIR.

Issues of funding are not addressed by the California Environmental Quality Act. Therefore, recirculation of the Draft EIR is not necessary.

Some of the improvements for the Tujunga Wash Greenway and River Restoration Project are part of regional and state programs. The Big Tujunga - San Fernando Basin Groundwater Enhancement Project is an inter-governmental effort to increase and improve the quality of the San Fernando Valley groundwater. The Greenway is part of the City's long-term strategy to enhance stormwater capture and infiltration as outlined in LADWP's May 2008 report, *Securing LA's Water Supply*.

Some of the sources of funding for the Tujunga Wash Greenway and River Restoration Project include provisions pertaining to the maintenance and operation of land improved. Section 10 and 11 of Los Angeles County Proposition A Parks and Recreation Property Assessment requires that all property developed, improved or rehabilitated be maintained and operated in perpetuity. Section 11 requires the recipient, the Mountains Recreation and Conservation Authority, to hold a public hearing, adopt a finding that any proposed change in use of said property will further the purposes of the resolution and reimburse to the amount of the grant.

- 3-4 The Draft EIR comprehensively describes the project and the relationship to the Greenway (see pages II-23 and II-24 and IV.A-18) Proposed retail uses would be located along the western border of the project site, bordering the Tujunga Wash greenway. As indicated above in Responses to Letter 3, the applicant would work in collaboration with the Santa Monica Mountains Conservancy to ensure that landscaping along the project frontage with the Greenway as well as throughout the project is complementary to the Greenway, including native landscaping and other features that would enhance the user experience.
- 3-5 The Santa Monica Mountains Conservancy's request for alternatives with set backs from the Greenway and height limitations is not supported by substantial evidence that without such modifications the project would have a significant adverse impact (see response 3-2 above). Setting the project back along the Greenway frontage would severely constrain the site and would likely result in the loss of the central plaza and trolley, a central feature of the project. The applicant has met with the Conservancy on several occasions to coordinate project landscaping and the interface between the Greenway and the project; as indicated in the new measure IV.A-5, the applicant would continue to work with the County and/or Conservancy to ensure that landscaping throughout the project is complementary to the Greenway. Mitigation measure IV.A-5 would also address the Conservancy's concern about native plantings and compatibility with the Greenway.
- 3-6 See responses 3-2, 3-3 and 3-5 above.
- 3-7 The existing Greenway entrance adjacent to the project site results in pedestrians and bicyclists making their way through the existing parking lot. This configuration presents a substantial hazard as the traffic in the parking lot is quite heavy and there are limited pedestrian and bicycle facilities crossing Ethel (a narrow sidewalk with no handicap curb cut). The project would include 3,312 parking spaces. As indicated on page IV.K-32 of the Draft EIR a shared use parking analysis indicates a *peak* parking demand for 3,006 spaces during weekday afternoons. Therefore, there would be adequate parking

available for users of the Greenway. The current parking lot does not have designated parking for Greenway users and the project would not change the use patterns of the Greenway such that a significant new demand for parking would occur. The comment does not identify any new potentially significant issue and therefore re-circulation of the draft EIR is not warranted.

- 3-8 As indicated on page II-23 of the Draft EIR, the transit plaza would include public restrooms and a ranger station. To ensure that the ranger station and restrooms are maintained at a level commensurate with the high-quality nature of the project, the applicant would manage the facilities, however the Conservancy would have full access to the facilities and maintenance would be coordinated with Conservancy staff (see new Mitigation Measure IV.A-5 added in Response to Comment 3-1 and included in Section IV Corrections and Additions of this document).
- 3-9 The Draft EIR identifies all the approval requirements of the project on pages II-28 through II-30 including the General Plan Amendment request and corresponding Zone Change. The City has the ability to require project conditions that mitigate environmental impacts and that provide appropriate public benefit. Appropriate conditions of project approval will be identified as part of the entitlement process.
- 3-10 The Hydrology section of the Draft EIR addresses hydrology issues including changes in impermeable surfaces and water quality; as indicated on page IV.G-12 the project would be expected to reduce peak runoff from the site by approximately 23% compared to existing conditions. The site is currently about 97% impervious; with the project it is anticipated to be about 91.5% impervious (see also Corrections and Additions for page IV.G-12 to reflect this updated number). While a parking structure underlies the majority of the site, the perimeter would be permeable, resulting in this reduction in impervious area of the site. Mitigation Measures IV.G-1 and IV.G-2 include Best Management Practices to reduce runoff and to ensure that stormwater runoff does not decrease water quality. Drainage conditions are anticipated to improve under implementation of the proposed project compared to existing conditions.

Development of the Transit Plaza would not constrict existing Tujunga Wash stormwater flows as no construction would take place within the channel and flow within the channel would not be obstructed in any way. This area of the site would drain in a similar manner to the rest of the site, flows from non-hardscape areas would drain through the landscaping into the wash directly or would percolate into the portions on either side of the channel; flows from hardscape areas would be treated as appropriate and conveyed to the wash (see Mitigation Measures IV.G-1 and IV.G-2).

#### **4. Abdulaziz, Grossbart & Rudman; March 16, 2009**

- 4-1 As discussed in the Draft EIR, the proposed project would result in significant unavoidable impacts to shade and shadow (see page IV.A-27), air quality (pages IV.B-40 through IV.B-46 and IV.B-51), noise (pages IV.I-27 through IV.I-32) and traffic (page IV.K-38). Since the Draft EIR identifies significant unavoidable impacts (project shading of residential properties to the north, traffic, air quality and noise), the proposed project would require a Statement of Overriding Considerations as required by CEQA. The Level of Significance After Mitigation for all other areas including Biology, Hydrology, Geology, Hazards, Public Services, Transportation, and Utilities was found to be less

than significant as indicated in the appropriate chapters of the Draft EIR. The views of the commenter with respect to project impacts being of detriment to the community will be forwarded to the decision maker for their consideration in taking action on the project.

**5. Thomas Coyle; January 13, 2009**

5-1 The project is comprehensively described in Chapter II of the Draft EIR. The land use and density issues associated with the project as well as project consistency with applicable plans are discussed on pages IV.H-18 through IV.H-39. The Draft EIR includes a cumulative analysis for each issue area and presents discussion of potential cumulative impacts. Potential impacts to existing neighborhoods in the surrounding area are discussed in the Draft EIR, including in the Aesthetics, Air Quality, Noise, Land Use, and Transportation chapters. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.

5-2 A residential street analysis was included in the Draft EIR (see page IV.K-28). As indicated in the Draft EIR:

Ethel Avenue currently has speed bumps from Erwin Street southerly to Oxnard Street. This is likely to discourage some from using the residential street south of the project site. However, both Ethel Avenue and Erwin Street do provide access off of the major roadways to/from the proposed project. The addition of the project creates significant impacts along both roadway segments.

It is proposed that the developer, along with LADOT and the community would work together to develop a neighborhood protection plan that is agreeable and discourages cut through traffic. The project proposes to install neighborhood protections measures such as speed bumps along Ethel Avenue south of Victory Boulevard to Erwin Street and along Erwin Street from Fulton Avenue to Ethel Avenue.

No significant impacts to residential streets are anticipated to remain after mitigation.

The driveway alignment at Ethel Avenue is in keeping with good transportation practices by making use of an existing traffic signal. The configuration of the driveway over the Tujunga Wash creates a driveway of sufficient length to accommodate the anticipated traffic and transit demand. The Transit Plaza will not be for the exclusive use of the project – it would be open for the community to use. The project's relatively short frontage along Victory Boulevard with no alternate frontage, creates design constraints in terms of access. Therefore a second driveway of comparable capacity would be created west of Morse Avenue near the eastern boundary of the project site.

The applicant would mitigate traffic impacts as feasible and as required by LADOT and the decision makers; nonetheless significant impacts are anticipated to remain at up to 19 intersections. The commenter's views will be forwarded to the decision maker.

**6. Terry Anderson, President, Greater Valley Glen Council; April 7, 2009**

6-1 The comment that the Greater Valley Glen Council recommends approval of the Draft EIR is noted. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.

**7. City of Los Angeles, Bureau of Sanitation, Wastewater Division, Brent Lorscheider; March 23, 2009**

7-1 The calculations of project and Add Area wastewater generation presented in the comment letter are similar to those presented in the Draft EIR (except that the comment letter indicates 50,000 sq. ft. of medical office and 500,000 sq. ft. of commercial office; the Draft EIR includes 100,000 sq. ft. of medical office and 450,000 sq. ft. of commercial office). In August 2006, in response to a request from the project applicant, Mati Laaan, Acting Valley District Engineer sent a “will serve” letter to the applicant indicating sufficient sewer system capacity to serve the project. This letter is included in Appendix H. Mitigation Measure IV.L-8 commits the project to substantially reducing water demand from the project through the use of recycled water and conservation measures. Such water conservation will inevitably lead to substantially reduced wastewater flows, although the increase would still be above 20,000 gallons per day. Mitigation Measure IV.L-1 (page IV.L-5) is revised as follows to reflect the need to connect to sewers with available capacity as directed by the Bureau of Sanitation:

IV.L-8 Gauging of local sewers indicates that insufficient capacity to accept project wastewater is available in Fulton (west of the site), therefore project flows must either connect to the nearest sewer with capacity or shall add capacity to existing sewer lines. The applicant shall build sewers that connect to the closest line with available capacity, or add capacity to existing sewers as determined by the Bureau of Sanitation. In order to ensure that sufficient sewer capacity is available to serve the proposed project and anticipated Add Area development, as part of environmental review of proposed development, any future applicant(s) shall identify the dimensions and specifications of any sewer improvements as may be determined necessary by, and to the satisfaction of, the Wastewater Division of the Department of Public Works. Specific system requirements shall be incorporated into the project design, prior to issuance of any grading or building permits for the respective project.

The following is added to the end of the second to last paragraph on p. IV.L-1:

The sewer infrastructure that serves the project site consists of an 8-inch sewer main located in Victory Boulevard. The 8-inch sewer in Victory Boulevard is at an average depth of 15 feet below existing grade and flows westerly. A dedicated public 8-inch sewer main extends northerly from Victory Boulevard into the project site. The wastewater from the line in Victory flows in to a 10-inch line in Ethel Avenue, that flows in to a 15-inch line in Chandler Boulevard that flows in to two lines (18-inches and 12 inches) in Fulton Avenue before discharging to a 57-inch line in Moorpark Street. Capacity is unavailable in the Fulton Avenue line and therefore project flows must either connect to the nearest sewer with

capacity or shall add capacity to existing sewer lines. The applicant will be required to work with the Bureau of Sanitation to determine the location and length of new sewers or added capacity of existing sewers (see Mitigation Measure IV.L-1).

The first two sentences of the first paragraph on p. IV.L-2 are replaced with the following:

In its existing condition, the wastewater generated in the Add Area flows into 10-inch public sewer mains located in Morse Avenue, Hamlin Street, and Coldwater Canyon Avenue, and the eight-inch public main located in Victory Boulevard. The combined flow continues to flow south in Coldwater Canyon Avenue and ultimately heads east as a part of the City of Los Angeles public sewer network. In the Add Area wastewater flows in to a 10-inch line on Hamlin Street and the 8-inch line on Victory Boulevard. From there wastewater flows in to a 12 inch line on Erwin Street and then in to two lines (21 inches and 24 inches) on Whitsett Avenue before discharging into a 30-inch sewer also on Whitsett Avenue. According to the Bureau of Sanitation, capacity is currently available (Memorandum May 5, 2009) in the sewer lines adjacent to the Add Area. However, when and if individual projects proceed, further confirmation of available capacity will be required (see Mitigation Measure IV.L-1). As shown in **Table IV.L-2**, the existing Add Area is calculated to produce 16,993 GPD.

In addition, page V-7, the paragraph addressing Wastewater under the subheading “UTILITIES” is revised as follows:

Mitigation Measure IV.L-1 involves construction of new sewers (in consultation with the City of Los Angeles Bureau of Sanitation) during the design phase and is procedural. However, should any sewer upsizing/improvements be required, any Such improvements may would involve minor trenching and grading with associated short-term air quality and noise effects, none of which would be sufficient to create a new significant impact, or to compound a previously analyzed impact such that a less than significant impact would exceed established thresholds of significance. Construction traffic impacts associated with new sewers would similarly be anticipated to be less than significant because all such construction would occur in the public right-of-way during off-peak hours.

**8. Los Angeles County Flood Control, Juan Sarda, March 25, 2009**

8-1 See Responses to Letter 3 above and Letter 19 below.

**9. Valley Glen Improvement Association, Michael Randall, Executive Director**

9-1 A Reduced Project Alternative is one of five alternatives discussed in Chapter VI Alternatives of the Draft EIR. The draft EIR analyzes 24 intersections in the vicinity of the project and identifies 19 of them as unmitigatable – several of them along Victory Boulevard. The commenter’s preferences for a less dense alternative will be forwarded to the decision maker for their consideration in evaluating the project.

- 9-2 The commenter's support for certain site components will be forwarded to the decision maker.
- 9-3 The entitlement requests as analyzed in the Draft EIR address the proposed project for purposes of environmental analysis. Final design requirements would be determined during the entitlement process. The level of specificity included in the Draft EIR is considered sufficient pursuant to Section 15004 (b) of the CEQA Guidelines. A condition of project approval will require that the constructed development be in *substantial conformance* with the plans submitted (and analyzed in the Draft EIR); the Planning Director or designee will determine substantial conformance and would determine if any deviations require further environmental review.
- 9-4 The project structures along the northern boundary are scaled back in height as compared to the buildings in the central and southern portion of the proposed project to be sensitive to the adjacent residential community to the north. However, as discussed on Page IV.A-21 through Page IV.A-25 of the Draft EIR, the building height of the proposed project would result in significant and unavoidable shade and shadow impacts to adjacent residential properties to the north. Alternative 4 describes a Reduced Project Alternative that reduces building height of the hotel. However, the building height of the Reduced Project Alternative will still result in a significant and unavoidable shade and shadow impacts to adjacent residential properties to the north. Mitigation Measures included in the Aesthetics chapter of the DEIR address potential for spill over lighting and glare onto adjacent residential properties and also require compliance with the City's lighting regulations. Further mitigation measure IV.A-4 requires that the design be reviewed by the Urban Design Studio in order to ensure compatibility with the adjacent community.
- 9-5 As described in the Draft EIR (page IV.K-30 to IV.K-32), the proposed project would provide more parking than the peak demand and therefore parking in the adjacent neighborhoods is not anticipated.
- 9-6 Response 9-5 above. The commenter's concern that adequate parking should be available on-site will be forwarded to the decision maker for their consideration in taking action on the project.
- 9-7 The Add Area does not include any specific project proposals. Any future specific projects that are proposed would require project specific environmental review. It is anticipated that the City would require that such projects provide adequate parking to serve their needs.
- 9-8 See response 9-3 above. If the proposed project were to substantially change, additional analysis of the impacts would be required and likely another approval action. As indicated in response 9-3 such changes could require additional environmental review. If impacts are less than those analyzed in the EIR, additional analysis may not be required.
- 9-9 See response 5-2; no unmitigated impacts to residential streets are anticipated.
- 9-10 See Response 9-4 above regarding spill over lighting. Mitigation Measures included in the Aesthetics chapter of the DEIR address potential for spill over lighting and glare onto

adjacent residential properties and also require compliance with the City's lighting regulations.

- 9-11 The project would be required to comply with the City's noise ordinance. As noted in Mitigation Measure IV.I-7 garbage collection would be limited to the hours of 6:00 AM to 9:00 PM. In addition the EIR requires that loading docks have gates to reduce noise on adjacent land uses (Measure IV.I-8), and Mitigation Measure IV.I-9 requires that the applicant coordinate with St. Frances Church and School and install double-paned windows on south facing windows with a line-of-sight view of the project site.
- 9-12 The commenter's desire to impose additional Q conditions on the project will be forwarded to the decision maker for their consideration in taking action on the project. The EIR identifies extensive mitigation measures to be imposed on the project that would reduce the environmental impacts of the project.
- 9-13 As stated in the Project Description of the DEIR, the Framework Element of the General Plan identifies the area around the intersection of Victory Boulevard and Coldwater Canyon as appropriate for a Community Center. The commenter's concerns will be forwarded to the decision maker.

**10. Maria B. Emerson**

- 10-1 The potential impacts of the proposed project as compared to today (i.e. as they might increase *compared to today*) associated with noise and air quality including odor are addressed in the Draft EIR in the Noise and Air Quality chapters. Mitigation measures are included to address these impacts. However, the Draft EIR addresses impact of future development compared to today, not impacts that are a result of preceding circumstances. Any damage to the commenter's property that has resulted from past use of the site, is not addressed by this EIR. The Draft EIR identifies a potentially unmitigatable significant adverse impact to noise along the northern boundary of the site as a result of increased truck activity in that location. The commenter's concerns will be forwarded to the decision maker.

**11. State of California Department of Transportation, Elmer Alvarez, April 16, 2009**

- 11-1 It is anticipated that the bulk of the project trips will be coming from and going to areas in the immediate community area and throughout the San Fernando Valley area. The goals of the development are to provide employment, shopping and entertainment opportunities in an area with many households. It is anticipated that the project will reduce vehicle miles traveled in the area. Along these lines, it is anticipated that freeway trips will be limited. Trip generation and distribution were developed in concert with and approved by LADOT.
- 11-2 Mitigation measures IV.K- 5 through IV.K -7 include language requiring Caltrans approval.
- 11-3 The commenter's concerns are noted and will be forwarded to the decision maker. The following is added to page II-30 before the heading "D. PROJECT OBJECTIVES:"

Any modifications to State highway facilities will need a Caltrans Encroachment Permit (any improvements over \$1 million will require a Project Study Report [PSR]).

11-4 Under the most conservative analysis, the Draft EIR identifies (before mitigation) significant impacts to twenty-two study intersections and two street segments. As stated in the LADOT Inter-Departmental Correspondence dated October 6, 2008 in evaluation of the study “DOT recognizes that the project may result in a reduction in traffic in the general area if the transit center is built and is successful. How much traffic in the general area will be reduced cannot be determined since it will involve many factors that cannot be determined at this time...” Without credit for the transit plaza and multi-modal transit center, without credit for transportation demand management (TDM) and physical improvements at 6 of the study intersections there will conservatively remain 19 significant unavoidable intersections impacts under conservative analysis. The project team is working with LADOT and the Department of City Planning to quantify the appropriate credits for transit and TDM. LADOT had determined that contribution to the neighborhood traffic management plan will sufficiently mitigate the two roadway impacts. Additionally, Mitigation Measure IV.K-8 has been revised and expanded to include additional measures expected to reduce vehicle travel demand beyond that anticipated in the Draft EIR (see Section IV Corrections and Additions for pages I-26 and IV.K-34).

**12. Los Angeles River Project Office, Carol Armstrong, PhD, April 20, 2009**

12-1 As stated in Response 3-2, while the Tujunga Wash Greenway is considered a valuable community amenity, it does not currently contain significant biological resources that could be harmed by the proposed project as described on pages IV.C-22 through IV.C-23 of the Draft EIR. Additionally, the analysis the Draft EIR does not identify a potentially significant unmitigated adverse visual impact on the Greenway. That said, Mitigation Measure IV.A-5 is added to the EIR to further ensure that project landscaping along the Greenway as well as throughout the project site complements the existing Greenway (see Corrections and Additions in Section III of this document).

12-2 All but for two of the measures identified are proposed to be included in the project. (See Response 3-1 and the new Mitigation Measure IV.A-5 which requires the applicant to coordinate Greenway improvements with the County of Los Angeles Department of Public Works Watershed Management Division and the SMMC staff). See Response 3-5 regarding project set backs along the Greenway. Mitigation Measures IV.G-1 through IV.G-3 are devised to reduce water quality impacts to receiving stormwater channels. Furthermore, Mitigation Measure IV. G-3 on page IV.G-20 (See Corrections and Additions) is revised as follows (new text is underlined):

*IV.G-3 The project applicant shall construct a series of swales and retention boxes on-site with a retention capacity of capturing, retaining, treating and conveying on-site flows to off-site receiving waters (i.e. Tujunga Wash).*

While security lighting would be provided around the site, no access is proposed under the transit plaza and thus lighting would not be provided.

**13. Steven and Kathleen Schwartz, April 20, 2009**

- 13-1 The comment correctly states that the Draft EIR identifies significant shade and shadow impacts during the winter months. As indicated in the Draft EIR, no feasible mitigation measures are available to reduce shadow impacts during the winter months to less-than-significant levels. The project includes setbacks from the northern property line (the hotel would be set back more than 50 feet to 175 feet from the northern property line above the first floor) and in general the lower elements of the project (four and five stories compared to six and seven elsewhere) are located along the northern site boundary. The commenter's suggestion to alter the proposed design including proposed height of buildings is noted. Such a change would substantially alter the proposed project, potentially substantially reducing proposed plazas and open space throughout the project. Several alternatives that are less dense than the project are analyzed in Chapter VI of the Draft EIR, however, because of the close proximity of the residentially zoned property to the north all of the alternatives would have significant impacts on shade and shadow. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- 13-2 As stated in the Draft EIR in Chapter IV.K Transportation, the proposed project would provide more parking than the anticipated peak demand. A shared parking analysis prepared for the proposed project showed a peak parking demand of 3,006 parking spaces at 1:00 PM during a weekday afternoon and 2,682 parking spaces during a weekend morning at 11:00 AM. The proposed project would provide 3,312 parking spaces, thereby exceeding the peak parking demand for both weekday and weekend afternoons.

**14. V.J. Stamboni, April 19, 2009**

- 14-1 See response 11-4 regarding the discussion of impacted intersections. Additionally, Mitigation Measure IV.K-11 in the Draft EIR directs the applicant to develop a neighborhood protection plan in consultation with LADOT to discourage cut through traffic. The commenter raises no issue here with the adequacy of the Draft EIR, though the comments regarding the consideration of negative traffic impacts when recommending approval or denial of the project entitlements will be forwarded to the decision maker.
- 14-2 The commenter correctly states the project parameters as they were described in the Notice of Preparation, dated January 2<sup>nd</sup>, 2008 and Section II Project Description of the Draft EIR. The maximum height of the proposed buildings would be 117 feet (with architectural elements up to 125 feet). The commenter is correct in stating that the proposed project would provide less parking spaces than required by the City Code. However, as stated in the Draft EIR, based on a shared parking analysis conducted for the proposed project, the proposed project would provide more parking than peak parking demand (see Response 13-2). As stated in the Project Description of the DEIR, the Framework Element of the General Plan identifies the area around the intersection of Victory Boulevard and Coldwater Canyon as Community Center. The C2-2 zone is consistent with Community Center designation, and generally consistent with Framework Element and Community Plan policies as discussed in Section IV.H Land Use of the Draft EIR. A condition of project approval will require that the constructed development be in substantial conformance with the plans submitted (and analyzed in

the Draft EIR); the Planning Director or designee will determine substantial conformance and would determine if any deviations require further environmental review.

- 14-3 The project is requesting a shared parking approval (Zoning Administrator Determination). See Response 13-2. The approval of this request would grant the applicant the ability to park the project based upon parking demand rather than code requirements for each of the individual uses. The demand for parking is based upon Urban Land Institute standards which forecasts the hourly demand for each of the land uses on the site, then accumulates the demand for each hour at all of the land uses and determines the highest demand for parking throughout the day. Both weekday and weekend demand is evaluated as well as seasonal variations. The commenter offers an opinion that not enough parking would be provided but does not present facts to determine the code required parking minimum would be sufficient to meet the demand of project parking any more than the amount as proposed by the project. The commenter's concerns will be forwarded to the decision maker for their consideration in evaluating the shared parking determination.
- 14-4 Section 15002 of the CEQA Guidelines describes as among the basic purposes of CEQA the objective to inform governmental decision makers and the public about the environmental consequences of their decision making authority, and to disclose to the public the basis of project approval if significant environmental effects are involved. As discussed in the Draft EIR, the proposed project would result in significant unavoidable impacts to shade and shadow (see page IV.A-27), air quality (pages IV.B-40 through IV.B-46 and IV.B-51), noise (pages IV.I-27 through IV.I-32) and traffic (page IV.K-38). Since the Draft EIR identifies significant unavoidable impacts, the proposed project would require a Statement of Overriding Considerations as required by CEQA. The Level of Significance After Mitigation for all other areas including Biology, Hydrology, Geology, Hazards, Public Services, Transportation, and Utilities was found to be less than significant as indicated in the respective chapters of the Draft EIR. The Draft EIR is compliant with the purposes of CEQA as a public information document that discloses the potential environmental impacts, and identifies mitigation measures and project alternatives that would reduce impacts to the extent feasible. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- 14-5 As stated in the Project Description of the Draft EIR, the Framework Element of the General Plan identifies the area around the intersection of Victory Boulevard and Coldwater Canyon as Community Center. The discretionary approvals requested under the proposed project would not include buildings of "unlimited height" as asserted by the commenter. Maximum heights of proposed buildings would be 117 feet (with architectural elements to 125 feet). Additionally, the proposed project building heights will be staged so that no building adjacent to the single family residential homes will exceed four stories, rather that building heights (of six and seven stories) will increase to the southern portion of the project site. However, as discussed in the Draft EIR, the proposed project would result in significant unavoidable impacts to shade and shadow (see page IV.A-27) as a result of building height. Mansionization is a term used to refer to upsizing of single-family homes, not redevelopment of designated commercial parcels.

As stated above in response 14-2, a condition of project approval will require that the constructed development be in substantial conformance with the plans submitted (and analyzed in the Draft EIR); the Planning Director or designee will determine substantial conformance and would determine if any deviations require further environmental review. Such conditions would run with the land under the contingency that the property is transferred to another party. The commenter's opinion that building heights be further limited to reduce impacts to the residential neighborhood to the north will be forwarded to the decision maker.

- 14-6 Traffic improvement measures are required of the project including physical improvements at Ethel Avenue & Victory Boulevard, Morse Avenue & Victory Boulevard, Coldwater Canyon Avenue & Victory Boulevard, US 170 Southbound Ramps (north side) & Victory Boulevard, US 170 Southbound Ramps (south side) & Victory Boulevard, and US 170 Northbound Ramps (south side) & Victory Boulevard. The project is required to develop a TDM plan (see the revised TDM Mitigation Measure IV.K-8, see changes for pages I-26 and IV.K-34 in Section IV Corrections and Additions) and contribute to a Neighborhood Traffic Management Plan (Mitigation Measures IV.K-11). Nineteen intersections have been identified as remaining significantly impacted after these improvements. A conservative 10% project traffic reduction for transit services was incorporated into the analysis that identifies these remaining significant impacts. However, the transit plaza included in the project, and the additional TDM measures described in the revised TDM Mitigation Measure (see changes for pages I-26 and IV.K-34 in Section IV Corrections and Additions) would encourage use of other modes of transportation and is anticipated to reduce congestion in the area. Having a mixed-use project in the center of a community and providing provisions towards alternative modes of transportation works towards reducing congestion.
- 14-7 The project traffic analysis addresses cumulative impacts in the future by development of "future with and without project" conditions that escalates current traffic by an ambient growth factor of 2% per year and adds traffic from full development of all of the projects currently identified within the project vicinity. The ambient growth plus traffic from these cumulative projects is incorporated into the analysis without any traffic mitigation that may be provided by these projects. This future traffic scenario conservatively estimates what future traffic could be like without the project. The increase in the traffic of the cumulative projects reduces the level of service at the intersections. Project significant traffic impacts are identified based upon a sliding scale where more traffic can be added to an intersection by a project if it is operating well and much less traffic can be added if an intersection is forecast to operate poorly (see Table IV.K-7, page IV.K-12). As seen in Table IV.K-16 on page IV.K-23 of the Draft EIR, the cumulative projects and ambient growth increase the operating conditions at all study intersections during at least one time period. The traffic analysis concludes that after mitigation, with the conservative assumptions made in the traffic study, 19 intersections would remain significantly impacted. See Response 13-2 regarding parking.
- 14-8 The loss of parking along Victory and the other streets mentioned in the comment would create secondary significant traffic impacts, which are undesirable by LADOT at this time. The project will be widening Victory Boulevard along the project frontage to the full width required by the City with additional right-of-way provided for turning movements at Ethel Avenue.

- 14-9 See Response 5-2 regarding impacts on residential streets in the area. The project will be depositing funds into a Neighborhood Traffic Management Plan to address potential neighborhood impacts to Ethel Avenue. The developer, along with LADOT and the Council office will work with the community to address community concerns regarding impacts to residential streets.
- 14-10 The project will not have any access from Hamlin Avenue. The only project driveways are proposed on Victory Boulevard with no direct access from the north.
- 14-11 See response 13-2 concerning the shared parking analysis. Charging for parking discourages people from driving their single occupant vehicle to and from the site. In some circumstances, the fees for parking may cause some to park in free parking spaces that are available. However, this parking will not be convenient to the employees and visitors of the site. Part of the neighborhood traffic management mitigation can consider parking restrictions and preferential parking if desired by the community.
- 14-12 The commenter states a preference not to give patronage to the retail component of the proposed project, and expresses the opinion that the retail component will not draw local patronage. The commenter's views will be forwarded to the decision makers for their consideration in deciding whether to approve the project.
- 14-13 The commenter expresses the preference for the decision makers to consider the environmental impacts discussed in the Draft EIR when considering whether to approve the development entitlement request. The Draft EIR and the responses provided herein provide extensive documentation of potential project impacts including traffic and parking. As indicated in the EIR significant adverse impacts are anticipated to Aesthetics (shade and shadow), Air Quality (construction and operation), Noise (construction), and Transportation (19 significantly impacted intersections in the project vicinity). Commenter's views will be forwarded to the decision maker for their consideration in determining whether to approve the project.

**15. Metropolitan Transportation Authority, Susan Chapman, April 20, 2009**

- 15-1 Based on the comment, the text regarding transit impact analysis on page IV.K-5 (see also Section V, Corrections and Additions of this document) is revised as follows:

*MTA Route 163/363 operates from West Hills to North Hollywood via Sherman Way and Hollywood Way. Metro Route 163 operates from West Hills to Sun Valley via Sherman Way and Route 363 from West Hills to North Hollywood Station via Sherman Way, Lankershim Boulevard. (Line 163 was restructured in June 2008 and no longer operates along Hollywood Way. There was no change in the route of Line 363.)*

**16. Southern California Association of Governments, April 21, 2009**

- 16-1 SCAG's role and responsibilities are acknowledged. The Regional Transportation Plan and associated documents were reviewed as part of the project analysis (see page IV.H-14 of the Draft EIR). As indicated in the remainder of the comment letter, the project is generally consistent with SCAG plans and policies.

- 16-2 The comment correctly summarizes the project and associated actions; SCAG acknowledges that it is addressing the project site and not the Add Area.
- 16-3 The comments indicating that the proposed project is consistent and/or partially consistent with SCAG Regional Transportation Plan Goals are noted.

The population numbers analyzed in the air quality section (page B-38) do represent slightly dated SCAG numbers, however the differences are a fraction of one percent and changes do not affect the analysis.

The growth rates noted in the SCAG Regionwide Forecasts and Adopted City of Los Angeles Forecasts appear to be between 1 and 1.5% per year between 2010 and 2015. As noted on page IV.K-28, the project traffic analysis incorporates a conservative 2% growth factor in keeping with LADOT practices in this area. No changes to the project conclusions would be anticipated by changing the ambient growth rate.

The proposed transit service to the project site is still being developed. The applicant is in discussion with LADOT regarding transit to the site and Metro has indicated interest in routing the north-south Coldwater Canyon Route 167 (with service every 15 minutes to Chatsworth and the Orange line) to/from the project site. Metro has also indicated flexibility in supplementing and altering locations of the Victory Boulevard Route 164 near the site. The project's transit plaza will connect to the bike and pedestrian paths along the Tujunga Wash. The on-site pedestrian walking street will also connect to the transit plaza. The applicant is also pursuing rerouting the Van Nuys/Studio City DASH line to the site, however, LADOT is facing a large deficit in the funding it uses to support DASH and therefore the feasibility of extending DASH to the site is continuing to be investigated. (See also Global Clarification at the beginning of Section IV, Corrections and Additions.)

Compared to single use projects with no transit the project traffic study assumes an approximate 20% reduction in trips for the hotel, theater and fitness club components due to internal capture (no internal capture reductions for the shopping center, office, medical office or residential component) and a 10% reduction in project trips for the transit component. This reduction is likely less than would actually be achieved because of the conservative nature of the LADOT guidelines. The project has been designed to provide employment, shopping, services and entertainment and limited residential (the project is surrounded by residential uses) all on one site along with the multi-modal center to provide options to single occupant vehicles and multiple vehicle trips for different needs. Additional information will be available upon completion of the Transportation and Transit Strategy Plan.

- 16-4 The comments that the proposed project is consistent and/or partially consistent with SCAG Growth Visioning Principles are noted. The Draft EIR does not address socio-economic issues or fiscal policies as CEQA is concerned with potential physical environmental impacts. Socio-economic issues are only addressed if they would result in physical impacts, and such is not anticipated to be the case for the project.
- 16-5 As noted in Response 16-3 the population numbers analyzed in the air quality section (page B-38) do represent slightly dated SCAG numbers, however the differences are a fraction of one percent and changes do not affect the analysis. The commenter

acknowledges that the proposed project meets partial consistency with SCAG's Regional Transportation Plan Goals and Growth Visioning Principles. The commenter further acknowledges that where consistency may be determined, the proposed project meets consistency for a majority of goals and principles. These comments are noted and will be forwarded to the decision maker for their consideration in taking action on the project.

- 16-6 The Draft EIR incorporates mitigation measures where impacts have been identified, proposing measures that would mitigate impact to the extent that is feasible. A Mitigation Monitoring and Reporting Plan is included in this document to monitor mitigation measures included for the proposed project.
- 16-7 If any traffic data is generated as a result of the Mitigation Monitoring and reporting program, it will be submitted to SCAG.

**17. Donna Del Nostro, April 14, 2009**

- 17-1 Traffic and parking impacts are identified and analyzed in Chapter IV.K Transportation of the Draft EIR. A shared parking analysis was conducted for the proposed project. See Response 13-2 regarding the shared parking analysis. The maximum height of proposed buildings would be 117 feet (with architectural elements to 125 feet).

- 17-2 The Draft EIR includes the following construction mitigation measures in Chapter IV.K Transportation:

IV.K-9 The applicants (for the project and Add Area sites) shall prepare and implement a Worksite Traffic Control Plan for construction activities subject to approval by the Los Angeles Department of Transportation; the plan shall address any potential lane closures, the use of flag men as appropriate and timing of materials deliveries and dirt hauling.

IV.K-10: The Project Manager shall communicate with the Principal and Pastor of St. Jane Frances School and Parish, respectively, on a monthly basis regarding the expected start and end times of each construction phase and to provide timely notice of specific impacts to school bus, church shuttle, vehicular, and pedestrian routes (such as lane or street closures), allowing sufficient time (at least two weeks) for parents and students to be informed and plan ahead for such disruptions.

The Draft EIR addresses anticipated new impacts that could result from the project as compared to existing conditions. The Draft EIR does not address impacts that are a result of preceding circumstances. The commenter's concerns will be forwarded to the decision makers.

- 17-3 Chapter IV.L of the Draft EIR includes extensive mitigation to reduce project water consumption (see pages IV.L-13 to IV.L-15) and energy consumption (see page IV.L-25). The commenter is correct in stating that water or a stabilizing agent would be applied during construction activities to minimize dust accumulation, however such use of water is minor in comparison to existing on-site uses and anticipated future project uses.

17-4 The commenter's concerns will be forwarded to the decision makers for their consideration in taking action on the project.

**18. Annabelle Whettam, April 7, 2009**

18-1 The related project list (90 projects) was developed with the assistance of the Los Angeles Department of Transportation, Department of City Planning and Council Offices. This list incorporates projects that are planned for development within the time frame of the project. As noted in Response 14-7, the analysis also considers a growth of 2% per year on area roadways in addition to the traffic from these related projects. It is noted that there is a related project included in the analysis at 12425 Victory Boulevard which is for 54 condominiums across from the Concord Career Center.

18-2 The commenter's experiences in driving to shopping centers will be forwarded to the decision maker for their consideration in taking action on the project.

18-3 The Draft EIR presents a comprehensive analysis of traffic and parking in Chapter IV.L. See Response 13-2 concerning shared parking. The commenter's views will be forwarded to the decision maker for their consideration in taking action on the project.

**19. County of Los Angeles Department of Public Works, Gail Farber April 21,2009**

19-1 The applicant is working with the Santa Monica Mountains conservancy and Los Angeles County Flood Control to develop a design for the transit plaza that incorporates native landscaping and does not interfere with operation of the off channel stream. See Response 3-1 for a new mitigation measure that addresses concerns of Santa Monica Mountains Conservancy, staff working on the City of Los Angeles River Revitalization Master Plan and Los Angeles County Flood Control.

19-2 The proposed project would comply with all applicable LACFCD construction permits. Page II-30, the following is added to item 7, Flood Control Permit:

*In addition any new storm drains from the project site that connect to Tujunga wash would require a construction permit from Los Angeles County Flood Control District.*

19-3 Mitigation Measure IV.L-10 on page IV.L-20 of the Draft EIR requires providing recycling bins on-site to promote recycling.

**20 Los Angeles Fire Department, Douglas L. Barry, Fire Chief, C.A. Fry, Assistant Fire Marshal, Bureau of Fire Prevention and Public Safety, May 14, 2009**

20-1 Comment noted. Page IV.J-2, the following is added to the end of the second paragraph:

*After circulation of the Draft EIR the Fire Department (May 14, 2009) revised the fire flow requirement for the project to be 6,000 to 9,000 GPM from four to six fire hydrants.*

The recommendations of the Fire Department (as identified in their April 2008 letter commenting on the NOP) were incorporated in to the Draft EIR (see pages IV.J-1 through IV.J-5). The May 14 comment letter indicates one additional requirement compared to the April 2008 letter -- that the trolley route must be separate from the dedicated fire lane. The existing mitigation measures in the Draft EIR (presented on pages IV.J-3 through IV.J-4) include incorporation of appropriate fire suppression features (which would include adequate fire flow), review and approval of plot plans and maintenance of unobstructed access roads and fire lanes. The Fire Department will be involved in review and approval of every aspect of the project (access, turnaround dimensions, etc.) to ensure adequate fire life safety. As part of the review and approval process the Fire Department will ensure that the trolley route, all access roads and water availability meet their requirements.

## **RESPONSES TO COMMENTS RECEIVED AT MARCH 23, 2009 ADVISORY HEARING ON THE PROJECT**

The following letters were received at the March 23, 2009 public hearing concerning the entitlement actions on the project. Most of these comments express the opinions of the commenters concerning the project. Responses to these letters are included to direct commenters to relevant locations in the Draft EIR where issues pertinent to their comment are discussed.

### **H1 Thomas Coyle, March 23, 2009**

- H1-1 The potential impacts associated with project height are addressed in Chapter IV.A Aesthetics. Land use compatibility issues and consistency with adopted plans and policies are addressed in the Chapter IV.H Land Use. The commenter's concerns will be forwarded to the decision maker.
- H1-2 As described on Page IV.H-40 in Chapter IV.H Land Use, five related projects are located in the immediate vicinity of the project site. These include No. 26 (Victory Blvd., mixed-use), which includes office, retail, restaurant, and residential uses, No. 25 (13148 Victory Blvd), which includes residential uses, No. 28 (13224 W. Victory Blvd.) which includes residential uses, and No. 36 (6250 N. Fulton Ave) which includes residential uses. The growth inducing potential of the project is discussed on pages. V-3 through V-4 of the Draft EIR. The commenter's concerns will be forwarded to the decision maker.
- H1-3 See response 5-2 with respect to residential street impacts. See the global clarification in Section IV Corrections and Additions regarding transit access to the site.

The Draft EIR Project Description indicates that one of the primary objectives of the proposed project is to facilitate a reduction in trips and vehicle miles traveled in the region by providing mixed uses and a Transit Plaza with connection to the Orange Line that will allow workers and residents to travel by mass transit. Another objective is to promote walkability by creating a pedestrian friendly environment that attracts interest from Victory Boulevard, while providing an active mixed-use setting for residents, including an internal trolley system, second floor plazas, and courtyards and paseos that fully integrate residential, commercial, entertainment and retail uses. The proposed

project would provide internal transit opportunities as well as a connection to the existing Orange Line. The commenter's concerns will be forwarded to the decision maker.

- H1-4 The Draft EIR discusses the proposed project's potential impacts during the construction period. Chapter IV.B Air Quality, Chapter IV.C Biology, Chapter IV.I Noise, and Chapter IV.K include mitigation measure to reduce impacts during construction. Additionally, Chapter IV.D Cultural Resources includes a series of mitigation measures related to ground-breaking activities during the construction period. Chapter IV.J Public Services includes mitigation measures related to open emergency access during the construction period and security features of the proposed project during the construction period. Transportation-related construction impacts and mitigation measures are included in Chapter IV.K. The Draft EIR identifies unavoidable significant adverse impacts during construction on air quality, noise and vibration. The commenter's concerns will be forwarded to the decision maker.
- H1-5 See Response to H1-1.
- H1-6 As described in the Draft EIR, the proposed project would provide a connection to the existing bus line along Victory and integrate transit onto the site, thereby fulfilling one of the proposed project's stated objectives of facilitating a reduction in trips and vehicle miles traveled. This would occur by providing mixed uses and a Transit Plaza with connection to transit allowing workers to travel by mass transit. Mitigation Measure IV.K-8 is revised (see section IV Corrections and Additions for pages I-26 and IV.K-34) to include further prescriptions of a TDM Program. Traffic impacts of the project are comprehensively addressed in Chapter K, Transportation, Circulation and Parking. The commenter's preference for Alternative 4 will be forwarded to the decision maker.
- H1-7 The commenter's preference for Alternative 4 will be forwarded to the decision maker.
- H1-8 The Draft EIR includes a discussion of cumulative traffic impacts in Chapter IV.K Transportation. Table IV.K-16 of the Draft EIR shows that future "without project" conditions would span the entire range between LOS A and F during the AM and PM peak hours at study intersections. The addition of project and Add Area traffic would result in twenty-two significantly impacted intersections; 19 intersections would remain significantly impacted after mitigation.

The commenter incorrectly states that the proposed zone change would allow unlimited height. The Draft EIR identifies in Chapter II Project Description the following discretionary approval request:

ZONE CHANGE TO CHANGE THE HEIGHT DISTRICT FROM HEIGHT DISTRICT – [Q]C2-1VL TO HEIGHT DISTRICT (T)(Q)C2-2 TO HEIGHT DISTRICT PURSUANT TO L.A.M.C. SECTION 12.32 F to permit development in excess of 45 feet for the construction of a 1- to 7-story mixed-use development, with a maximum height of 117 feet.

The proposed seven-story structure would have a maximum height of 117 feet (with architectural elements to 125 feet).

The surrounding area is developed with residential, commercial-retail and institutional uses typical to urban areas in Los Angeles and is not characterized as a primarily single story/residential neighborhood. Victory Boulevard is developed with various commercial, retail and multi-family residential uses in this area. See also response H1-1. Analysis of the Add Area was undertaken and included in the Draft EIR to ensure an integrated analysis of the project area identified in the Framework Element of the General Plan as an appropriate location for a Community Center, however, no further entitlement actions are being requested for the properties in the Add Area at this time. The commenter's concerns will be forwarded to the decision maker.

H1-9 The commenter's preference for Alternative 4 will be forwarded to the decision maker

H1-10 See Response 5-2 with respect to impacts on residential streets.

H1-11 The transit plaza would be used by the public to access the site and the project area. In deciding whether to approve the project the decision maker will weigh the impacts and benefits of the use of the area over the Wash and Greenway.

A sidewalk exists along the west and east side of Ethel, most of the way from Oxnard to Victory. See Response 5-2 with respect to impacts on residential streets.

H1-12 The main project entrance to the site would be provided off the extension of Ethel Avenue, adjacent to the proposed transit plaza. The proposed project entrance would utilize the existing Ethel Avenue right-of-way, which would allow for two lanes of traffic in each direction. See Response 5-2 regarding residential street impacts. A traffic light is proposed at Atoll and Victory in connection with the adjacent Glen project. The commenter's preference for a change in access will be forwarded to the decision maker.

H1-13 The comment incorrectly states that the proposed Transit Plaza would only serve the proposed on-site trolley system. See Response H1-3.

The Draft EIR further states that the transit plaza would also provide additional amenities including: Enhanced bus shelters and landscaping around an improved MTA route 164 stop that connects Warner Center/Valley Circle to Burbank Business District; Community access to mass transit via the bicycle and walking paths accessing the transit plaza and the heart of the Tujunga Wash Project; Convenient secured storage for bicycles; public restrooms; widened sidewalks with unobstructed boarding areas; information kiosks providing schedules and fares for transit services; and other amenities.

The project applicant is working with Metro to relocate bus stops as needed to ensure continued availability of bus stops and no interference with project access and egress.

The Draft EIR Project Description states on Page II-31 that one of the primary objectives of the proposed project is to facilitate a reduction in trips and vehicle miles traveled in the region by providing mixed uses and a Transit Plaza with connection to the Orange Line that will allow workers and residents to travel by mass transit. Another objective is to promote walkability by creating a pedestrian friendly environment that attracts interest from Victory Boulevard, while providing an active mixed-use setting for residents, including an internal trolley system, second floor plazas, and courtyards and paseos that fully integrate residential, commercial, entertainment and retail uses. Therefore, the

proposed project would provide internal transit opportunities as well as a connection to the existing Orange Line. The commenter's views will be forwarded to the decision maker for consideration in deciding whether to approve the project.

- H1-14 As indicated on page II-3 (first paragraph), 592,000 cubic yards are anticipated to be excavated from the site. As indicated in Response H1-4, the Draft EIR includes numerous mitigation measures that address impacts related to the construction period of the proposed project.

The Draft EIR identifies residual impacts on construction air quality, construction noise and construction vibration.

**H2 Douglas Hileman; March 23, 2009**

- H2-1 The commenter notes his opinion regarding positive features (commitment to public transit and exceedance of required parking) of the proposed project. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project. The comment does not address the adequacy of the Draft EIR, no further response is necessary.
- H2-2 The commenter's opinions regarding current economic climate and crime are noted. The Draft EIR discusses the proposed entrances to the project site in the Project Description. Discussion of the region's water supply uncertainties is discussed in Chapter IV.L Utilities. The proposed project would adhere to City of Los Angeles Police Department (LAPD) and City of Fire Department (LAFD) policies and procedures related to safety, including access, as indicated in Chapter IV.J Public Services. Extensive water quality and stormwater mitigation is included in Chapter G. Hydrology (see pages IV.G-17 through IV.G-20). The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- H2-3 The commenter's opinion about the current economic climate is noted. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- H2-4 The comment does not address the adequacy of the Draft EIR. Taxes and issues associated with sales tax revenue are not a part of the CEQA process. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- H2-5 The comment does not address the adequacy of the Draft EIR. The views of the commenter toward the movie theatre will be forwarded to the decision maker for their consideration in taking action on the project.
- H2-6 The comment does not address the adequacy of the Draft EIR. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- H2-7 The comment is noted. As indicated in the Draft EIR on Page II-21, the proposed project would include a total of 150 condominium units in a mix of townhomes and flats. It is

anticipated that 48 of the units would be sold at market rate and 102 units would be rented at market rate.

- H2-8 As indicated in the Project Description of the Draft EIR on Page II-31, one of the primary objectives of the proposed project is to develop a mixed-use community that balances retail, residential, office, entertainment, hospitality and mass transit components in response to demand for such uses in the San Fernando Valley. The commenter's preference for small businesses will be forwarded to the decision maker.
- H2-9 The project would be required to adhere to all mitigation measures through a mitigation monitoring and reporting plan (see Chapter V of this document) as well as implementation of all mitigation measures as conditions of project approval. Mitigation Measure IV.J-16 included on page IV.J-10 of the Draft EIR would reduce impacts to public schools to less than significant levels for both the proposed project and the Add Area. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.
- H2-10 As included in the Project Description of the Draft EIR on page II-31, one of the proposed project's objectives is to provide a sustainable development consistent with the principles of smart growth including sustainable design features, mixed use, infill, proximity to transit, and walkability, consistent with LEED ND standards. Mitigation Measures IV.L-11 through IV.L-12 would reduce energy consumption requirements of the project. The project will further be required to comply with the City's Green Building Program.
- H2-11 Extensive water quality and stormwater mitigation is included in Chapter G. Hydrology (see pp. IV.G-17 through IV.G-20).

**H3 Ben Kagan; March 22, 2009**

- H3-1 The commenter is stating his opinion that the proposed project would be inappropriately located in the neighborhood. Chapter IV.F Hazards identifies potential impacts related to hazards in accordance with Appendix G of the CEQA Guidelines. Specifically, page IV.F-9 the Draft EIR identifies less than significant hazards impacts to the public or environment. Chapter IV.J Public Services includes a discussion of potential impacts to police and fire services. As described in the Draft EIR, Mitigation Measures IV.J-1 through IV.J-15 would mitigate fire and police services impact to less than significant impacts. Chapter IV.H addresses Land use compatibility and consistency with adopted plans and policies.

The commenter's views that the surrounding residential neighborhood has not required revitalization does not address the adequacy of the Draft EIR. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.

- H3-2 Chapter IV.K Transportation presents a comprehensive traffic analysis of the project. See also response 5-2 regarding residential street impacts.
- H3-3 The commenter's opinion regarding the neighborhood's economic demographics is noted. As stated in the Draft EIR in Chapter IV.K Transportation, the proposed project

would provide more parking than the anticipated peak parking demand. A shared parking analysis prepared for the proposed project and Add Area showed a peak parking demand of 3,006 parking spaces at 1:00 PM during a weekday afternoon and 2,682 parking spaces during a weekend morning at 11:00 AM. The proposed project would provide 3,312 parking spaces, thereby exceeding the peak parking demand for both weekday and weekend afternoons.

- H3-4 Page IV.K-38 of Chapter IV.K Transportation of the Draft EIR includes discussion of cumulative impacts resulting from implementation of the proposed project and Add Area. As described in the Draft EIR, development of the related projects and anticipated annual growth would have a cumulative impact on future traffic conditions. The Draft EIR contains a list of Related Project (Section III Environmental Setting) and Related Projects trip generation calculations and volumes are addressed in Chapter IV.K as well as in the Traffic Study (Appendix G). These impacts are incorporated into the traffic analysis and are shown in Table IV.K-16 of the Draft EIR, and as such, cumulative impacts are encompassed by the project traffic analysis. As Table IV.K-16 shows, that future "without project" conditions would span the entire range between LOS A and F during the AM and PM peak hours at study intersections. The addition of project and Add Area traffic would result in twenty-two significant impacts. It should also be noted that these conditions do not reflect any mitigation measures that may be required of individual projects that are currently in the planning stages, and thus, are considered conservative; 19 intersections would remain significantly impacted after mitigation.

With respect to parking, the number of parking spaces included in the proposed project would exceed the peak demand during the afternoon weekday and weekend periods. The project would include a transit center and further provide transit opportunities to reduce parking demand. The project would not contribute to or create a cumulatively considerable condition that could result in a cumulatively significant parking impact.

- H3-5 Project objectives of the proposed project described in Chapter II Project Description (page II-31) include the following:

- To facilitate a reduction in trips and vehicle miles traveled in the region by providing mixed uses and a Transit Plaza with connection to the Orange Line that will allow workers and residents to travel by mass transit.
- To create attractive and therefore marketable live, work and play opportunities on one site consistent with the City's following "Do Real Planning" goals:
  - Demand a walkable City
  - Offer basic design standards
  - Require density around transit
  - Advance homes for every income
  - Locate jobs near housing
  - Produce green buildings
  - Landscape in abundance
  - Arrest Visual blight
  - Nurture Planning leadership
  - Identify smart parking requirements
  - Narrow road widenings

- Give project input early

The objectives of the proposed project reflect the intent of the proposed mixed-use project. The commenter does not provide facts to support the assertion that redevelopment at this location will decrease accessibility and mobility in the area. The commenter's views will be forwarded to the decision maker.

H3-6 The six- and seven-story buildings (with a maximum building height of 117 feet and architectural elements to about 125 feet) would be located away from the northern edges of the site that is adjacent to single family residences, and more towards the site's interior. Mansionization is usually a term applied to large single-family homes. The commenter's views will be forwarded to the decision maker.

H3-7 The six- and seven-story buildings (with a maximum building height of 117 feet and architectural elements to 125 feet) would be located away from the northern border of the site and the residential community beyond, and more towards the site's interior. Since no specific projects are proposed in the Add Area, demolition of existing structures located in the Add Area is not considered part of the proposed project. Rezoning of the Add Area was analyzed together with the project since the entire area was designated as appropriate for a Community Center in the Framework Element of the General Plan. Specific projects within the Add Area will require additional separate and discrete environmental review if and when they are proposed.

H3-8 The commenter's views will be forwarded to the decision maker.

#### **H4 Steven and Kathleen Schwartz**

H4-1 The comment correctly states that the Draft EIR identifies significant shade and shadow impacts to the residential properties to the north during the winter months. As indicated in the Draft EIR, no feasible mitigation measures are available to reduce shadow impacts during the winter months to less-than-significant levels. The commenter's suggestion to alter the proposed design including proposed height of buildings is noted. The views of the commenter will be forwarded to the decision maker for their consideration in taking action on the project.

As stated in the Draft EIR, the project site and Add Area are completely paved and fairly level. The proposed seven-story building would be a maximum of 117 feet (125 feet with architectural elements) and would be located away from the northern edges of the site, and oriented closer to Victory Boulevard.